



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, Agency Director

**PLANNING
SERVICES DIVISION**

Paul Thompson, Deputy Director

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Michael Johnson, Agency Director 

DATE: January 7, 2014

SUBJECT: MODIFICATION OF THE REGIONAL UNIVERSITY SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PROJECT'S CERTIFIED ENVIRONMENTAL IMPACT REPORT

ACTION REQUESTED

1. Adopt an Addendum to the 2008 Certified Environmental Impact Report for the Regional University Specific Plan to incorporate revisions to the mitigation obligations as they relate to open space, agricultural land, and biological resources.
2. Adopt a Resolution Adopting the Revised Mitigation Monitoring and Reporting Program for the Regional University Specific Plan to make the mitigation for impacts of the project to open space, agricultural land, and biological resources compatible with the proposed Placer County Conservation Plan.

There is no net County Cost associated with this action.

PROPOSAL

The Regional University Specific Plan proponents seek modifications to the project's 2008 Mitigation Monitoring and Reporting Program (MMRP) to incorporate revisions to approved mitigation obligations with respect to disturbance of the natural resources within the Specific Plan area and corresponding text revisions in the EIR. The intent of the proposed revised mitigation strategy is to make the mitigation for impacts of the Regional University Specific Plan project to open space, agricultural land and biological resources compatible with the proposed Placer County Conservation Plan. The mitigation strategy proposes a regional approach to conservation of agricultural land, wetlands and habitat that will complement efforts to avoid and/or minimize impacts on the project site for key components of the aquatic system, rare habitat and individual species. By tying the mitigation to those proposed within the Reserve Area of the Conservation Plan, the goal is to contribute towards a regionally important expanse of contiguous private and public land that will continue to support agricultural use, meet species needs in the long term, and aid recovery objectives outlined in the proposed PCCP.

Placer County Code, Chapter 18, Article 18.28, Section 18.28.090.B. authorizes modifications of an approved MMRP through review and approval by the "approving authority." The approving authority in this case is the Board of Supervisors who originally approved the Regional University Specific Plan in 2008.

BACKGROUND

The Regional University Specific Plan and its associated Development Agreement) were approved in December 2008. As approved, the Regional University Specific Plan provides direction for the

development of 1,157.5 acres in western Placer County with a mix of residential, commercial, retail, office, mixed-use and public facilities, all centered around a 600-acre private university property. Build-out is assumed to occur over a 20 to 30-year period.

Following approval of the Regional University Specific Plan project, lawsuits were filed challenging the adequacy of the environmental document and the approvals. On December 10, 2013, the Board of Supervisors authorized the execution of a settlement agreement with the Petitioners.

PROJECT ANALYSIS

The proposed amendments to the Regional University Specific Plan Mitigation Monitoring and Reporting Program, and corresponding text of the EIR, are the result of discussions between the Petitioners (the Sierra Club, Sierra Foothills Audubon Society) and the Regional University project proponents to address the concerns brought forth by those Petitioners relating to impacts from development on natural and biological resources in the Plan area. The proposed MMRP amendments are intended to be compatible with the County's proposed Placer County Conservation Plan with the potential to contribute towards a regionally important expanse of contiguous private and public land that will continue to support agricultural use, meet species needs in the long term and aid recovery objectives outlined in the proposed PCCP.

The proposed Mitigation Strategy addresses the following components to assure that the implementation of the proposed project will not have adverse biologic impacts on the environment:

- Open Space, Agricultural Land and Biological Resource Mitigation Strategy
- Land Cover Mitigation
- Wetland Mitigation
- Site Specific Avoidance and Minimization
- Mitigation Measures

The new mitigation strategy amends Mitigation Measure 6.4-1(l) and adds Mitigation Measures 6.4-1 (n), (o), (p) and (q) related to biologic resource impacts associated with the implementation of the Regional University project.

The mitigation obligations set forth in this Mitigation Strategy are intended, to the greatest extent possible, to be consistent with the mitigation strategies set forth in the proposed PCCP to the extent applicable to the Regional University Specific Plan land use plan and natural resources found on site. This regional approach to conservation of agricultural land, wetlands and habitat complements efforts to avoid and/or minimize impacts on site for key components of the aquatic system, rare habitat, and individual species.

The proposed Mitigation Strategy reflects the approach to mitigate for open space, agricultural land and biological resources contained in the Draft PCCP submitted to the Placer County Board of Supervisors on January 25, 2011 and released on February 1, 2011. This mitigation approach was developed by the County with the participation and support of the Sierra Club, the Sierra Foothills Audubon Society and the Placer Vineyards Development Group, among other members of the PCCP Biological Working Group. A provision in the proposed revised mitigation measures authorizes the Regional University project proponents to participate in the PCCP to mitigate affected resources, thus allowing the Development Group to implement any changes to the PCCP mitigation strategies post February 2011.

Overview of the Proposed Open Space, Agricultural Land and Biological Resource Mitigation Strategy

The proposed modifications increase the overall mitigation for Open Space, Agricultural Land and Biological Resources by 35 percent (increasing mitigation from 1.00 to 1.35 acres of mitigation for each acre of development) while shifting the focus to conservation of ecosystems that provide habitat

for multiple species. For example, the proposed measures focus on maintaining the ecological value of vernal pool grasslands as habitat, not just on preserving individual vernal pools. No net loss of wetlands is assured through application of the mitigation ratios proposed for the PCCP.

The grassland vernal pool land type is mitigated by any grassland without regard to wetted area density. Actual wetted area is accounted for by the separate requirement for wetland mitigation. The required wetland mitigation can only be carried out if in fact much of the grassland acquired to mitigate land conversion does in fact have a high density of preserved and restored vernal pool resources. Application of the two measures – land area and wetland area – will jointly provide for conservation of wetland dependent natural communities.

Mitigation to minimize impacts to natural and semi-natural communities falls into three categories.

1. **Mitigation Ratios for Land Cover.** Off-site mitigation is accomplished mainly by requiring conservation or restoration of 1.35 acres of land in the Reserve Acquisition Area of the draft PCCP for each acre of development. Impacts to annual grassland, vernal pool grassland and pasture land cover shall be mitigated on existing or restorable grassland. All other land cover impacts may be met on natural or semi-natural land within the Reserve Acquisition Area of the draft PCCP, specifically including agricultural land. Vernal pool grassland may be mitigated on any grassland without regard for wetland density. Actual wetland density is accounted for by the wetland mitigation requirement discussed below. In practice, the wetland requirement below can only be met if the mitigation land has substantially higher wetland density than the area impacted.

2. **Mitigation Ratios for Wetland Area.** Because of their particular regulatory status and their biological importance, wetlands are accounted for separately through mitigation ratios requiring preservation and restoration or creation of a set amount of wetland area calculated as a proportion of wetland “take.” These ratios are consistent with the February 2011 draft PCCP and are reflected in Table 2 of Attachment 1. Generally speaking, they require preservation of 1.0 acre of wetland and restoration of an additional 1.25 acres of wetland for every acre of wetland take. It is intended that all of the wetland area mitigation, along with all associated upland, will be counted towards mitigation required for land cover “take.” Likewise, all wetland acres contained within land cover mitigation shall be counted towards wetland area mitigation. In other words, it is fully intended that the land cover and wetland area mitigation will overlap. Both mitigation ratios must be met, but they can be met with the same land.

3. **Site Specific Avoidance and Minimization.** Protection of existing resources on site is accomplished through specific avoidance, restoration, and enhancement measures incorporated into the Specific Plan. The Specific Plan design incorporates measures for preserving and enhancing critical aquatic resources on site. Specific areas that exhibit habitat degradation through historic land use were identified and will be enhanced under the Specific Plan. Large contiguous areas that exhibited habitat integrity have been preserved with adequate buffers to protect aquatic function. The Specific Plan incorporates minimization and low impact development strategies to minimize long-term habitat degradation within avoided open space areas. In addition, implementation of Mitigation Measures 6.4-1(l), (n), (o), (p) and (q) as amended and added will avoid and minimize on- and off-site impacts to individual species.

Development of the Specific Plan is a covered activity of the proposed PCCP. Upon adoption of the PCCP, development projects within the Specific Plan may fulfill mitigation requirements by compliance with the terms of the adopted PCCP in lieu of this mitigation strategy.

In order to preserve land for agriculture, compatible agricultural use that supports and enhances wildlife value is encouraged on lands conserved under this measure. Many ongoing agricultural activities are consistent with, and essential to, the protection and enhancement of the natural communities that are supported by this land. Accordingly, ongoing agricultural use will be an integral component of the long term management of preserved lands. The goal of conservation easements

on farm lands will be to maintain viable agricultural operations while also meeting the biological objectives of this mitigation measure.

This mitigation strategy shall serve as mitigation for all land conversion impacts, specifically including impacts to vernal pools and other wetlands, vernal pool grasslands, grasslands, foraging habitat for various species, agricultural land, and open space. No additional mitigation shall be required for these impacts. This strategy shall not apply to the Special Planning Area (SPA) where no urban development is proposed.

ENVIRONMENTAL ANALYSIS

Consistent with the requirements of CEQA Guidelines Section 15162, the County must determine whether the proposed changes to the MMRP and corresponding text in the Revised Draft EIR trigger the need for a Subsequent EIR. Under that section, when an EIR has been certified for a project, no Subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If any of the triggers set forth above occurs, the County would be required to prepare a Subsequent EIR, unless "only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation," in which case a "Supplement to an EIR" would suffice (see CEQA Guidelines, §15163). If there are no grounds for either a Subsequent EIR or a Supplement to an EIR, then the County would be required to prepare an addendum pursuant to CEQA Guidelines Section 15164, explaining why "some changes or additions" to the 2007 Final EIR "are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent EIR have occurred."

The proposed revisions to the Regional University Specific Plan Mitigation, Monitoring and Reporting Plan would not alter any of the conclusions of the certified EIR regarding the significance of

environmental impacts. Because the proposed revisions would not alter the Regional University Specific Plan boundaries, land use designations or the amount or location of development, including off-site infrastructure, the impacts on the physical environment would be unchanged. Therefore, impacts such as loss of wetlands, and conversion of farmland to developed uses would be the same as those identified in the Certified EIR. In addition, the proposed revisions to mitigation measures are not considerably different from those analyzed in the previous EIR and are, in fact, enhancements to the prior versions. The proponents of the Regional University Specific Plan have agreed to implementation of the same and thus none of the provisions identified in Section 15162 calling for the preparation of a Subsequent EIR have occurred. As a result, staff has determined that an Addendum to the Certified EIR is the appropriate document under CEQA.

RECOMMENDATION

Staff recommends the Board of Supervisors take the following action:

Adopt the Addendum to the Certified EIR for the Regional University Specific Plan in the form attached as Attachment 1 subject to the following findings:

1. The Board of Supervisors finds that the Addendum has been prepared in compliance with CEQA Guidelines Section 15164 and that there are no grounds to require the preparation of either a Subsequent or a Supplement to the previously certified Regional University Specific Plan EIR.
2. While the proposed revised mitigation strategy and mitigation measures do not change the ultimate conclusion in the Certified Final EIR as to the project's impacts to open space, agricultural land and biological resources, the proposed strategy is consistent with the strategy proposed for the Placer County Conservation Plan, the mitigation measures enhance the prior imposed mitigation measures and have been agreed to by the Regional University Specific Plan proponents.

Adopt the Resolution Adopting the Revised Mitigation Monitoring and Reporting Program for the Regional University Specific Plan in the form attached as Attachment 2.

ATTACHMENTS:

- Attachment 1: Addendum to the Certified EIR
 - Exhibit A: Settlement Agreement (with attachment)
 - Exhibit B: Proposed modifications to the MMRP in red-line format
- Attachment 2: Resolution Adopting Revised Mitigation Monitoring and Reporting Program

- cc: Julie Hanson – Regional University
Karin Schwab – County Counsel's Office
Michael Johnson – CDRA Director
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ADDENDUM TO THE REGIONAL UNIVERSITY SPECIFIC PLAN CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH # 2005032026)

Project Name: Regional University Specific Plan

Introduction

This Addendum to the certified Regional University Specific Plan Environmental Impact Report (SCH #2005032026) has been prepared pursuant to CEQA Guidelines Section 15164(a) and Placer County Environmental Review Ordinance Section 18.20.110.

Project location

Located in unincorporated southwestern Placer County, the Regional University Specific Plan (RUSP) area is approximately 15 miles north of the City of Sacramento. The plan area is south of Pleasant Grove Creek, between Brewer Road and the western boundary of the City of Roseville, and is approximately 1.6 miles north of Base Line Road. The plan area is immediately adjacent to the West Roseville Specific Plan Area.

Project History

On approximately 1,157.5 acres, the RUSP includes two primary components: a University campus and an adjoining Community. The University campus will encompass the western 600 acres of the project site. On the remaining acreage, the Community will incorporate residential, retail/office, and public facilities including schools, parks, and open space. The Board of Supervisors approved the RUSP Project on December 9, 2008, after certifying the Environmental Impact Report (EIR) for the project. As part of the project approval, the Board of Supervisors adopted the Findings of Fact, the Mitigation Monitoring and Reporting Program (MMRP), and a Statement of Overriding Considerations.

Subsequently, the Sierra Club and Placer Citizens Against Gridlock separately filed petitions for writ of mandate on January 8, 2009 against Placer County (County) and landowners, challenging the adequacy of the RUSP EIR and the approvals. The cases were partially consolidated by the Placer County Superior Court in April 2009. Since the beginning of the litigation, the parties have entered into 14 stipulations agreeing to stay the litigation to give themselves sufficient time to undertake settlement negotiations. As of November 12, 2013, the parties executed a Settlement Agreement (attached as **Exhibit A**), settling all claims in the litigation. Under the terms of the Settlement Agreement, the landowners agreed to request that the County consider and approve revisions to previously approved mitigation measures adopted in the MMRP, which proposed revisions are outlined in the attachment to the Settlement Agreement.

Current Request

The landowners seek a modification to the 2008 RUSP MMRP to incorporate revisions to approved mitigation obligations with respect to disturbance of the natural resources within the Specific Plan area. Specifically, the requested modifications include revisions to existing Mitigation Measure 6.4-1(l) and the addition of Mitigation Measures 6.4-1(n)-(q). The proposed text modifications to the MMRP, pages 3-10 through and including 3-17, in red-line format, are contained in **Exhibit B** to this Addendum.

Placer County Code, Chapter 18, Article 18.28, Section 18.28.090.B. authorizes modifications of an approved MMRP through review and approval by the "approving authority." The approving authority in this case is the Board of Supervisors who originally approved the RUSP in 2008.

CEQA Guidelines Section 15162 Determination

Consistent with the requirements of CEQA Guidelines Section 15162, the County must determine whether the proposed changes to the MMRP trigger the need for a subsequent EIR. Under Section 15162, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more

- significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If any of the triggers set forth above occurs, the County would be required to prepare a subsequent EIR, unless “only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation,” in which case a “supplement to an EIR” would suffice (see CEQA Guidelines, § 15163). If there are no grounds for either a subsequent EIR or a supplement to an EIR, then the County would be required to prepare an addendum pursuant to CEQA Guidelines Section 15164, explaining why “some changes or additions” to the 2008 certified EIR “are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.”

Staff has concluded that an addendum to the previously certified EIR for the Regional University Specific Plan is the appropriate document under CEQA for the request to modify the Regional University Specific Plan MMRP for the following reasons:

- a. The proposed revisions to the RUSP MMRP would not alter any of the conclusions of the certified EIR regarding the significance of environmental impacts. Because the proposed revisions would not alter the RUSP boundaries, land use designations or the amount or location of development, including off-site infrastructure, the impacts on the physical environment would be unchanged. Therefore, impacts to biological resources due to the conversion of agricultural land and undeveloped land would be the same as those identified in the certified EIR.
- b. The proposed modifications to Mitigation Measure 6.4-1 would substantially *lessen* the significant impacts of the 2008 RUSP on biological resources due to the conversion of open space and agricultural land. The proposed modifications clarify and amplify the existing biological mitigation measures found in the MMRP. Similar to the existing mitigation measures, the proposed modifications are intended to allow and encourage future development applicants in the RUSP to undertake mitigation strategies consistent with the County’s proposed Placer County Conservation Plan, which is currently further along in development and closer to potential approval and implementation than it was when the RUSP was originally approved in 2008.
- c. The RUSP landowners have agreed to all proposed revisions of the mitigation measures as set forth in **Exhibit B** to this addendum.

Exhibit A: Settlement Agreement (with attachment)

Exhibit B: Proposed modifications to the MMRP, in red-line format.

EXHIBIT A

RUSP Settlement Agreement

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is made and entered into as of November 12, 2013 by and between Petitioner SIERRA CLUB and Petitioner PLACER CITIZENS AGAINST GRIDLOCK (collectively referred to herein as "Petitioners"); Respondents PLACER COUNTY BOARD OF SUPERVISORS and PLACER COUNTY ("the County"); KT COMMUNITIES and KT DEVELOPMENT CORPORATION, California Corporations (collectively referred to herein as "KT"), PLACER 2780, a California Limited Liability Corporation, and the current Landowners owning the property within the boundaries of the Regional University Specific Plan, Placer University Project, LLC, a California Limited Liability Company and Placer University Community Property, LLC, a California Limited Liability Company (KT, Placer 2780, Placer University Project, LLC, and Placer University Community Property, LLC, collectively referred to herein as "Landowners"). Petitioners, the County, and Landowners are collectively referred to as the "Parties".

DEFINITIONS

In this Agreement, the capitalized terms refer to the terms defined in this "Definitions" section of this Agreement. For the purposes of this Agreement, the terms listed below are defined as follows:

1. "2008 EIR" means the Final Environmental Impact Report (SCH No. 2005032026) certified by the Placer County Board of Supervisors on December 9, 2008, for the Regional University Specific Plan Project. The 2008 EIR consists of: The Draft EIR, the Final EIR, and the appendices thereto.
2. "Agreement" means this Settlement Agreement.
3. "Board of Supervisors" or "Board" means the Board of Supervisors of Placer County.
4. "CEQA" means the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.).

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5. "County" means the County of Placer.

6. "Development Agreement" refers to a Development Agreement By and Between the County of Placer and Angelo K. Tsakopoulos, William C. Cummings, and Placer 2780 Relative to the Regional University Specific Plan, adopted by the Board of Supervisors on December 9, 2008, by Ordinance 5534-B and recorded against the Landowners' Properties within the RUSP.

7. "Effective Date" means the date this Agreement takes effect. The Effective Date shall be the date the Parties sign this Agreement, as indicated below. If the Parties sign this Agreement on different dates, then the latest date of signing by a Party shall be the Effective Date.

8. "Landowners" refer to KT Communities, KT Development Corporation, and Placer 2780, the current real parties in interest in the Lawsuit, and current owners of real property within the Regional University Specific Plan, Placer University Project, LLC, a California Limited Liability Company and Placer University Community Property, LLC, a California Limited Liability Company.

9. "Lawsuit" means the partially consolidated actions of *Sierra Club. v. Placer County Board of Supervisors, et al.* and *Placer Citizens Against Gridlock et al. v. County of Placer et al.* (Placer County Superior Court Case Nos. SCV 24201 and SCV 24162).

10. "Mitigation Strategies." For purposes of this Agreement, there are three different biological mitigation strategies described and discussed herein. (i) The "MMRP" is the acronym for the Mitigation Monitoring and Reporting Program adopted by the County when it approved the 2008 RUSP. The MMRP contains the County's comprehensive mitigation strategy (reflecting Mitigation Measures 6.4-1(a)-(m), 6.4-2, 6.4-3, and 6.4-8) that substantially lessens the significant impacts of the RUSP to open space, agricultural land, and biological resources due to the conversion of open space and agricultural land. (ii) The "Settlement Mitigation Strategy" is the new biological mitigation strategy, which is described in Exhibit A and attached hereto, that augments the open space, agricultural land, and biological mitigation as found in the

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MMRP, as previously approved by the County. (iii) The "PCCP Mitigation Strategy" is the proposed future open space, agricultural land, and biological mitigation strategy that would be authorized through an approved PCCP.

11. "Petitioners" means Sierra Club and Placer Citizens Against Gridlock.

12. "PCCP" means the Placer County Conservation Plan. At the Effective Date of this Agreement, the PCCP had not been adopted.

13. "Project" means the Regional University Specific Plan project, as embodied and reflected in the Regional University Specific Plan, the Development Agreement with Angelo K. Tsakopoulos, William C. Cummings, and Placer 2708, amendments to the Placer County General Plan and the Dry Creek/West Placer Community Plan, and rezoning. The Project site is located in the unincorporated area of southwestern Placer County, approximately 15 miles north of the City of Sacramento. The Project site is south of Pleasant Grove Creek, between Brewer Road and the western boundary of the City of Roseville, approximately 1.6 miles north of Base Line Road.

14. "RUSP" or "2008 RUSP" means the Regional University Specific Plan approved by the County in 2008.

15. "Settlement Mitigation Strategy" refers to the biological mitigation strategy described in Exhibit A attached hereto.

RECITALS

A. On December 9, 2008, the Board of Supervisors certified the 2008 EIR and approved the Regional University Specific Plan (Base Plan) Project. As part of Project approval, the Board adopted Findings of Fact, the MMRP, and a Statement of Overriding Considerations.

B. Petitioners Sierra Club and Placer Citizens Against Gridlock filed separate Petitions for Writ of Mandate on or around January 8, 2009 naming KT Communities, KT Development Corporation, Placer 2780, Angelo K. Tsakopoulos, and William C. Cummings as

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Real Parties in Interest. The cases were partially consolidated pursuant to the Stipulation and Order for Consolidated Actions ordered by the Placer County Superior Court in April 2009. In July 2010, Real Parties in Interest Angelo K. Tsakopoulos and William C. Cummings were voluntarily dismissed from the litigation pursuant to stipulation by all parties to the lawsuits and an order of the superior court. Since the filing of the lawsuit in 2009, all ownership interest in the property subject to the Project eventually was transferred to Placer University Project, LLC, and Placer University Community Property, LLC. In the nearly five years since the litigation commenced, the Parties have signed and filed fourteen stipulations agreeing to stay the litigation to give themselves sufficient time to undertake settlement negotiations.

C. In entering this Agreement, Landowners, County, and Petitioners intend to resolve the above-described litigation to the reasonable satisfaction of all parties. The centerpiece of this Agreement is the proposal by Landowners to request from, and pursue approval by, the County of revisions to the Mitigation Monitoring and Reporting Program (MMRP) for the approved 2008 RUSP to comprise a new biological mitigation strategy (Settlement Mitigation Strategy), attached hereto as Exhibit A.

D. If approved by the County, the Settlement Mitigation Strategy will become the new mitigation under CEQA for certain biological resources impacts of the RUSP, unless the Landowners ultimately choose to mitigate biological resource impacts by complying with the approved PCCP in its final form. The Parties recognize that, in entering into this Agreement, the County has made no commitment to approving the Settlement Mitigation Strategy. The Parties further recognize that the County shall exercise its independent judgment in determining what level of environmental review is necessary to process the application.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and/or covenants contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. RECITALS

The above recitals are true and are hereby incorporated by reference as part of this Agreement.

2. OBLIGATIONS OF LANDOWNERS

A. Request County to approve Settlement Mitigation Strategy

The Landowners shall request that the County approve a revision to the MMRP for the approved 2008 RUSP to comprise a new biological mitigation strategy (Settlement Mitigation Strategy) that is an addition to previously approved Mitigation Measures 6.4-1(a)-(m), as reflected in Exhibit A to this Agreement. Landowners and Petitioners recognize that the County shall exercise its independent judgment in determining what level of environmental review is necessary to process the application.

B. Relationship of Settlement Mitigation Strategy to PCCP Mitigation Strategy

The Settlement Mitigation Strategy, like the biological mitigation found in Mitigation Measures 6.4-1(a)-(m), 6.4-2, 6.4-3, and 6.4-8 in the MMRP, is intended to substantially lessen the significant impacts of the 2008 RUSP on biological resources due to the conversion of open space and agricultural land. Thus, the Settlement Mitigation Strategy clarifies and amplifies biological mitigation as found in the MMRP and, like the biological mitigation in the original MMRP, is intended to dovetail with the eventual requirements of the PCCP. If the PCCP, as finally adopted, requires a different biological mitigation strategy (PCCP Mitigation Strategy), and if any or all of the Landowners or their successors in interest opt to carry out the PCCP Mitigation Strategy, the PCCP Mitigation Strategy shall supersede the Settlement Mitigation Strategy. Nothing in this Agreement limits the ability of any Landowner or their successors in interest from making a free choice as to whether to comply with the Settlement Mitigation Strategy or the final version of the PCCP mitigation requirements.

C. Landowner's Obligation to Pay County's Costs in the Event of Withdrawal of Application for Settlement Mitigation Strategy

In the event that Landowners, at any time prior to Board of Supervisors' action on the proposed Settlement Mitigation Strategy, withdraw the application for the Settlement Mitigation

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Strategy, Landowners shall reimburse the County for any and all staff and/or consultant time spent processing the application up until the time it was withdrawn.

3. OBLIGATIONS OF PLACER COUNTY

A. Acceptance and processing of Landowner's application for approval of the Settlement Mitigation Strategy

The County agrees to accept and process in a timely fashion, consistent with all applicable legal requirements, Landowner's application to modify the MMRP and any and all other related legally enforceable documents that currently reflect Mitigation Measures 6.4-1(a)-(m) from the 2008 RUSP EIR with the Settlement Mitigation Strategy. The County shall exercise its independent judgment in determining what level of environmental review is necessary to process the application. In the event that Landowners withdraw the application for the proposed Settlement Mitigation Strategy at any time prior to Board action on the proposal, the County shall be relieved of any obligation to complete the administrative process for the proposal, and shall be entitled to full reimbursement from Landowners for any and all staff and/or consultant time spent processing the application up until the time it was withdrawn by Landowners.

4. OBLIGATIONS OF PETITIONERS

A. Public Support of the Settlement Mitigation Strategy

Petitioner Sierra Club (Mother Lode Chapter only) agrees to actively support Landowner's request that the County approve the Settlement Mitigation Strategy, in writing or through public testimony. Petitioners further agree that, if the County approves the Settlement Mitigation Strategy, Petitioners will not file, fund, or join through separate pleadings or amicus briefs in any legal or administrative challenge to the County's approval of the Settlement Mitigation Strategy filed by any third party.

B. Dismissal of Lawsuit

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If the County (i) approves the Settlement Mitigation Strategy and (ii) does not draw a new lawsuit challenging the approval within 30 days of the posting by the County Clerk of Placer County of the Notice of Determination of the County's action, Petitioners shall take all of the steps necessary to dismiss with prejudice their pending litigation in Superior Court. If the County draws a new lawsuit challenging the approval within 30 days of the posting by the County Clerk of Placer County of the Notice of Determination of the County's action, the Parties to this Settlement Agreement shall meet and confer with the objective of facilitating the satisfaction of the obligations of this Agreement and prompt dismissal of petitioners' lawsuit consistent with the litigation strategies of the County and any real parties in interest in such new litigation.

5. COUNTY NOT LIABLE FOR FEES AND COSTS

Any monetary settlement that might have been separately reached between Petitioners and Landowners shall be the sole responsibility and payment obligation of those parties. Nothing in the present settlement agreement binds the County nor obligates the County to pay any costs of settlement in this case. All parties agree that the County is not liable to Petitioners or Landowners for any fees and costs associated with the Lawsuits at issue in this Settlement Agreement.

6. NO ADMISSIONS

The Parties understand and agree that nothing in this Agreement, or in the execution of this Agreement, shall constitute or be construed as an admission by any Party of any inadequacy or impropriety in connection with the allegations contained in the Lawsuit. This Agreement is the result of a compromise and nothing contained herein shall be construed as an admission of liability, responsibility, or wrongdoing by any Party hereto. It is agreed that all statements contained herein and the conduct of any Party in connection with this Agreement shall be inadmissible as evidence under California Evidence Code § 1152(a), except that the statements contained herein shall be admissible in any action to enforce or interpret this Agreement.

7. **BINDING ON SUCCESSORS IN INTEREST**

In signing this Agreement, Landowners represent to Petitioners and the County that the individual signing on behalf of each entity identified under the definition of "Landowners" in Paragraph 8 of Definitions in this Agreement and as set forth below have the authority necessary to commit the entity through this Settlement Agreement to the following requirement: that, in any future transactions by which any individual Landowner may convey land within the RUSP to successor(s) in interest, the Landowner shall include provisions requiring such successor(s) to be bound by the terms of this Agreement until such time as its terms have been fully fulfilled.

8. **MODIFICATIONS; WAIVER**

This Agreement may not be amended or modified by the Parties except in writing executed by all Parties. No waiver of any provision of this Agreement shall be binding unless executed in writing by the Party making the waiver. No waiver of any provision of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar. Nor shall any waiver constitute a continuing waiver.

Except as otherwise expressly provided herein, each Petitioner expressly releases, waives and relinquishes and forever discharges the County, the Landowners from all claims, demands, actions, liabilities and causes of action, of every nature and kind whatsoever, whether known or unknown, suspected or unsuspected, asserted or unasserted, or hereafter discovered or ascertained, in law or equity, by reason of any matter, cause or thing whatsoever, it has, may have, or will have with respect to the County's approval of the Project, including but not limited to claims set forth in their respective Petitions for Writ of Mandate (Petitions), and those claims Petitioners could have included in their petitions. Each Petitioner acknowledges and agrees that all rights under Section 1542 of the California Civil Code are expressly waived. That section provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

Each Petitioner understands, acknowledges, and agrees that this Agreement constitutes a complete and sufficient defense barring any such claim, and the County, and each Landowner and their successors in interest can rely upon this Agreement as a complete defense.

9. AMBIGUITIES AND INTERPRETATION

This Agreement shall be deemed to have been drafted equally by all of the Parties, and shall not be interpreted for or against any Party by reason of the alleged authorship of any provisions. The Parties understand and agree that the general rule that ambiguities are to be construed against the drafter shall not apply to this Agreement.

10. CONVENIENCE AND REFERENCE

The headings and numbers used in this Agreement are included for the purpose of convenience of reference only and they shall not be used to explain, limit, or extend the meaning of any part of the Agreement.

11. SEVERABILITY

If any term or provision of this Agreement or the application thereof to any person or circumstance shall be held invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law, unless the exclusion of such term or provision, or the application of such term or provision, would result in such a material change so as to cause completion of the obligations contemplated herein to be unreasonable, in which case the Parties shall work in good faith to amend this Agreement and/or take other action necessary to achieve the intent of this Agreement in a manner consistent with the ruling of the court.

12. SUCCESSORS AND ASSIGNS BOUND

The terms of this Agreement shall be binding and inure to the benefit of the Parties hereto and their successors, assigns, heirs, and representatives.

13. GOVERNING LAW

This Agreement shall be construed under and governed by the laws of the United States and the State of California.

14. REMEDIES FOR BREACH OF AGREEMENT

A. Notice and Opportunity to Cure

Any Party shall receive written notice within 20 days of discovery of any alleged breach of this Agreement. Upon receipt of any written notice of breach, the Party has 30 days to cure the alleged breach. If after 30 days the alleged breach has not been cured to the satisfaction of the Party alleging the breach, the Party alleging a breach of the Agreement may seek a court order demanding specific performance consistent with subparagraph B of this section. The Party alleging the breach may not unreasonably refuse to accept a Party's cure of an alleged breach of an affirmative obligation as set forth in this Agreement. Any enforcement of this Agreement may be sought against only the Party or Parties claimed to be in breach of the Contract, as well as their heirs, successors, assignees, and transferees of the Parties.

B. Remedy if Party Fails to Undertake an Obligation Under this Settlement Agreement

The Parties agree that specific performance is the only appropriate remedy for enforcement of this Agreement. Any Party alleging a breach of an obligation in this Agreement may not seek monetary damages in addition to specific performance.

15. AUTHORITY OF THE PARTIES TO ENTER INTO THIS AGREEMENT

Each person signing this Agreement on behalf of a Party hereby represents and warrants that he or she has complete authority to bind that Party to the terms and conditions of this Agreement.

16. NOTICES

All notices required under this Agreement shall be in writing, and may be given either personally or by registered or certified mail (return receipt requested) or facsimile. Any Party may at any time, by giving ten (10) days' written notice to the other Party, designate any other person or address in substitution of the address to which such notice shall be given. Such notice shall be given to the Parties at their addresses set forth below:

IF TO SIERRA CLUB:

Terry Davis
Director
Mother Lode Chapter
Sierra Club
909 12th Street, Suite 202
Sacramento, CA 95814
(916) 557-1100 x108
(916) 557-9669 (fax)

Aaron Isherwood
Coordinating Attorney
Environmental Law Program
Sierra Club
85 2nd Street, 2nd Floor
San Francisco, CA 94105-3441
(415) 977-5680
(415) 977-5793

Donald B. Mooney
Law Office of Donald B. Mooney
129 C Street, Suite 2
Davis, CA 95616
530-758-2337
530-758-7169 (fax)

IF TO PLACER CITIZENS AGAINST GRIDLOCK:

William D. Kopper
417 E Street
Davis, CA 95616
(530) 758-0757
(530) 758-2844 (fax)

RUSP Settlement Agreement

IF TO LANDOWNERS:

James G. Moose
Sabrina V. Teller
Remy Moose Manley, LLP
455 Capitol Mall, Suite 210
Sacramento, CA 95814
(916) 443-2745
(916) 443-9017 (fax)

IF TO THE COUNTY OF PLACER:

Karin Schwab
Office of the County Counsel
175 Fulweiler Avenue
Auburn, CA 95603
(530) 889-4044
(530) 889-4069 (fax)

17. **EFFECTIVE DATE**

This Agreement shall be effective ("Effective Date") as of the date of the signing by the last signatory to the Contract.

18. **COUNTERPART EXECUTION**

This Agreement may be executed in multiple counterparts, each of which shall constitute an original, and all of which taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed as of the date hereinafter written.

Dated: November 7, 2013



Terry Davis for
SIERRA CLUB

RUSP Settlement Agreement

Dated: November 7, 2013

Robert E Bell
[NAME] Robert E Bell
PLACER CITIZENS AGAINST GRIDLOCK

Dated: November 12, 2013

By: Jim Holmes
Printed name: Jim Holmes

Title: CHAIR, BOARD OF SUPERVISORS
COUNTY OF PLACER

KT COMMUNITIES,
a California limited liability company

By: KT

Name: Kyriakos Tsakopoulos

Title: Chairman

Dated: November __, 2013

KT DEVELOPMENT COMMUNITIES,
a California corporation

By: KT

Name: Kyriakos Tsakopoulos

Title: Chairman

Dated: November __, 2013

RUSP Settlement Agreement

Dated: November __, 2013

[NAME]

PLACER CITIZENS AGAINST GRIDLOCK

Dated: November __, 2013

By: _____

Printed name: _____

Title: _____

COUNTY OF PLACER

KT COMMUNITIES,
a California limited liability company

By: AT

Name: Kyriakos Tsakopoulos

Title: Chairman

Dated: November __, 2013

KT DEVELOPMENT COMMUNITIES,
a California corporation

By: AT

Name: Kyriakos Tsakopoulos

Title: Chairman

Dated: November __, 2013

RUSP Settlement Agreement

PLACER 2780,
a California limited liability partnership

By: AKT Development Corporation, a California corporation,
General Partner

By: AT

Name: Kyriakos Tsakopoulos

Title: Prm & CEO

Dated: November __, 2013

PLACER UNIVERSITY PROJECT, LLC,
a California Limited Liability Company

By: W M Corporation,

a District of Columbia Nonprofit Corporation,
as the sole member of the Placer University Project, LLC

By: _____

Name: Markos Kounalakis

Title: _____

Dated: November __, 2013

RUSP Settlement Agreement

PLACER 2780,
a California limited liability partnership

By: AKT Development Corporation, a California corporation,
General Partner

By: _____

Name: Kyriakos Tsakopoulos

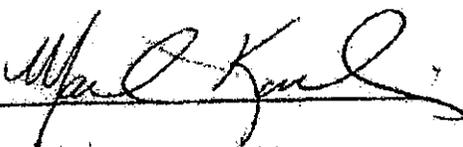
Title: _____

Dated: November ____, 2013

PLACER UNIVERSITY PROJECT, LLC,
a California Limited Liability Company

By: W M Corporation,

a District of Columbia Nonprofit Corporation,
as the sole member of the Placer University Project, LLC

By:  _____

Name: Markos Kounalakis

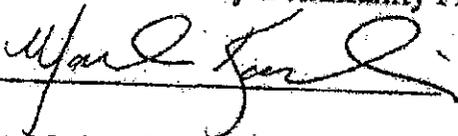
Title: PRESIDENT _____

Dated: November 4, 2013

PLACER UNIVERSITY COMMUNITY PROPERTY, LLC,
a California Limited Liability Company

By: W M Corporation,

a District of Columbia Nonprofit Corporation, as the sole member
of the Placer University Community Property, LLC

By: 

Name: Markos Kounalakis

Title: PRESIDENT

Dated: November 4, 2013

APPROVED AS TO FORM:

Dated: November __, 2013

Sabrina V. Teller on behalf of LANDOWNERS

Dated: November __, 2013

Donald B. Mooney on behalf of SIERRA CLUB

Dated: November __, 2013

William D. Kopper on behalf of PLACER CITIZENS AGAINST GRIDLOCK

Dated: November __, 2013

Karin Schwab on behalf of COUNTY OF PLACER

RUSP Settlement Agreement

PLACER UNIVERSITY COMMUNITY PROPERTY, LLC,
a California Limited Liability Company

By: W M Corporation,

a District of Columbia Nonprofit Corporation, as the sole member
of the Placer University Community Property, LLC

By: _____

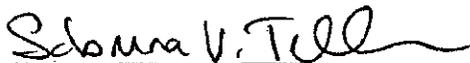
Name: Markos Kounalakis

Title: _____

Dated: November __, 2013

APPROVED AS TO FORM:

Dated: November 6, 2013



Sabrina V. Teller on behalf of LANDOWNERS

Dated: November __, 2013

Donald B. Mooney on behalf of SIERRA CLUB

Dated: November __, 2013

William D. Kopper on behalf of PLACER CITIZENS AGAINST GRIDLOCK

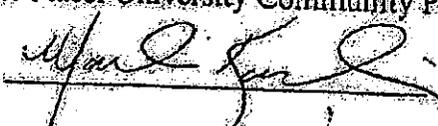
Dated: November __, 2013

Karin Schwab on behalf of COUNTY OF PLACER

PLACER UNIVERSITY COMMUNITY PROPERTY, LLC,
a California Limited Liability Company

By: W M Corporation,

a District of Columbia Nonprofit Corporation, as the sole member
of the Placer University Community Property, LLC

By: 

Name: Markos Kounalakis

Title: PRESIDENT

Dated: November 4, 2013

APPROVED AS TO FORM:

Dated: November __, 2013

Sabrina V. Teller on behalf of LANDOWNERS

Dated: November 7, 2013


Donald B. Mooney on behalf of SIERRA CLUB

Dated: November __, 2013

William D. Kopper on behalf of PLACER CITIZENS AGAINST GRIDLOCK

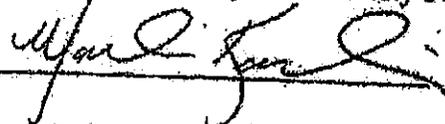
Dated: November __, 2013

Karin Schwab on behalf of COUNTY OF PLACER

PLACER UNIVERSITY COMMUNITY PROPERTY, LLC,
a California Limited Liability Company

By: W M Corporation,

a District of Columbia Nonprofit Corporation, as the sole member
of the Placer University Community Property, LLC

By: 

Name: Markos Kounalakis

Title: PRESIDENT

Dated: November 4, 2013

APPROVED AS TO FORM:

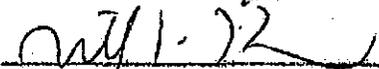
Dated: November __, 2013

Sabrina V. Teller on behalf of LANDOWNERS

Dated: November __, 2013

Donald B. Mooney on behalf of SIERRA CLUB

Dated: November 7, 2013



William D. Kopper on behalf of PLACER CITIZENS AGAINST GRIDLOCK

Dated: November __, 2013

Karin Schwab on behalf of COUNTY OF PLACER

Exhibit A

The following strategy adds to the text ending at the bottom of page 6.4-29 of the Draft EIR for the Regional University Specific Plan as reflected in part in the November 2008 Mitigation Monitoring Plan adopted by the Placer County Board of Supervisors.

I. Overview of Open Space, Agricultural Land and Biological Resource Mitigation Strategy

The development of the Regional University Specific Plan (the "Plan" or "Plan Area") is expected to result in substantial, irreversible conversion of the existing natural and semi-natural landscape to urban and suburban uses. Although elements of the existing landscape show varying degrees of disturbance and are no longer functioning as a natural ecosystem, the mosaic of open lands in the Plan area cumulatively provides habitat and connectivity for several species. Even loss of intensively farmed land will diminish these regional values.

Most of the species that inhabit the natural communities represented in the Plan Area require large contiguous and intact habitat to retain maximum biological function. Avoidance of small patches of natural communities, such as vernal pool grassland, may result in short-term avoidance of take of species present, but is generally inconsistent with long-term maintenance of stable species populations due to multiple factors such as reduced population size, loss of contributing hydrology, edge effects, increased non-native species, lack of management oversight, inability to implement management activities due to adjacent land uses etc. Similarly, agriculture is best served by large contiguous blocks of land that can minimize edge effects from surrounding urbanization and take advantage of economies of scale. For this reason, impacts to agricultural land and biological resources at the natural community level are addressed by designating large areas for conservation outside of the area planned for future growth. Land designated for conservation will be acquired from willing sellers in fee title and/or protected through establishment of conservation easements.

While some agricultural land and habitat, primarily vernal pool complexes and grasslands, will be converted to urban and suburban development in the Specific Plan area, lands designated for conservation through this mitigation measure (the "open space, agricultural land and biological resource mitigation strategy", "mitigation strategy," or "strategy") will include substantial amounts of agricultural land and habitat for affected species, as well as natural communities important for maintaining regional biological diversity.

This strategy mitigates for irreversible land conversion through permanent conservation of large tracts of land with similar land cover, habitat, and agricultural value strategically located off-site in the area targeted by Placer County for conservation (The "Reserve Acquisition Area" or "RAA") in the proposed Placer County Conservation Plan (the "proposed PCCP") at the time development proposals within the RUSP are processed. The intent of this Mitigation Strategy is for the mitigation obligations to be compatible

with the proposed PCCP with the potential to contribute towards a regionally important expanse of contiguous private and public land that will continue to support agricultural use, meet species needs in the long term and aid recovery objectives outlined in the state and federal recovery programs and the proposed PCCP. The mitigation obligations set forth in this Mitigation Strategy are intended to the greatest extent possible to be consistent with the mitigation strategies set forth in the proposed PCCP to the extent applicable to the RUSP land use plan and natural resources found on-site. This regional approach to conservation of agricultural land, wetlands and habitat complements efforts to avoid and/or minimize impacts on site for key components of the aquatic system, rare species habitat, and individual species.

The Reserve Acquisition Area where land will be preserved under this mitigation measure is largely comprised of "Important Farmland," as defined by the State of California Department of Conservation. Most of this land in the RAA is designated Farmland of Local Importance or Grazing. Many ongoing agricultural activities are consistent with, and essential to, the protection and enhancement of the natural communities that are supported by this land. Accordingly, ongoing agricultural use will be an integral component of the long term management of preserved lands. The required conservation easements recorded on such lands will specifically encourage compatible agricultural use. As a result, the land preserved under this mitigation measure will also preserve opportunities for agricultural use, thus mitigating for the impacts of lost agricultural land and open space within the Project site, in addition to mitigating for impacts on vernal pool complexes and other ecological features.

The grassland vernal pool land cover type is mitigated by any grassland without regard to wetted area density. Actual wetted area is accounted for by the separate requirement for vernal pool wetland mitigation. Other wetlands are handled in a similar manner. They will be mitigated according to the ratios adopted in the RUSP EIR. The vernal pool wetland mitigation described below can only be carried out if, in fact, much of the grassland acquired to mitigate land conversion does in fact have a high density of preserved vernal pools or the potential to restore, enhance or create vernal pools. Application of the two measures – land area and wetland area – will jointly provide for conservation of wetland dependent natural communities.

Mitigation to minimize impacts to natural and semi-natural communities falls into three categories.

1. **Mitigation Ratios for Land Cover.** Off-site mitigation is accomplished mainly through mitigation ratios requiring conservation or restoration of a set amount of land calculated as a proportion of land cover conversion or "take." The term "land cover take" as used herein means the permanent conversion of natural or semi-natural lands to urban or suburban use.
2. **Mitigation Ratios for Wetland Area.** Because of their particular regulatory status and their biological importance, wetlands are accounted for separately through mitigation ratios adopted in 2008 for the RUSP requiring preservation and restoration, creation or enhancement of a set amount of wetted area calculated

as a proportion of wetland “take.” It is intended that all of the wetted area mitigation along with all associated upland will be counted towards mitigation required for land cover “take.” Likewise, all wetted acres contained within land cover mitigation shall be counted towards wetted area preservation requirements.

3. **Site Specific Avoidance and Minimization.** Protection of existing resources on site is accomplished through specific avoidance measures incorporated into the Specific Plan. In addition, separate mitigation measures will be implemented to avoid or minimize on-site impacts to individual species, as will be defined by the wildlife resource permitting agencies.

This strategy is intended to be compatible with the proposed PCCP, to contribute towards achieving the landscape level conservation goals of the proposed PCCP, and to benefit numerous species covered by the proposed PCCP (Table 1). Additionally, development of the Specific Plan is a covered activity of the Proposed PCCP. Accordingly, upon adoption of the PCCP, development projects within the Specific Plan may fulfill mitigation requirements by compliance with the terms of the adopted PCCP in lieu of this mitigation strategy. If development projects are proposed prior to the adoption of the PCCP, but while a PCCP interim in lieu fee program is in effect, projects may also fulfill mitigation requirements by compliance with the terms of that program instead of this mitigation strategy. Such compliance, as determined by Placer County, shall constitute sufficient mitigation that will obviate the need to comply with the measures herein, to the extent that an affected agricultural and/or biological resource is addressed in the PCCP or the in lieu fee program.

| Wetland Species | Upland Species |
|----------------------------|---------------------------|
| Vernal pool fairy shrimp | Swainson's hawk |
| Vernal pool tadpole shrimp | American peregrine falcon |
| Western spadefoot | Western burrowing owl |
| Bogg's Lake hedge-hyssop | Loggerhead shrike |
| Dwarf downingia | Northern harrier |
| Legenere | Ferruginous hawk |
| Ahart's dwarf rush | Grasshopper sparrow |
| Red Bluff dwarf rush | Tricolored blackbird |

| | |
|--|-------------------|
| | Western spadefoot |
|--|-------------------|

This measure is also intended to be compatible with any required state and federal permits related to land conversion, or other regulated activity within habitat covered by state or federal jurisdiction specifically including Federal Clean Water Act Section 404 permits, federal Endangered Species Act Section 7 “incidental take statements”, state Endangered Species Act compliance, state “stream bed alteration agreements” and state certification under Clean Water Act Section 402. Any and all conservation, restoration, enhancement, and creation of land cover, natural communities, and wetland features required by any state or federal permitting agency, either in conformity with this strategy or in addition to it, shall be fully credited towards the obligations of this mitigation strategy, regardless of whether such mitigation is achieved through the acquisition of land and/or conservation easements or through the purchase of credits from an approved mitigation bank.

In order to preserve land for agriculture, compatible agricultural uses that support and enhance wildlife values are encouraged on lands conserved under this measure. The goal of conservation easements on farm lands will be to maintain viable agricultural operations while also meeting the biological objectives of this Mitigation Strategy.

This Mitigation Strategy shall serve as mitigation for all land conversion impacts, specifically including impacts to vernal pools and other wetlands, vernal pool grasslands, grasslands, Swainson’s hawk foraging habitat, agricultural land, and open space. No additional mitigation shall be required for these impacts.

II. Land Cover Mitigation

A. Mitigation Ratios

Land cover conversion shall be mitigated through conservation at the ratios listed in Table 2. The take area shall be calculated to the nearest one-tenth (0.1) acre or as required by state and federal permitting requirements. **The total amount of acreage required to comply with this Mitigation Strategy will be automatically reduced by any and all off-site conservation or mitigation land required by any permitting agency, specifically including upland areas required in association with wetland mitigation, whether acquired through mitigation bank credits or other means.**

| Table 2 - Land Conversion Ratios | |
|----------------------------------|-----------------------------------|
| Vernal pool complex | 1.35 acres conserved:1 acre taken |
| Grassland | 1:1 |
| Riverine/riparian | 2:1 |
| Rice | 1:1 |
| Field/Orchard | 1:1 |

B. Calculation of Land Cover Take

All land within the Specific Plan is included in the calculation of take, with the exception of land that will be maintained in, or restored to, a natural or semi-natural condition as required by the County and/or any state or federal permitting agency.

C. Mitigation Land Criteria

Land conserved under this measure shall, to the fullest extent feasible, as determined by the County, be located within the Reserve Acquisition Area targeted for conservation or restoration by the proposed PCCP.

Impacts to annual grassland, vernal pool grassland, and pasture lands shall be mitigated on existing or restorable grassland. Impacts to riverine/riparian habitat shall be mitigated on riverine/riparian land. All other land cover impacts may be mitigated on any natural or semi-natural land within the RAA, specifically including agricultural land. Vernal pool grassland is mitigated by any grassland without regard to wetted area density. Actual wetted area is accounted for by the separate requirement for wetland mitigation discussed below. The wetland mitigation described below can only be carried out if much of the grassland acquired to mitigate land conversion does in fact have a high density of vernal pools preserved and/or the potential to restore, enhance or create vernal pool habitat. Application of the two measures – land area and wetland area – will jointly provide for conservation of wetland dependent natural communities.

The vast majority of land targeted for conservation in the RAA is suitable for agriculture and continued agricultural use will typically be allowed by the conservation easements required under this mitigation measure. Accordingly, no additional agricultural mitigation will be required beyond the ratios for the take of land cover noted above in Table 2. Likewise, the land cover mitigation criteria is such that it will also provide suitable foraging habitat mitigation for Swainson's hawk and will provide suitable land to meet mitigation requirements for habitat loss contained in Mitigation Measure 6.4-8 approved for the RUSP in 2008. No additional land mitigation will be required beyond the ratios for the take of land cover noted above for these impacts.

D. Conservation Easement / Management Plans

Privately owned properties dedicated to comply with this Mitigation Strategy shall be encumbered by recorded conservation easements. Each property encumbered with a conservation easement shall include a habitat and agricultural management plan with an identified funding source for long term management of conserved lands. The conservation easements and management plans are subject to approval by the County and shall provide for the long term maintenance of biological functions and values while, whenever feasible, also providing for compatible agricultural use. The County shall accept as satisfactory mitigation any fee simple land dedication or conservation easement with management plan required and approved by the terms and conditions of any permit issued by a state or federal resource agency.

E. Use of Mitigation Bank Credits

Project applicants may use credits from approved conservation or mitigation banks to meet all or a part of the conservation required by this strategy. Specifically, the uplands associated with the establishment of wetland preservation, restoration, enhancement or creation at an agency-approved bank, may be applied towards the Land Cover mitigation requirement of this Mitigation Strategy provided that the uplands are protected by a conservation easement and the applicant can demonstrate that the approved mitigation credits include both wetland and upland land cover to the satisfaction of the County.

Mitigation and conservation banks must be approved by USFWS, ACOE or CDFW. Credits can count toward mitigation obligations if the banks are consistent with the requirements of state and federal natural resource agencies, as accepted by the County. Any out-of-county bank must have a service area that extends into the Plan area.

F. Use of Excess Landcover Mitigation Assigned From Other Projects in Specific Plan.

It is anticipated that, depending on the availability and relative parcel size of potential conservation sites, some projects within the Specific Plan may provide land cover mitigation in excess of the acreage required by this strategy. Excess mitigation may be freely assigned by private agreement between projects within the Specific Plan. Such assignment will be documented and tracked by the County. Project applicants may apply excess mitigation assigned from other projects in the Specific Plan to meet all or a part of the land cover mitigation required by this measure provided proof of assignment can be provided to the satisfaction of the County.

G. Out of County Mitigation

At its sole discretion, the County may allow a limited amount of out-of-County mitigation that advances the County's conservation goals and meets the biological intent of this mitigation strategy. In addition, the County may accept credits from out of county conservation or mitigation banks towards full or partial compliance with this measure, if the project is within the agency-approved service area for the credits. Such mitigation will be fully credited towards any mitigation required by this Mitigation Strategy.

H. Joint Mitigation

Provided that the mitigation land satisfies the criteria set forth in both 2008 RUSP Mitigation Measure 6.2-1 and this Mitigation, land acquired to meet the habitat mitigation requirements of this Mitigation Strategy, and/or any additional habitat mitigation that is required by any governmental agency for any development project undertaken pursuant to the Regional University Specific Plan, may occur within and also

be counted towards the required agricultural land mitigation obligation set forth in Mitigation Measure 6.2-1.

III. Wetland Mitigation

A. Overlap with Land Cover Mitigation

Because of their particular regulatory status and their biological importance, wetlands are accounted for separately through previously approved mitigation ratios in the RUSP EIR requiring 2:1 preservation of vernal pool wetlands and 1:1 creation/restoration of all wetland types. These wetted acres, along with any upland area that is conserved in association with the wetted acres, are fully credited towards the required land cover mitigation. **In other words, it is intended that all of the wetland mitigation will be counted towards land cover mitigation requirements. Likewise, all wetted acres contained within land cover mitigation shall be counted towards wetland mitigation.**

B. Calculation of Wetland Take

Wetland take is calculated as all delineated wetland area that falls in the Land Cover take area as defined in Section II.B. above.

C. Preservation

The total amount of required wetland preservation under this strategy will be automatically reduced by any and all wetland preservation required by any permitting agency. For the purposes of calculating the amount of preservation, the take calculation shall include any identifiable quantity of the resource affected.

D. Compensatory Mitigation - Restoration, Enhancement and Creation

For the purposes of both take and mitigation under this strategy, vernal pools include seasonal depressional wetlands. The total amount of required compensatory wetland restoration, enhancement, or creation under this strategy will be automatically reduced by any and all wetland restoration, enhancement and creation acreage that exceeds this Mitigation Strategy required by any permitting agency as well as any wetland preservation required by a permitting agency greater than the wetland preservation amount required by this Mitigation Strategy. However, in no event shall the compensatory requirement be reduced below a 1:1 ratio by excess preservation. For the purposes of calculating the amount of restoration, enhancement, or creation, the take calculation shall include any identifiable quantity of the resource affected.

In some circumstances, enhancement of existing wetland habitat may add greater wetland function and value to the aquatic system and conserved natural communities than restoration of previously existing or degraded features or creation of new wetland habitat. The County may allow enhancement to apply towards the restoration requirement, provided that the enhanced features may not also be applied towards the preservation requirement. In limited circumstances, creation of new wetland features may also be

appropriate and beneficial. If approved by the County and/or required by any permitting agency, created wetlands will apply towards the restoration requirement.

Restored, enhanced and created wetland habitat can help expand and link existing high quality vernal pool complexes that have been become fragmented in the landscape, losing some of their native community value.

E. Restoration

Vernal pool complexes have been degraded in western Placer County and throughout their range by direct disturbance, invasion of nonnative species, or by alteration of hydrological patterns, primarily due to agricultural use. For many complexes, habitat restoration may be necessary to regain proper functioning of a vernal pool ecosystem (USFWS 2005). Furthermore, vernal pools and other wetlands will be restored to provide compensatory mitigation for take and to ensure no net loss of wetted area. The goal of restoration is to return natural wetland functions to areas where historic wetland landscapes and features have been converted or heavily degraded.

Vernal pool habitat will be restored where soils and hydrologic conditions will support long-term viability, natural topography can be reproduced and evidence indicates the historical presence of vernal pools. Restoration plans will use nearby, natural, high quality pools as well as historical evidence as models. Restoration plans will consider the size and depth of pools to be constructed, hydrologic connections within complexes, depth from soil surface to hardpan, and upland area to pool-area ratios (USFWS 2005).

Restoration of previously disturbed vernal pool complexes is to be based on whether restoration is likely to increase vernal pool density (as measured in wetted-per-total acre) without exceeding the density present in 1937/8 aerial photos or other information approved by USFWS and/or CDFW and without harming existing vernal pools. Additional criteria will include whether or not sites occur outside of the Stream System (as defined by the draft or approved PCCP in effect at the time the permit triggering this mitigation is being processed), have hydrological conditions that ensure vernal pool complexes can be restored and protected in perpetuity, and have not been laser-leveled or deep ripped for agriculture or other uses.

Clearly defined objectives will be identified for all restoration projects. Success criteria will be established before each restoration plan is implemented. Monitoring of restored and created vernal pools in Placer County indicates that future restoration in the proposed locations has a high potential for success. It is essential that the Mitigation Strategy require an effective monitoring and adaptive management program in order to ensure the success of vernal pool restoration, enhancement and creation.

F. Enhancement

The goal of enhancement is to improve wetland functions and values in areas where they have been degraded, but not entirely lost. Although qualifying enhancement actions will be determined by the County and the natural resource agencies on a case-by-case basis, they will be conducted to ameliorate the specific threats that occur on each site. Specific threats to vernal pool grasslands include: modification to the duration of inundation and

hydroperiod due to changes in the hydrology of surface flows and perched groundwater flows; non-native vegetation (including annual grasses and noxious weeds); impacts from recreational use; impacts to water quality; non-native predators; and decreased pollination and dispersal of vernal pool species due to impacts to vernal pool uplands. Therefore, actions for maintaining and enhancing preserves with vernal pool grasslands may include: restoration of vernal pool topography; restoration of vernal pool isolation; re-introduction of vernal pool cysts, seeds and/or plants; restoring and enhancing vernal pool water quality; and invasive plant control.

G. Creation

Creation is generally considered more appropriate for other wetland types than for vernal pools. In some cases creation of wetland habitat may be necessary to mitigate for lost resources. Creation is the construction of wetland features where none has existed historically (as compared to restoration which can include the construction of wetland habitat in areas that historically contained wetlands).

Little data exist to assess the long-term success of the creation of vernal pools. Preliminary results indicate that some created vernal pools have vernal pool fairy shrimp, vernal pool tadpole shrimp and other invertebrates and plants native to vernal pools (De Weese 1998; EcoAnalysts 2009). Creation of vernal pools within a vernal pool complex of existing pools is not recommended by the Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (USFWS 2005) because it may alter the hydrology of the existing pool system and may have an adverse effect on ground nesting bees and other upland plant and animal species. Therefore, the County will minimize the use of vernal pool creation as a strategy to mitigate for lost resources. Rather, conservation efforts will focus on preservation and enhancement of existing high quality vernal pools, with restoration serving to supplement preservation to protect and restore vernal pool complexes at the levels of the landscape and local watershed and to mitigate for resources lost. Creation of vernal pools must be approved by the appropriate resource agencies to receive credit for mitigation under this measure. Vernal pool creation credits from an approved mitigation bank may apply towards this mitigation requirement. The mitigation bank must be approved by state and federal natural resource agencies. Any out-of-county bank must include a service area that extends into the Plan area.

H. Uplands and Buffer Requirements

Wetland preservation, restoration, enhancement and creation shall be accompanied by the associated uplands and hydrology necessary to sustain long-term viability in a natural or restored environmental setting. To minimize edge effects from adjacent urban and suburban land, appropriate buffers from existing or planned urban or suburban development and vernal pools shall be located or established by the federal permitting agencies and the County, consistent with the County's applicable General Plan policies, such that adequate hydrology can be maintained in the event of future development.

I. Conservation Easements / Management Plans

It is anticipated that most wetland preservation, restoration, enhancement and creation will be accomplished on land conserved to meet the land cover mitigation requirement and will be subject to the required conservation easements and management plans. However, if additional lands are conserved to meet the wetland mitigation requirement, the same requirements for conservation easements and management plans apply. As with the Land Cover Mitigation, the County shall accept as satisfactory mitigation any fee simple land dedication or conservation easement with a management plan required by a state or federal natural resource permitting agency or associated with an approved conservation or mitigation bank.

J. Use of Mitigation Bank Credits

Consistent with the requirements listed above, project applicants may use credits from approved conservation or mitigation banks to meet all or a part of the wetland mitigation required by this strategy.

K. Use of Excess Wetland Mitigation Assigned From Other Projects in Specific Plan

It is anticipated that, depending on the density of wetlands on land conserved to meet the land cover mitigation requirement, some projects within the Specific Plan may provide wetland mitigation in excess of the acreage required by this strategy. Excess mitigation may be freely assigned by private agreement between projects within the Specific Plan. Such assignment will be documented and tracked by the County. Project applicants may apply excess mitigation assigned from other projects in the Specific Plan to meet all or a part of the wetland mitigation required by this strategy provided proof of assignment can be demonstrated to the satisfaction of the County.

L. Out of County Mitigation

At its sole discretion, the County may allow a limited amount of out of County wetland mitigation that advances the County's conservation goals and meets the biological intent of this mitigation strategy. In addition, the County shall accept credits from out of county conservation or mitigation banks towards full or partial compliance with this strategy, if the project is within the agency-approved service area for the credits.

IV. Mitigation Measures

Although the preceding narrative, starting with heading, "Overview of Land Cover, Agricultural Land, and Biological Resource Mitigation Strategy," which sets forth the overall Biological Resources Mitigation Strategy for the Regional University Specific Plan, includes narrative language not always found in a typical CEQA mitigation measure, the narrative nevertheless shall guide and inform the interpretation of the formal

Mitigation Measures set forth below to the extent that, in interpreting, implementing, and monitoring them, the County, the project applicant, and/or interested or affected third parties encounter any ambiguity or vagueness in any of the wording below. The narrative is thus akin to a kind of legislative history laying out in general terms the specific objectives and policy outcomes that the County, with the benefit of input from sister public agencies, the applicant, and other interests, intends to accomplish through the mitigation measures.

Implementation of the following mitigation measures would substantially lessen the significant impact to biological resources due to the conversion of open space and agricultural land, and would preserve habitat for a variety of special status species, but will not mitigate the impact to a less than significant level. Although the measure will ensure that similar land cover and open space acreage habitat is preserved elsewhere in the County, the project area itself will still be converted to urban uses, so there will be a net reduction in open space. Because of the virtual impossibility of creating "new" open space somewhere else, it will not be feasible to create 1,157.5 acres of new open space to offset development in the Specific Plan area. Therefore, while the loss of open space, and related habitat will be substantially lessened by the following mitigation measure, the impact will still remain *significant and unavoidable*.

Mitigation Measure 6.4-1(l) adopted in 2008 shall be revised to read as follows:

6.4-1(l) Placer County Conservation Plan or Interim In Lieu Fee Program

At the time of adoption of these mitigation measures, Placer County was preparing a Natural Community Conservation Plan, a Habitat Conservation Plan, Programmatic Section 404/401 Compliance and a Programmatic Streambed Alteration Agreement to comply with the State and Federal Endangered Species Acts, California Fish and Game Code, and the Federal Clean Water Act. Collectively, this planning effort is known as the Placer County Conservation Plan (PCCP). If the approved PCCP is in place before project applicants must implement these Mitigation Measures, the applicants may fulfill biological mitigation requirements by compliance with the terms of the adopted PCCP in lieu of the Mitigation Strategy set forth in Mitigation Measures 6.4-1(n)-(q). If development projects are proposed prior to the adoption of the PCCP but while an interim PCCP in lieu fee program is in effect, projects may also fulfill all or a portion of their mitigation requirements by compliance with the terms of that program instead of the mitigation strategy set forth in Mitigation Measures 6.4-1(n)-(q). Such compliance, as determined by Placer County, shall constitute sufficient mitigation that will obviate the need to comply with the measures herein, to the extent that an affected agricultural and/or biological resource is addressed in the PCCP or the interim PCCP in lieu fee program.

The following new Mitigation Measures 6.4-1 (n)-(q) will be added to Mitigation Measures 6.4-1(a) through (m) adopted in 2008.

6.4-1n) Project Level Open Space, Agricultural Land and Biological Resource Mitigation Plans With Final Maps or Similar Project-level Discretionary Approvals for Non-Residential Land Uses

A Project Level Open Space, Agricultural Land and Biological Resource Mitigation Plan for implementing the Open Space, Agricultural Land and Biological Resource Mitigation Strategy must be approved by the County at the time of the approval of any improvement plans for subdivision improvements or off site infrastructure, recordation of a final map (not including a large lot final map that results in no disturbance of any existing natural condition) or issuance of any project-level discretionary approval for non-residential land uses that do not require a tentative subdivision map. A Project Level Open Space, Agricultural Land and Biological Resource Mitigation Plan may cover a development project or group of projects and must include any required off-site infrastructure unless covered by a separate project level mitigation plan for that infrastructure improvement. A tentative map may have more than one Project Level Open Space, Agricultural Land and Biological Resource Mitigation Plan if the development authorized by the map is intended to occur in phases.

Each Project Level Open Space, Agricultural Land and Biological Resource Mitigation Plan shall include all of the following:

- 1. Identification and quantification of land cover and wetland take and applicable mitigation requirements as required under this mitigation strategy.*
- 2. Identification and quantification of proposed mitigation with sufficient detail to allow for County evaluation, including plans for any restoration, enhancement, and/or creation of wetlands.*
- 3. Identification of any conservation or mitigation bank credits or assignment of excess mitigation from other projects in the Specific Plan.*
- 4. Draft conservation easements and draft management and monitoring plans, if applicable.*
- 5. Proposed funding for long term management, if applicable.*

6.4-1o) Demonstration of Compliance With Project Level Open Space, Agricultural Land and Biological Resource Mitigation Plan Required Prior to Take Associated with Grading or Other Land Alteration.

Each project (including off-site infrastructure) must demonstrate compliance with an approved Open Space, Agricultural Land and Biological Resource Mitigation Plan prior to approval of a grading permit, grading plans, or improvement plans that result in land cover or wetland take. Such compliance may be phased with the actual development of the project. Demonstration of compliance shall include:

- 1. Demonstrate ownership and/or recordation of required easements for land conservation.*
- 2. Demonstrate ownership of applicable credits and/or assignment of any applicable excess mitigation from other projects in the Specific Plan.*

3. *Demonstrate implementation of any required funding for long term management.*
4. *Demonstrate approval of construction and monitoring plans for any required restoration, enhancement or creation of wetlands. Provide proof of executed contracts and initiation of construction.*
5. *Documentation and approval of any excess mitigation eligible for future use or assignment.*

6.4-1p) Specific Mitigation Criteria for Take of Land Cover

The following criteria shall be applied in the formulation and implementation of Project Level Open Space, Agricultural Land and Biological Resource Mitigation Plan with respect to land cover take.

i. Mitigation Ratio

Land cover conversion shall be mitigated through conservation at the ratios listed in Table 6.4-3. The take area shall be calculated to the nearest one-tenth (0.1) acre or as required by state and federal permitting requirements. The total amount of required acreage will be automatically reduced by any and all off-site conservation or mitigation land required by any permitting agency, specifically including upland areas required in association with wetland mitigation, whether acquired through mitigation bank credits or other means.

| Table 6.4-3 Land Conversion Ratios | |
|--|-----------------------------------|
| Vernal pool complex | 1.35 acres conserved:1 acre taken |
| Grassland | 1:1 |
| Riverine/riparian | 2:1 |
| Rice | 1:1 |
| Field/Orchard | 1:1 |
| Applicable wetland mitigation ratios are set forth in Table 6.4-2 of the Draft BIR adopted for the RUSP. | |

ii. Calculation of Land Cover Take

All land within the Specific Plan will be included in the calculation of take, with the exception of land that will be maintained in or restored to a natural or semi-natural condition as required by the County and/or any state or federal permitting agency.

iii. Mitigation Land Criteria

Land conserved under this measure shall, to the fullest extent feasible, as determined by the County, be located within the Reserve Acquisition Area (RAA) targeted for conservation or restoration of the proposed PCCP.

Impacts to annual grassland, vernal pool grassland, and pasture lands cover shall be mitigated on existing or restorable grassland. Impacts to riverine/riparian habitat shall be mitigated on riverine/riparian land. All other land cover impacts may be mitigated on any natural or semi-natural land within the Reserve Acquisition Areas "RAA,"

specifically including agricultural land. Vernal pool grassland will be mitigated by any grassland without regard to wetted area density. Actual wetted area is accounted for by the separate requirement for wetland mitigation discussed below. Application of the two measures – land area and wetland area – will jointly provide for conservation of wetland dependent natural communities.

Continued agricultural use may be allowed or authorized by the conservation easements required under this mitigation measures. Accordingly, no additional agricultural mitigation will be required beyond the ratios for take of land cover noted in Table 6.4-3. Likewise, the land cover mitigation criteria is such that it will also provide suitable foraging habitat mitigation for Swainson's hawk and will provide suitable land to meet the mitigation requirements for habitat loss contained in Mitigation Measures 6.4-1(e) and 6.4-8. No additional land mitigation will be required beyond the ratios for the take of land cover noted above for these impacts.

iv. Conservation Easement / Management Plans

Privately owned properties dedicated to comply with this mitigation strategy shall be encumbered by recorded conservation easements and management plans with an identified funding source for long term management of conserved lands. The conservation easements and management plans are subject to approval by the County and shall provide for the long term maintenance of biological functions and values while, whenever feasible, also providing for compatible agricultural use. The County shall accept as satisfactory mitigation any fee simple land dedication or conservation easement with management plan required and approved by the terms and conditions of any permit issued by a state or federal resource agency.

v. Use of Mitigation Bank Credits

Project applicants may use credits from approved conservation or mitigation banks to meet all or a part of the conservation required by this strategy. Specifically, the uplands associated with the establishment of wetland preservation, restoration, enhancement or creation at an agency-approved bank may be applied towards the Land Cover mitigation requirement provided that the uplands are protected by a conservation easement and the applicant can demonstrate that the approved mitigation credits include both wetland and upland land cover to the satisfaction of the County.

Mitigation and conservation banks must be approved by USFWS, ACOE or CDFW. Credits can count toward mitigation obligations if the banks are consistent with the requirements of state and federal natural resource agencies, as accepted by the County. Any out-of-county bank must have a service area that extends into the Plan area.

6.4-1q) Specific Mitigation Criteria for Take of Wetlands

The following criteria shall be applied in the formulation and implementation of Project Level Open Space, Agricultural Land and Biological Resource Mitigation Plan with respect to the take of Specific Plan Area wetlands. Applicants for projects

developed under the Specific Plan shall obtain applicable permits from the state and federal resources agencies, as needed:

i. Overlap with Land Cover Mitigation

Because of their particular regulatory status and their biological importance, wetlands will be accounted for separately through the mitigation ratios set forth in Table 6.4-2 requiring 2:1 preservation of vernal pool wetlands and 1:1 creation/ restoration of all wetland types. These wetted acres, along with any upland area that is conserved in association with the wetted acres, will be fully credited towards the required land cover mitigation. It is intended that all of the wetland mitigation will be counted towards land cover mitigation requirements. Likewise, all wetted acres contained within land cover mitigation shall be counted towards wetland mitigation.

ii. Calculation of Wetland Take

Wetland take is calculated as all delineated wetland area that falls in the Land Cover take area as defined in Mitigation Measure 6.4-1p(ii) above.

iii. Preservation

The total amount of required wetland preservation under this strategy will be automatically reduced by any and all wetland preservation required by any permitting agency. For the purposes of calculating the amount of preservation required in EIR Table 6-4.2, the take calculation shall include any identifiable quantity of the resource affected.

iv. Compensatory Restoration, Enhancement and Creation

For the purposes of both take and mitigation under this strategy, vernal pools include seasonal depressional wetlands. The total amount of required compensatory wetland restoration, enhancement, or creation under this measure will be automatically reduced by any and all wetland restoration, enhancement and creation acreage that exceeds this Mitigation Strategy required by any permitting agency as well as any wetland preservation required by a permitting agency greater than the wetland preservation amount required by this Mitigation Strategy. However, in no event shall the compensatory requirement be reduced below a 1:1 ratio by excess preservation. For the purposes of calculating the amount of restoration, enhancement, or creation, the take calculation shall include any identifiable quantity of the resource affected.

In some circumstances, enhancement of existing wetland habitat may add greater wetland function and value to the aquatic system and conserved natural communities than restoration of previously existing or degraded features or creation of new wetland habitat.

The County may allow enhancement to apply towards the restoration requirement, provided that the enhanced features may not also be applied towards the preservation requirement. In limited circumstances, creation of new wetland features may also be appropriate and beneficial. If approved by the County and/or required by any permitting agency, created wetlands will apply towards the restoration requirement.

v. Restoration

Vernal pool habitat will be restored where soils and hydrologic conditions will support long-term viability, natural topography can be reproduced and evidence indicates the historical presence of vernal pools. Restoration plans will use nearby, natural, high quality pools as well as historical evidence as models. Restoration plans will consider the size and depth of pools to be constructed, hydrologic connections within complexes, depth from soil surface to hardpan, and upland area to pool-area ratios.

Restoration of previously disturbed vernal pool complexes is to be based on whether restoration is likely to increase vernal pool density (as measured in wetted-per-total acre) without exceeding the density present in 1937/8 aerial photos or other information approved by USFWS and/or CDFW and without harming existing vernal pools. Additional criteria will include whether or not sites occur outside of the Stream System (as defined by the draft or approved PCCP in effect at the time the permit triggering this mitigation is being processed), historically supported vernal pools, have hydrological conditions that ensure vernal pool complexes can be restored and protected in perpetuity, and have not been laser-leveled or deep ripped for agriculture or other uses.

Clearly defined objectives will be identified for all restoration projects. Success criteria will be established before each restoration plan is implemented. Monitoring of restored and created vernal pools in Placer County indicates that future restoration in the proposed locations has a high potential for success. It is essential that the Mitigation Strategy require an effective monitoring and adaptive management program in order to ensure the success of vernal pool restoration, enhancement and creation.

vi. Enhancement

The County will, on a case-by-case basis, and subject to the concurrence of the relevant natural resource agencies, approve enhancement actions and will consider whether the proposed enhancement will ameliorate the specific threats that occur on each site. Specific threats to vernal pool grasslands include: modification to the duration of inundation and hydroperiod due to changes in the hydrology of surface flows and perched groundwater flows; non-native vegetation (including annual grasses and noxious weeds); impacts from recreational use; impacts to water quality; non-native predators; and decreased pollination and dispersal of vernal pool species due to impacts to vernal pool uplands. Therefore, actions for maintaining and enhancing preserves with vernal pool grasslands may include: restoration of vernal pool topography; restoration of vernal pool isolation; re-introduction of vernal pool cysts, seeds and/or plants; restoring and enhancing vernal pool water quality; and invasive plant control.

vii. Creation

Creation is generally considered more appropriate for other wetland types than for vernal pools. Therefore the County will minimize the use of vernal pool creation as a strategy to mitigate for lost resources. Rather, conservation efforts will focus on preservation and enhancement of existing high quality vernal pools, with restoration serving to supplement preservation to protect and restore vernal pool complexes at the levels of the landscape and local watershed and to mitigate for resources lost to covered activities. Creation of vernal pools must be approved by the appropriate resource agencies to receive credit for mitigation under this measure. Vernal pool creation credits from an approved mitigation bank may apply towards this mitigation requirement. The mitigation bank must be approved by state and federal natural resource agencies. Any out-of-county bank must include a service area that extends into the Plan area.

viii. Uplands and Buffer Requirements

Wetland preservation, restoration, enhancement and creation shall be accompanied by the associated uplands and hydrology necessary to sustain long-term viability in a natural or restored environmental setting. To minimize edge effects from adjacent urban and suburban land, appropriate buffers from existing or planned urban or suburban development and vernal pools shall be located or established by the federal permitting agencies and County, consistent with the County's applicable General Plan policies, such that adequate hydrology can be maintained in the event of future development.

ix. Conservation Easements / Management Plans

It is anticipated that most wetland preservation, restoration, enhancement and creation will be accomplished on land conserved to meet the land cover mitigation requirement and will be subject to the required conservation easements and management plans. However, if additional lands are conserved to meet the wetland mitigation requirement, the same requirements for conservation easements and management plans shall apply. As with the Land Cover Mitigation, the County shall accept as adequate mitigation any fee simple land dedication or conservation easement with management plan required by a state or federal natural resource permitting agency or associated with an approved conservation or mitigation bank.

x. Use of Mitigation Bank Credits

Consistent with the requirements listed above, project applicants may use credits from approved conservation or mitigation banks to meet all or a part of the wetland mitigation required by this strategy.

(PROPOSED) AMENDED MITIGATION MONITORING AND REPORTING PROGRAM

for the



Regional University Specific Plan

EXHIBIT B

Placer County, California

Submitted to:
Environmental Coordination Services
Placer County Community Development Resource Agency
3091 County Center Drive, Suite 190
Auburn, California 95603
(530) 745-3132 fax (530) 745-3003

Submitted by:
PBS&J
1200 2nd Street
Sacramento, California 95814

Adopted September 2008, Proposed Amendment January 2014

Mitigation Monitoring and Reporting Program, Regional University Specific Plan

Placer County has adopted a Mitigation Monitoring and Reporting Program procedure (Chapter 18, Environmental Review, Article 18.28 of the Placer County Code). The County's program has two components: the standard mitigation monitoring program (Section 18.28.030) and the mitigation reporting plan (Section 18.28.050). The standard mitigation monitoring program is utilized when the County's existing permitting process will serve as monitoring. The project-specific reporting plan requires that each mitigation measure be listed, along with an identification of individuals or agencies responsible for monitoring and verifying compliance, identification of when the mitigation measure will be implemented, the frequency of monitoring, performance criteria, and identification of the cost, if appropriate. The standard mitigation monitoring program and project-specific reporting plan are each provided in table format.

STANDARD MITIGATION MONITORING PROGRAM

This program requires that mitigation measures adopted for discretionary projects, such as the Regional University Specific Plan, be included in the conditions of approval for that project. Compliance with conditions of approval is monitored by the County through a variety of permit processes as listed below.

Development Review Committee

Improvement Plans Approval

Improvements Construction Inspection

Encroachment Permit

Final Map Recordation

Acceptance of Project as Complete

Building Permit Approval

Certificate of Occupancy

The issuance of any of the listed permits or County actions, which much be preceded by verification from County staff that certain conditions of approval/mitigation measures have been met, serve as the required monitoring for those conditions of approval/mitigation

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measures. Mitigation measures that involve ongoing monitoring require the preparation of a specific Mitigation Reporting Plan. Table 1 includes those mitigation measures for the Regional University Specific Plan project that will be monitored through County staff verification of required approvals.

TABLE 1: STANDARD MITIGATION MONITORING PLAN

| Timing | Responsible Party for Verifying Compliance | Mitigation Number (page # in DEIR) | Mitigation Measure |
|--|--|------------------------------------|---|
| <p>Prior to approval of Improvement Plans, final subdivision map recordation (excluding large-lot final subdivision maps that do not result in any disturbance of existing natural condition), or as a condition of project-level discretionary approval for non-residential land uses that do not require a tentative subdivision map</p> | <p>Planning Department</p> | <p>(6.4-33)</p> | <p>l) Placer County Conservation Plan or Interim In Lieu Fee Program: At the time of the release/<u>adoption of this Draft EIR, these mitigation measures, Placer County was preparing a Natural Community Conservation Plan, a Habitat Conservation Plan, Programmatic Section 404/401 Compliance and a Master-Programmatic Streambed Alteration Agreement to comply with the State and Federal Endangered Species Acts, California Fish and Game Code, and the Federal Clean Water Act. Collectively, this planning effort is known as the Placer County Conservation Plan (PCCP). If the approved PCCP is in place before the Regional University Specific Plan (RUSP) EIR is certified and the RUSP is approved project applicants must implement these Mitigation Measures, biological resource mitigation measures shall be implemented in such a manner as to be consistent with the PCCP the applicants may fulfill biological mitigation requirements by compliance with the terms of the adopted PCCP in lieu of the Mitigation Strategy set forth in Mitigation Measures 6.4-1(n)-(g). If development projects are proposed prior to the adoption of the PCCP but while an interim PCCP in lieu fee program is in effect, projects may also fulfill all or a portion of their mitigation requirements by compliance with the terms of that program instead of the mitigation strategy set forth in Mitigation Measures 6.4-1(n)-(g). If the RUSP EIR is certified and the RUSP is approved before the PCCP is approved, biological mitigation for the Regional University project as set forth in this Measure 6.4-1 shall not be subject to the requirements of the PCCP, except at the applicant's discretion. In lieu of the above described measures, the Specific Plan or subsequent phases of the Specific Plan may, at the applicant's discretion, fulfill mitigation requirements by compliance with the terms of the adopted PCCP. Such compliance, as determined by Placer County, shall constitute sufficient mitigation that will obviate the need to comply with this Mitigation Measure the measures herein, to the extent that an affected agricultural and/or biological resource is addressed in the PCCP or the interim PCCP in lieu fee program.</u></p> |
| <p>Prior to approval of Improvement Plans, final subdivision map recordation (excluding large-lot final subdivision maps that do not result in any disturbance of existing natural condition), or as a condition of project-level discretionary approval for non-residential land uses that do not require a tentative subdivision map</p> | <p>Planning Department</p> | <p>(6.4-33)</p> | <p>m) Joint Mitigation: Provided that the mitigation land satisfies the criteria set forth in both Mitigation Measure 6.2-1 and this Mitigation Measure, land acquired to meet the habitat mitigation requirements of this Mitigation Measure, and/or any additional habitat mitigation that is required by any governmental agency for any development project undertaken pursuant to the Regional University Specific Plan, may occur within and also be counted towards the required agricultural land mitigation obligation set forth in Mitigation Measure 6.2-1.</p> |

MITIGATION MONITORING AND REPORTING PROGRAM

| | | |
|---|-----------------------------------|--|
| <p><u>Prior to approval of Improvement Plans, final subdivision map recordation (excluding large-lot final subdivision maps that do not result in any disturbance of existing natural condition), or as a condition of project-level discretionary approval for non-residential land uses that do not require a tentative subdivision map</u></p> | <p><u>Planning Department</u></p> | <p><u>n) Project Level Open Space, Agricultural Land and Biological Resource Mitigation Plans With Final Maps or Similar Project-level Discretionary Approvals for Non-Residential Land Uses:</u></p> |
| | | <p><u>A Project Level Open Space, Agricultural Land and Biological Resource Mitigation Plan for Implementing the Open Space, Agricultural Land and Biological Resource Mitigation Strategy must approved by the County at the time of the approval of any improvement plans for subdivision improvements or off site infrastructure, recordation of a final map (not including a large lot final map that results in no disturbance of any existing natural condition) or issuance of any project-level discretionary approval for non-residential land uses that do not require a tentative subdivision map. A Project Level Open Space, Agricultural Land and Biological Resource Mitigation Plan may cover a development project or group of projects and must include any required off-site infrastructure unless covered by a separate project level mitigation plan for that infrastructure improvement. A tentative map may have more than one Project Level Open Space, Agricultural Land and Biological Resource Mitigation Plan if the development authorized by the map is intended to occur in phases.</u></p> |
| | | <p><u>Each Project Level Open Space, Agricultural Land and Biological Resource Mitigation Plan shall include all of the following:</u></p> |
| | | <ol style="list-style-type: none"> <u>1. Identification and quantification of land cover and wetland take and applicable mitigation requirements as required under this mitigation strategy.</u> <u>2. Identification and quantification of proposed mitigation with sufficient detail to allow for County evaluation, including plans for any restoration, enhancement, and/or creation of wetlands.</u> <u>3. Identification of any conservation or mitigation bank credits or assignment of excess mitigation from other projects in the Specific Plan.</u> <u>4. Draft conservation easements and draft management and monitoring plans, if applicable.</u> <u>5. Proposed funding for long term management, if applicable.</u> |
| <p><u>Prior to approval of Improvement Plans, final subdivision map recordation (excluding large-lot final subdivision maps that do not result in any disturbance of existing natural</u></p> | <p><u>Planning Department</u></p> | <p><u>o) Demonstration of Compliance With Project Level Open Space, Agricultural Land and Biological Resource Mitigation Plan Required Prior to Take Associated with Grading or Other Land Alteration.</u></p> |
| | | <p><u>Each project (including off-site infrastructure) must demonstrate compliance with</u></p> |

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condition), or as a condition of project-level discretionary approval for non-residential land uses that do not require a tentative subdivision map

Prior to approval of Improvement Plans, final subdivision map recordation (excluding large-lot final subdivision maps that do not result in any disturbance of existing natural condition), or as a condition of project-level discretionary approval for non-residential land uses that do not require a tentative subdivision map

Planning Department

an approved Open Space, Agricultural Land and Biological Resource Mitigation Plan prior to approval of a grading permit, grading plans, or improvement plans that result in land cover or wetland take. Such compliance may be phased with the actual development of the project. Demonstration of compliance shall include:

1. Demonstrate ownership and/or recordation of required easements for land conservation.
2. Demonstrate ownership of applicable credits and/or assignment of any applicable excess mitigation from other projects in the Specific Plan.
3. Demonstrate implementation of any required funding for long term management.
4. Demonstrate approval of construction and monitoring plans for any required restoration, enhancement or creation of wetlands. Provide proof of executed contracts and initiation of construction.
5. Documentation and approval of any excess mitigation eligible for future use or assignment.

p) Specific Mitigation Criteria for Take of Land Cover

The following criteria shall be applied in the formation and implementation of Project Level Open Space, Agricultural Land and Biological Resource Mitigation Plan with respect to land cover take.

i. Mitigation Ratio

Land cover conversion shall be mitigation through conservation at the ratios listed in Table 6.4-3. The take area shall be calculated to the nearest one-tenth (0.1) acre or as required by state and federal permitting requirements. The total amount of required acreage will be automatically reduced by any and all off-site conservation or mitigation land required by any permitting agency, specifically including upland areas required in association with wetland mitigation, whether acquired through mitigation bank credits or other means.

| <u>Table 6.4-3 - Land Conversion Ratios</u> | |
|---|--|
| <u>Vernal pool complex</u> | <u>1.35 acres conserved:1 acre taken</u> |
| <u>Grassland</u> | <u>1:1</u> |
| <u>Riverine/riparian</u> | <u>2:1</u> |
| <u>Rice</u> | <u>1:1</u> |
| <u>Field/Orchard</u> | <u>1:1</u> |
| <u>Applicable wetland mitigation ratios are set forth in Table 6.4-2 of the Draft EIR adopted for the RUSP.</u> | |

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ii. Calculation of Land Cover Take

All land within the Specific Plan will be included in the calculation of take, with the exception of land that will be maintained in or restored to a natural or semi-natural condition as required by the County and/or any state or federal permitting agency.

iii. Mitigation Land Criteria

Land conserved under this measure shall, to the fullest extent feasible, as determined by the County, be located within the Reserve Acquisition Area (RAA) targeted for conservation or restoration by the proposed PCCP.

Impacts to annual grassland, vernal pool grassland, and pasture lands cover shall be mitigated on existing or restorable grassland. Impacts to riverine/riparian habitat shall be mitigated on riverine/riparian land. All other land cover impacts may be mitigated on any natural or semi-natural land within the Reserve Acquisition Areas "RAA," specifically including agricultural land. Vernal pool grassland will be mitigated by any grassland without regard to wetted area density. Actual wetted area is accounted for by the separate requirement for wetland mitigation discussed below. Application of the two measures – land area and wetland area – will jointly provide for conservation of wetland dependent natural communities.

Continued agricultural use may be allowed or authorized by the conservation easements required under this mitigation measure. Accordingly, no additional agricultural mitigation will be required beyond the ratios for take of land cover noted in Table 6.4-3. Likewise, the land cover mitigation criteria is such that it will also provide suitable foraging habitat mitigation for Swainson's hawk and will provide suitable land to meet the mitigation requirements for habitat loss contained in Mitigation Measures 6.4-1(e) and 6.4-8. No additional land mitigation will be required beyond the ratios for the take of land cover noted above for these impacts.

iv. Conservation Easement/Management Plans

Privately owned properties dedicated to comply with this mitigation strategy shall be encumbered by recorded conservation easements and management plans with an identified funding source for long term management of conserved lands. The conservation easements and management plans are subject to approval by the County and shall provide for the long term maintenance of biological functions and values while, whenever feasible, also providing for compatible agricultural use. The County shall accept as satisfactory mitigation any fee simple land dedication or conservation easement with management plan required and approved by the terms and conditions of any permit issued by a state or federal resource agency.

v. Use of Mitigation Bank Credits

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| <p><u>Prior to approval of Improvement Plans, final subdivision map recordation (excluding large-lot final subdivision maps that do not result in any disturbance of existing natural condition), or as a condition of project-level discretionary approval for non-residential land uses that do not require a tentative subdivision map</u></p> | <p>Planning Department</p> | <p><u>Project applicants may use credits from approved conservation or mitigation banks to meet all or a part of the conservation required by this strategy. Specifically, the uplands associated with the establishment of wetland preservation, restoration, enhancement or creation at an agency-approved bank may be applied towards the Land Cover mitigation requirement provided that the uplands are protected by a conservation easement and the applicant can demonstrate that the approved mitigation credits include both wetland and upland land cover to the satisfaction of the County.</u></p> <p><u>Mitigation and conservation banks must be approved by USFWS, ACOE or CDFW. Credits can count toward mitigation obligations if the banks are consistent with the requirements of state and federal natural resource agencies, as accepted by the County. Any out-of-county bank must have a service area that extends into the Plan area.</u></p> <p>g) <u>Specific Mitigation Criteria for Take of Wetlands</u></p> <p><u>The following criteria shall be applied in the formulation and implementation of Project Level Open Space, Agricultural Land and Biological Resource Mitigation Plan with respect to the take of Specific Plan Area wetlands. Applicants for projects developed under the Specific Plan shall obtain applicable permits from the state and federal resource agencies, as needed:</u></p> <p>i. <u>Overlap with Land Cover Mitigation</u></p> <p><u>Because of their particular regulatory status and their biological importance, wetlands will be accounted for separately through the mitigation ratios set forth in Table 6.4-2 requiring 2:1 preservation of vernal pool wetlands and 1:1 creation/restoration of all wetland types. These wetted acres, along with any upland area that is conserved in association with the wetted acres, will be fully credited towards the required land cover mitigation. It is intended that all of the wetland mitigation will be counted towards land cover mitigation requirements. Likewise, all wetted acres contained within land cover mitigation shall be counted towards wetland mitigation.</u></p> <p>ii. <u>Calculation of Wetland Take</u></p> <p><u>Wetland take is calculated as all delineated wetland area that falls in the Land Cover take area as defined in Mitigation Measure 6.4-1(p)(ii) above.</u></p> <p>iii. <u>Preservation</u></p> <p><u>The total amount of required wetland preservation under this strategy will be automatically reduced by any and all wetland preservation required by any</u></p> |
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permitting agency. For the purposes of calculating the amount of preservation required in EIR Table 6.4-2, the take calculation shall include any identifiable quantity of the resource affected.

iv. Compensatory Restoration, Enhancement and Creation

For the purposes of both take and mitigation under this strategy, vernal pools include seasonal depressional wetlands. The total amount of required compensatory wetland restoration, enhancement, or creation under this measure will be automatically reduced by any and all wetland restoration, enhancement and creation acreage that exceeds this Mitigation Strategy required by any permitting agency as well as any wetland preservation required by a permitting agency greater than the wetland preservation amount required by this Mitigation Strategy. However, in no event shall the compensatory requirement be reduced to below a 1:1 ratio by excess preservation. For the purposes of calculating the amount of restoration, enhancement, or creation, the take calculation shall include any identifiable quantity of the resource affected.

In some circumstances, enhancement of existing wetland habitat may add greater wetland function and value to the aquatic system and conserved natural communities than restoration of previously existing or degraded features or creation of new wetland habitat.

The County may allow enhancement to apply towards the restoration requirement, provided that the enhanced features may not also be applied towards the preservation requirement. In limited circumstances, creation of new wetland features may also be appropriate and beneficial. If approved by the County and/or required by any permitting agency, created wetlands will apply towards the restoration requirement.

v. Restoration

Vernal pool habitat will be restored where soils and hydrologic conditions will support long-term viability, natural topography can be reproduced and evidence indicates the historical presence of vernal pools. Restoration plans will use nearby, natural, high quality pools as well as historical evidence as models. Restoration plans will consider the size and depth of pools to be constructed, hydrologic connections within complexes, depth from soil surface to hardpan, and upland area to pool-area ratios.

Restoration of previously disturbed vernal pool complexes is to be based on whether restoration is likely to increase vernal pool density (as measured in wetted-per-total acre) without exceeding the density present in 1937/8 aerial photos or

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other information approved by USFWS and/or CDFW and without harming existing vernal pools. Additional criteria will include whether or not sites occur outside of the Stream System (as defined by the draft or approved PCCP in effect at the time the permit triggering this mitigation is being processed), historically supported vernal pools, have hydrological conditions that ensure vernal pool complexes can be restored and protected in perpetuity, and have not been laser-leveled or deep ripped for agriculture or other uses.

Clearly defined objectives will be identified for all restoration projects. Success criteria will be established before each restoration plan is implemented. Monitoring of restored and created vernal pools in Placer County indicates that future restoration in the proposed locations has a high potential for success. It is essential that the Mitigation Strategy require an effective monitoring and adaptive management program in order to ensure the success of vernal pool restoration, enhancement and creation.

vi. Enhancement

The County will, on a case-by-case basis, and subject to the concurrence of the relevant natural resource agencies, approve enhancement actions and will consider whether the proposed enhancement will ameliorate the specific threats that occur on each site. Specific threats to vernal pool grasslands include: modification to the duration of inundation and hydroperiod due to changes in the hydrology of surface flows and perched groundwater flows; non-native vegetation (including annual grasses and noxious weeds); impacts from recreational use; impacts to water quality; non-native predators; and decreased pollination and dispersal of vernal pool species due to impacts to vernal pool uplands. Therefore, actions for maintaining and enhancing preserves with vernal pool grasslands may include: restoration of vernal pool topography; restoration of vernal pool isolation; re-introduction of vernal pool cysts, seeds and/or plants; restoring and enhancing vernal pool water quality; and invasive plant control.

vii. Creation

Creation is generally considered more appropriate for other wetland types than for vernal pools. Therefore the County will minimize the use of vernal pool creation as a strategy to mitigate for lost resources. Rather, conservation efforts will focus on preservation and enhancement of existing high quality vernal pools, with restoration serving to supplement preservation to protect and restore vernal pool complexes at the levels of the landscape and local watershed and to mitigate for resources lost to covered activities. Creation of vernal pools must be approved by the appropriate resources agencies to receive credit for mitigation under this measure. Vernal pool creation credits from an approved mitigation bank may apply towards this mitigation requirement. The mitigation bank must be approved by state and federal natural resource agencies. Any out-of-county

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| | | | <p>bank must include a service area that extends into the Plan area.</p> <p>viii. <u>Uplands and Buffer Requirements</u></p> <p><u>Wetland preservation, restoration, enhancement and creation shall be accompanied by the associated uplands and hydrology necessary to sustain long-term viability in a natural or restored environmental setting. To minimize edge effects from adjacent urban and suburban land, appropriate buffers from existing or planned urban or suburban development and vernal pools shall be located or established by the federal permitting agencies and County, consistent with the County's applicable General Plan policies, such that adequate hydrology can be maintained in the event of future development.</u></p> <p>ix. <u>Conservation Easements/Management Plans</u></p> <p><u>It is anticipated that most wetland preservation, restoration, enhancement and creation will be accomplished on land conserved to meet the land cover mitigation requirement and will be subject to the required conservation easements and management plans. However, if additional lands are conserved to meet the wetland mitigation requirement, the same requirements for conservation easements and management plans shall apply. As with the Land Cover Mitigation, the County shall accept as adequate mitigation any fee simple land dedication or conservation easement with management plan required by a state or federal natural resource permitting agency or associated with an approved conservation or mitigation bank.</u></p> <p>x. <u>Use of Mitigation Bank Credits</u></p> <p><u>Consistent with the requirements listed above, project applicants may use credits from approved conservation or mitigation banks to meet all or a part of the wetland mitigation required by this strategy.</u></p> |
| <p>Prior to approval of Improvement Plans, final subdivision map recordation (excluding large-lot final subdivision maps that do not result in any disturbance of existing natural condition), or as a condition of project-level discretionary approval for non-residential land uses that do not require a tentative subdivision map</p> | <p>Planning Department</p> | <p>6.4-2 (6.4-34)</p> | <p>a) Implement Mitigation Measures 6.4-1 b) as they pertain to wetland resources.</p> <p>The mitigation acreage required by these measures may be partially or entirely included within Mitigation Measure 6.4-1, to the extent that the mitigation area includes wetlands similar in type and equal or greater in habitat value to those pools lost to development. Once it is adopted, the PCCP will provide an alternate means of mitigating the impacts on wetlands by contributing to the preservation and restoration of wetlands in western Placer County.</p> |

Before the Board of Supervisors County of Placer, State of California

In the matter of:

Adoption of Addendum to Regional
University Specific Plan Certified
Environmental Impact Report
(SCH#2005032026) and
Modification of the 2008 Regional University
Specific Plan Mitigation Monitoring
And Reporting Program

Resol. No:.....

The following Resolution was duly passed by the Board of Supervisors
of the County of Placer at a regular meeting held _____,

by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Board of Supervisors

Attest:
Clerk of said Board

Chair Signature

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF
PLACER, STATE OF CALIFORNIA, AS FOLLOWS:**

WHEREAS, the Board of Supervisors approved the Regional University Specific Plan
("RUSP" or alternatively "Project") on December 9, 2008, after certifying the

Environmental Impact Report (“EIR”) for the Project and adopting a Mitigation Monitoring and Reporting Program (“2008 MMRP”).

WHEREAS, the RUSP is approximately 1,157.5 acres in size and comprised of two primary components: a University campus and an adjoining Community. The University campus will encompass the western 600 acres of the Project site and the Community will incorporate residential, retail/office, and public facilities including schools, parks and open space on the remaining acreage.

WHEREAS, the RUSP proponents seek modification of the 2008 MMRP to incorporate revisions to approved mitigation obligations with respect to disturbance of the natural resources within the Specific Plan area. Said revised mitigation obligations are further described in Exhibit A to the Addendum. The requested modifications to the 2008 MMRP are to existing Mitigation Measure 6.4-1(I) and the addition of Mitigation Measures 6.4-1(n) – (q) as outlined in Exhibit B to the Addendum.

WHEREAS, Placer County Code, Chapter 18, Article 18.28, Section 18.28.090.B. authorizes modifications of an approved MMRP through review and approval by the “approving authority”. The approving authority in this case is the Board of Supervisors who originally approved the RUSP in 2008.

WHEREAS, an Addendum to the certified RUSP Environmental Impact Report (SCH#2005032026) has been prepared pursuant to CEQA Guidelines Section 15164(a) and Placer County Environmental Review Ordinance Section 18.16.090.

WHEREAS, the Board of Supervisors has reviewed said addendum and concludes that an addendum is the appropriate document under CEQA because none of the circumstances described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred or will occur as a result of the proposed revisions to the RUSP 2008 MMRP.

NOW, THEREFORE, be it resolved, the Placer County Board of Supervisors hereby adopts the Addendum to the certified RUSP Environmental Impact Report (SCH#2005032026).

BE IT FURTHER RESOLVED, the Placer County Board of Supervisors approves the modifications of the 2008 RUSP MMRP to incorporate those changes identified in Exhibit B of the Addendum.

