



Mitigation Monitoring and Reporting Program

Upper Broadway Bike Lanes (including Upper Broadway Pedestrian Connection)

City of Placerville, El Dorado County, California

State Clearinghouse # 2018022049

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MITIGATION MONITORING AND REPORTING PROGRAM

1.0 INTRODUCTION

Section 21081.6(a)(1) of the California Environmental Quality Act (CEQA) of the Public Resources Code, requires public agencies, as part of the certification of a Mitigated Negative Declaration (MND), to prepare and approve a reporting or monitoring program. This program should be structured to ensure that changes to the project that the lead agency has adopted to mitigate or avoid significant environmental impacts are carried out during project implementation.

The Mitigation Monitoring and Reporting Program (MMRP) is intended to be used by City of Placerville (City) staff, responsible and participating agencies, and mitigation monitoring personnel during implementation of the Proposed Project. The intent of the MMRP is to ensure the effective implementation and enforcement of adopted mitigation measures. The MMRP consists of a compliance checklist that identifies the adopted mitigation measures, the timing of implementation of the measures, the monitoring frequency of the measures, the entity responsible for their implementation and monitoring, and the performance criteria used to evaluate implementation of the mitigation measures. The mitigation measures presented in the following table are incorporated into the Proposed Project.

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3.4 Biological Resources

<p>Mitigation Measure BIO-1: Implementation of Avoidance and Minimization Measures for foothill yellow-legged frog (FYLF) The following avoidance and minimization efforts shall be implemented in order to reduce potential project effects to FYLF:</p> <ul style="list-style-type: none"> • A qualified biologist shall conduct a preconstruction survey within 24 hours prior to the start of construction activities within the riparian and aquatic habitat in the project area. • If dewatering is necessary, the construction area shall be dewatered prior to construction activities. • A qualified biologist shall monitor any vegetation removal in Hangtown Creek. The biologist shall monitor the installation of water diversion structures placed in Hangtown Creek. • The City shall submit the name and credentials of the project's biological monitor to California Department of Fish and Wildlife (CDFW) for review and approval at least 15 days prior to the onset of construction activities. • The upstream and downstream limits of the project shall be flagged and/or signed to prevent the encroachment of construction personnel and equipment into any sensitive areas during project work. Prior to construction, environmental awareness training shall be conducted for construction personnel to brief them on how to recognize FYLF. Construction personnel should also be informed that if a FYLF is encountered in the work area, construction should stop and California Department of Fish and Wildlife (CDFW) should be contacted for guidance. A training log sign-in sheet shall be maintained. • If FYLF are found at any time during project work, construction shall stop and CDFW shall be contacted immediately for further guidance. • Staging areas as well as fueling and maintenance activities shall be a minimum of 100 feet from riparian or aquatic habitats. The City's construction contractor shall prepare a spill prevention and clean-up plan. 	Prior to construction	Throughout the construction period	City and/or City's representative and primary construction contractor	Surveys and construction operations are conducted in accordance with CDFW requirements	
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<ul style="list-style-type: none"> The City's construction contractor shall administer Best Management Practices (BMPs) to protect water quality and control erosion. Upon completion of construction activities, any barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate. 					
<p>Mitigation Measure BIO-2: Implementation of Avoidance and Minimization Measures for Western Pond Turtle</p> <p>The following avoidance and minimization efforts shall be implemented in order to reduce potential project effects to western pond turtle:</p> <ul style="list-style-type: none"> If dewatering is necessary, the construction area shall be dewatered prior to construction activities. No more than two weeks prior to the commencement of ground-disturbing activities, the City shall retain a qualified biologist to perform surveys for western pond turtle within suitable aquatic and upland habitat within the project site. Surveys shall include western pond turtle nests as well as individuals. The biologist (with the appropriate agency permits) shall temporarily move any identified western pond turtles upstream of the construction area, and temporary barriers shall be placed around the construction area to prevent ingress. Construction shall not proceed until the work area is determined to be free of western pond turtles. The results of these surveys shall be documented in a technical memorandum that shall be submitted to CDFW (if turtles are documented). Standard construction BMPs shall be implemented throughout construction, in order to avoid and minimize adverse effects to the water quality within the project area. 	Prior to construction	Throughout the construction period	City and/or City's representative and primary construction contractor	Surveys and construction operations are conducted in accordance with CDFW requirements	
<p>Mitigation Measure BIO-3: Implementation of Avoidance and Minimization Measures for Nesting Raptors</p> <p>The following avoidance and minimization measures shall be used when work occurs in the vicinity of locations that may be subject to nesting by migratory birds.</p> <ul style="list-style-type: none"> Avoid Active Nesting Season. To avoid and minimize impacts to tree and shrub nesting species, the following measures shall be implemented: 	Prior to construction	Throughout the construction period	City and/or City's representative and primary construction contractor	Surveys and construction operations are conducted in accordance with CDFW requirements	

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<p>--If feasible, conduct all tree and shrub removal and grading activities during the non-breeding season (generally September 1 through February 14).</p> <p>--If grading and tree removal activities are scheduled to occur during the breeding and nesting season (February 15 through August 31), preconstruction surveys shall be performed prior to the start of project activities.</p> <ul style="list-style-type: none"> • Conduct Preconstruction Nesting Bird Surveys. If construction, grading or other project-related activities are scheduled during the nesting season (February 15 to August 31), preconstruction surveys for other migratory bird species shall take place no less than 14 days and no more than 30 days prior to the beginning of construction within 250 feet of suitable nesting habitat. <p>--If the preconstruction surveys do not identify any nesting migratory bird species within areas potentially affected by construction activities, no further mitigation shall be required. If the preconstruction surveys do identify nesting bird species within areas that may be affected by site construction, the following measures shall be implemented.</p> <ul style="list-style-type: none"> • Avoid Active Bird Nest Sites. If active nest sites are discovered within areas that may be affected by construction activities, the following additional measure shall be implemented. <p>--If active nests are found, project-related construction impacts shall be avoided by establishment of appropriate no-work buffers to limit project related construction activities near the nest site. A 300-foot shall be used when possible for raptors and 50 feet for passerines. The no-work buffer zone shall be delineated by highly visible temporary construction fencing. No project-related construction activity shall commence within the no-work buffer area until a qualified biologist confirms that the nest is no longer active.</p>					
<p>Mitigation Measure BIO-4: Implementation of Avoidance and Minimization Measures for Nissenan Manzanita</p> <p>Although this species has not previously been observed in the project area, it is known to occur within 0.3 miles of the project area, therefore, it could potentially disperse into the project area prior to construction from populations in the vicinity. Thus, the following measures shall be implemented:</p>	Prior to construction	Throughout the construction period	City and/or City's representative and primary construction contractor	Surveys are conducted in accordance with CDFW requirements	

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<ul style="list-style-type: none"> A qualified biologist shall conduct a preconstruction survey for Nissenan manzanita within 30 days prior to construction. If Nissenan manzanita is not found, then no further measures are necessary. If Nissenan manzanita is found in the project area, CDFW shall be notified at least 10 days prior to construction impacts in the vicinity of Nissenan manzanita in accordance with the California Native Plant Protection Act of 1977 (CDFG Code Section 1900-1913) to allow sufficient time to transplant the individuals to a suitable location or develop other mitigation measures in coordination with CDFW. 					
<p>Mitigation Measure BIO-5: Implementation of Avoidance and Minimization Measures for Riparian Habitat</p> <p>The following avoidance and minimization measures shall be implemented prior to construction of the Proposed Project to avoid and minimize potential impacts on riparian habitat.</p> <ul style="list-style-type: none"> Prior to removal of any trees, an International Society of Arboriculture (ISA) Certified Arborist shall conduct a tree survey in areas that may be impacted by construction activities. This survey shall document tree resources that may be adversely impacted by implementation of the project. The survey shall follow standard professional practices. Existing riparian vegetation, oaks, and other native tree species shall be retained to the extent feasible. A Tree Protection Zone (TPZ) shall be established around any tree or group of trees to be avoided. The TPZ shall be delineated by an ISA Certified Arborist. The TPZ shall be defined by the radius of the dripline of the tree(s) plus one foot. The TPZ of any protected trees shall be demarcated using fencing that shall remain in place for the duration of construction activities. Construction-related activities shall be limited within the TPZ to those activities that can be done by hand. No heavy equipment or machinery shall be operated within the TPZ. Grading shall be prohibited within the TPZ. No construction materials, equipment, or heavy machinery shall be stored within the TPZ. 	Prior to construction	Throughout the construction period	City and/or City's representative and primary construction contractor	Surveys and construction operations are conducted in accordance with CDFW requirements	

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<ul style="list-style-type: none"> To ensure no net loss of riparian habitat, the City shall create or restore 0.04 acre of riparian habitat that is of similar function and value to affected habitat. The permanent degradation of riparian habitat shall be compensated for at an additional 2:1 ratio through the purchase of similar habitat value from a U.S. Army Corps of Engineers (USACE) and CDFW approved mitigation bank. Preservation and restoration may occur onsite through a conservation agreement or offsite through purchasing mitigation bank credits. If mitigation occurs on-site, a planting plan shall be implemented and approved by the CDFW for riparian woodland. The planting plan should include performance standards for revegetation that ensure successful restoration of the onsite riparian areas. The City shall protect other wetlands, riverine and associated riparian habitats located in the vicinity of the project area by installing protective fencing. Protective fencing shall be installed along the edge of construction areas including temporary and permanent access roads where construction shall occur within 200 feet of the edge of wetland and riverine habitat (as determined by a qualified biologist). The location of fencing shall be marked in the field with stakes and flagging and shown on the construction drawings. The construction specifications shall contain clear language that prohibits construction-related activities, vehicle operation, material and equipment designated construction area. Signs shall be erected along the protective fencing at a maximum spacing of one sign per 50 feet of fencing. The signs shall state: "This area is environmentally sensitive; no construction or other operations may occur beyond this fencing. Violators may be subject to prosecution, fines, and imprisonment." The signs shall be clearly readable at a distance of 20 feet, and shall be maintained for the duration of construction activities in the area. Where riparian vegetation occurs along the edge of the construction easement, the City shall minimize the potential for long-term loss of riparian vegetation by trimming vegetation rather than removing the entire plant. Trimming shall be conducted per the direction of a biologist and/or Certified Arborist. 					

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<p>Mitigation Measure BIO-6: Compensatory Mitigation for Riparian Habitat Removal</p> <p>To compensate for the permanent removal of riparian vegetation associated with implementation of the Proposed Project, the City shall compensate for riparian habitat removal by replacing habitat at a minimum 1:1 ratio (e.g., 1 acre planted for every 1 acre removed) and preserving, enhancing or restoring similar riparian habitat at an additional 2:1 ratio.</p>	Prior to construction	No monitoring required	City and/or City's representative	Compensatory mitigation requirements carried out according to USACE and CDFW requirements	
<p>Mitigation Measure BIO-7: Compensatory Mitigation for Blue Oak Foothill Pine Woodland Removal</p> <p>To compensate for the permanent removal of blue oak foothill pine woodland vegetation associated with constructing the new bike lanes, the City shall compensate for loss of oak woodland habitat by replacing habitat at a minimum 1:1 ratio (e.g., 1 acres planted for every one acre removed) as well as associated native herbaceous species to be consistent with the City of Placerville Woodland and Forest Conservation to protect oak woodland resources as discussed under the Woodland Alteration Plan (WAP). The WAP shall demonstrate how the replacement trees shall be maintained, and by whom, to meet the canopy retention standard.</p>	Prior to construction	No monitoring required	City and/or City's representative	Compensatory mitigation requirements carried out according to City requirements	

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<p>Mitigation Measure BIO-8: Implementation of Avoidance and Minimization Measures for Construction Related Impacts to Federally Protected Wetlands As part of the Section 404 and Section 1600 permitting processes, if the USACE (and/or CDFW) requires compensatory mitigation for impacts to jurisdictional waters, a draft wetland/riparian mitigation and monitoring plan (MMP) shall be developed. The MMP shall be consistent with USACE's and EPA's April 10, 2008 Final Rule for Compensatory Mitigation for Losses of Aquatic Resources (33 Code of Federal Regulations [CFR] Parts 325 and 332 and 40 CFR Part 230). At a minimum, mitigation for impacts to Federal and state jurisdictional areas shall occur at the following ratios:</p> <ol style="list-style-type: none"> 1. USACE Wetland and other Waters <ul style="list-style-type: none"> • Permanent: 1:1 through establishment, enhancement and/or restoration • Temporary: restoration (in-kind) 2. CDFW Riparian and streambed <ul style="list-style-type: none"> • Permanent: 1:1 through establishment, enhancement and/or restoration • Temporary: restoration (in-kind) 	Prior to construction	No monitoring required unless compensatory mitigation is carried out on-site and then monitoring frequency would be established in the MMP	City and/or City's representative	Compensatory mitigation requirements carried out according to USACE and CDFW requirements	
3.5 Cultural Resources					
<p>Mitigation Measure CUL-1: Protection of Cultural Resources In the event cultural resources are encountered during construction, ground-disturbing activity shall cease in the immediate area. The City shall have the authority to temporarily halt or divert construction equipment. The City shall consult with a qualified archeologist who shall examine materials encountered, assess significance, and recommend a course of action to further investigate and/or mitigate adverse impacts to those resources that have been encountered. A cultural resources technical report would then be prepared by a qualified cultural resources specialist and filed with the Office of Historic Preservation and/or the North Central Information Center. This report would document the importance of all significant cultural resources found at the site. This mitigation measure shall be noted on all construction plans and specifications prepared for the Proposed Project.</p>	If prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities	Throughout the construction period	City and/or City's representative and primary construction contractor	<p>Finds of undocumented cultural resources are reported and protected until evaluated by a qualified cultural resources specialist</p> <p>Recommendation of qualified cultural resources specialist is implemented</p>	

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<p>Mitigation Measure CUL-2: Protection of Human Remains In the event that unanticipated discovery of human remains occurs during project construction, the procedures outlined in §15064.5(e) of the CEQA Guidelines shall be strictly followed. These procedures specify that upon discovery, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains can occur. The City or its agent shall immediately be notified. The county coroner must be contacted to determine if the remains are Native American. If the remains are determined to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall identify the Most Likely Descendent (MLD). The MLD shall make recommendations for the appropriate treatment and disposition of the remains and any associated grave goods in accordance with Public Resources Code (PRC) §5097.98.</p> <p>All project personnel shall be instructed that any human remains encountered should always be treated with sensitivity and respect and their discovery and location kept confidential. Construction personnel shall be briefed prior to construction activities regarding procedures to follow if buried human remains are encountered.</p>	<p>If human remains are discovered during ground-disturbing activities</p>	<p>Throughout the construction period</p>	<p>City and/or City's representative and primary construction contractor</p>	<p>Finds of potential human remains are reported and protected until evaluated by appropriate individuals</p> <p>Remains are treated in accordance with direction received from the county coroner and from the NAHC and Native American representative as appropriate</p>	

Acronyms:

BMP	Best Management Practice
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of Placerville
EPA	Environmental Protection Agency
FYLF	Foothill Yellow-legged Frog
ISA	International Society of Arboriculture
MLD	Most Likely Descendent
MMP	Mitigation Monitoring Plan
MMRP	Mitigation Monitoring and Reporting Program
MND	Mitigated Negative Declaration
NAHC	Native American Heritage Commission
PRC	Public Resources Code
TPZ	Tree Protection Zone
USACE	U.S. Army Corps of Engineers
WAP	Woodland Alteration Plan