

## **APPENDIX G**

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### Mitigation Monitoring and Reporting Program

# MITIGATION MONITORING AND REPORTING PROGRAM

## 1.1 CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENT

Where a CEQA document has identified significant environmental effects, Public Resources Code Section 21081.6 requires adoption of a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval to mitigate or avoid significant effects on the environment.”

This Environmental Mitigation Monitoring and Reporting Program (MMRP) has been prepared to provide for the monitoring of mitigation measures required of the 2030 General Plan (the project), as set forth in the Final Environmental Impact Report (FEIR).

The County of Yuba (the County) is the Lead Agency that must adopt the MMRP for development and operation of the project. This report will be kept on file with the Yuba County Community Development & Services Agency, 915 8th St. Suite 123, Marysville, CA 95901.

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

The 2030 General Plan and EIR were drafted in tandem as a part of a single cohesive, consistent, and mutually supportive process. As a part of the policy development of the 2030 General Plan, the County explicitly considered narrative policy, actions, and diagrammatic policies that could reduce environmental impacts associated with General Plan buildout. The County has, to the extent feasible, created a self-mitigating plan – one where the very design of the plan itself serves to reduce potential environmental impacts. Policies and actions that would reduce or avoid environmental impacts are built into the General Plan and will be implemented and enforced through the application of the 2030 General Plan to land use and planning decisions. The monitoring plan for policies and actions in the General Plan that would reduce or avoid impacts is the General Plan itself. The reporting program for these mitigating policies is the County’s annual reporting process (see CEQA Guidelines Section 15097 (b)). This document addresses only mitigation measures that are separately identified in the EIR.

## 1.2 PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The intent of the MMRP is to ensure the effective implementation and enforcement of adopted mitigation measures. The MMRP will be used by County staff and others responsible for project implementation.

This document identifies the individual mitigation measures, party responsible for implementing the measure, and space to confirm implementation of the mitigation measures.

### **1.3 ROLES AND RESPONSIBILITIES**

Monitoring and documenting the implementation of mitigation measures will be coordinated by Yuba County. Applicants of projects accommodated under the General Plan will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP.

The table attached to this report identifies both the responsible party for implementing the measure and the party responsible for monitoring the measure. The County is responsible for overall administration of the MMRP and for verifying that County staff members and/or the construction contractor has completed the necessary actions for each measure.

### **1.4 CHANGES TO MITIGATION MEASURES**

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

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

OR,

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

### **1.5 SUPPORT DOCUMENTATION**

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

Mitigation Monitoring and Reporting Program for the 2030 General Plan				
Mitigation Measure	Implementation/ Monitoring Responsibility	Timing/Schedule	Verification Responsibility	Monitoring Compliance (Provide Name & Date)
<b>4.4 BIOLOGICAL RESOURCES</b>				
<p><b>4.4-3a: Oak Woodland Habitats.</b> The following measures shall be implemented until the County has adopted an oak woodland preservation and mitigation ordinance. The County oak woodland preservation and mitigation plan may incorporate many of the measures listed below.</p> <ul style="list-style-type: none"> <li>▶ During evaluation of development proposals, require that impacts on oak woodlands such as direct conversions, habitat fragmentation and adverse effects from adjacent land uses be avoided to the greatest extent feasible through project design and modification. This shall be accomplished through mapping oak woodland resources on the project site and establishing buffers around existing stands to prevent adverse effects.</li> <li>▶ Require implementation of BMPs while working near oak woodlands to avoid inadvertent damage to oak trees. BMPs should include establishment of buffers to prevent root and crown damage, soil compaction, introduction and spread of invasive species and other indirect effects.</li> <li>▶ For those impacts on oak woodland that cannot be avoided, the County shall require the project applicant to minimize adverse affects. All impacts that cannot be avoided shall be mitigated to ensure that loss of oak woodland habitat in the county is reduced to the maximum extent feasible. Mitigation shall include the following steps: mapping of oak woodlands on the project site, quantification of oak woodland impacts resulting from project implementation, determination of appropriate mitigation measures (avoidance, minimization, compensation), development of an oak woodland mitigation plan, and implementation of the plan including monitoring and remedial measures.</li> </ul>	Project applicant and/or contractors	Plan approved by County prior to approval of discretionary development projects. Ongoing reporting through project implementation.	Yuba County	

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<ul style="list-style-type: none"> <li>▶ Measures proposed in the oak woodland mitigation plan may include planting acorns and container stock from a local seed source; however planting may not account for more than 50% of the required mitigation and must occur on lands that are protected in perpetuity. Other measures to be included in the mitigation plan may include the enhancement of degraded stands of oak woodland, purchase of fee title of land and transfer to a public agency for management, and purchase of conservation easements.</li> <li>▶ Oak woodland habitat placed under conservation easements should be at appropriate ratios to offset the loss of habitat functions and values of the oak woodland to be lost. Oak woodland habitat preserved this way should have similar tree sizes and densities, species composition, site condition, and landscape context to the oak woodland to be removed to serve the same function and have similar habitat value. The County may also consider the establishment of an oak woodland conservation fund which project applicants may contribute to for a percentage of their mitigation requirements, however a cap should be established for fund contributions, similar to the cap for replacement planting; fund moneys would be used solely for purchase of conservation easements or for public lands to protect oak woodland resources.</li> <li>▶ Wherever possible, mitigation lands shall be contiguous with lands already protected and managed for the long term protection of oak woodland and the associated plant and wildlife species to maximize the likelihood of mitigation success. The oak woodland plan shall be developed by a qualified professional such as a professional biologist, arborist or registered forester using the best available science and shall clearly state all mitigation measures required.</li> </ul>				

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<ul style="list-style-type: none"> <li>The plan shall designate responsible parties for funding, implementing mitigation, monitoring, reporting and annual review, and shall include remedial action measures if the initial plan fails or if success levels fall below the thresholds specified in the plan. The County shall require the mitigation plan and proof of sufficient means to implement the plan prior to project approval and shall require annual reports for the implementation timeframe of the plan.</li> </ul>				
<p><b>4.4-3b: Riparian Habitats</b> The following measures shall be implemented as necessary to avoid significant impacts to riparian habitats.</p> <ul style="list-style-type: none"> <li>If complete avoidance is not feasible, and projects require encroachment into the riparian habitat, project applicants shall be required to develop a riparian habitat mitigation plan resulting in a no- net- loss of riparian habitat functions and values.</li> <li>Mitigation may be accomplished through replacement, enhancement of degraded habitat, or off -site mitigation at an established mitigation bank.</li> </ul> <p>If a proposed project requires work on the bed and bank of a stream or other water body, the project applicant shall also obtain a streambed alteration agreement under Section 1600 et al. of the Fish and Game Code from DFG prior to project implementation, and shall implement all requirements of the agreement in the timeframes required therein.</p>	Project applicant and/or contractors	Plan approved by County prior to approval of discretionary development projects. Ongoing reporting, as appropriate.	Yuba County and, as appropriate, the California Department of Fish & Game	
<p><b>4.4-5: Waters of the United States.</b> The following measures shall be implemented, in addition to the 2030 General Plan policies and actions, to reduce significant impacts on wetlands and other waters of the United States:</p>	Project applicant and/or contractors	Prior to issuance of grading permit and any earth disturbance.	Yuba County, U.S. Army Corps of Engineers, and Central Valley Regional Water Quality Control Board	

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<ul style="list-style-type: none"> <li>▶ A permit from the USACE will be required for any activity resulting in impacts of “fill” of wetlands and other waters of the United States. If the impact acreage is below one half acre, the project may qualify for a Nationwide Permit. If impacts exceed one half acre, a letter of permission or individual permit from the USACE will be required prior. Project applicants shall be required to obtain this permit prior to project initiation. A wetland mitigation plan that satisfies USACE requirements will be needed as part of the permit application.</li> <li>▶ Projects applicants that obtain a Section 404 permit will also be required to obtain certification from the Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the CWA. If the project involves work on the bed and bank of a river, stream or lake, a Streambed Alteration Agreement for CDFG pursuant to Section 1600 et al. of the Fish and Game Code will also be needed. Project applicants shall be required to obtain all needed permits prior to project implementation, to abide by the conditions of the permits, including all mitigation requirements, and to implement all requirements of the permits in the timeframes required therein.</li> </ul>				
<b>4.13 TRANSPORTATION AND TRAFFIC</b>				
<p><b>4.13-7: Railroad Crossings</b></p> <ul style="list-style-type: none"> <li>▶ For developments that would add substantial traffic, defined as adding 5,000 or more daily trips, across existing at-grade railroad crossings, traffic analysis shall be submitted to the County for review. This analysis and report shall estimate daily and peak-hour traffic at the subject at-grade crossing, as well as accident data; estimates of train, vehicle, bicycle, and pedestrian travel at the crossing; and a description of existing and planned and funded equipment at at-grade rail crossings.</li> <li>▶ The County will review traffic data in communication with the California PUC to identify improvements needed to ensure the public safety.</li> </ul>	Project applicant and/or contractors and Yuba County	Prior to approval of discretionary development projects.	Yuba County	

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<ul style="list-style-type: none"> <li>▶ As appropriate and feasible, the County will condition approval of projects and plans that add substantial traffic across at-grade crossings to participate in the funding for improvements needed to ensure the public safety as determined by the County. Such improvements may include coordinated highway/rail traffic signals, enhanced rail crossing signage, warning equipment, and markings, and grade-separations.</li> <li>▶ Depending on the outcome of these studies, the County may include improvements in future updates to its Capital Improvement Program.</li> </ul>				
<b>4.14 UTILITIES AND SERVICE SYSTEMS</b>				
<p><b>4.14-1: Wastewater Treatment Verification.</b> The County shall implement the following measures to ensure the availability of adequate wastewater collection and removal systems for land development projects in the unincorporated county under the 2030 General Plan:</p> <ul style="list-style-type: none"> <li>▶ Before approval of any tentative subdivision map for a proposed residential project, the County shall formally consult with the appropriate wastewater system provider that would serve the proposed subdivision to make a factual showing or impose conditions to ensure the availability of an adequate wastewater removal system for the proposed development.</li> </ul>	Yuba County and project applicant/contractors	Prior to approval of discretionary development projects.	Yuba County	

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<p>▶ Before recordation of any final subdivision map, or before County approval of any project-specific discretionary approval or entitlement for nonresidential land uses, the project applicant shall demonstrate, based on substantial evidence, the availability of a long-term, reliable wastewater collection and treatment system for the amount of development that would be authorized by the final subdivision map or project-specific discretionary nonresidential approval or entitlement. Such a demonstration shall consist of a written verification that existing treatment capacity is, or will be available and that needed physical improvements for treating wastewater from the project site will be in place before occupancy.</p>				