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# MITIGATION MONITORING AND REPORTING PROGRAM

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## INTRODUCTION

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the Rincon del Rio project. This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” An MMRP is required for the proposed project because the Environmental Impact Report (EIR) has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the EIR. All revisions to mitigation measures that were necessary as a result of responding to public comments and incorporating staff-initiated revisions have been incorporated into this MMRP.

## MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in the Draft EIR as well as any measures which were revised as part of the Final EIR.

Nevada County will be the primary agency, but not the only agency, responsible for implementing the mitigation measures. In some cases, other public agencies will implement measures. In other cases, the project applicant will be responsible for implementation of measures and the County's role is exclusively to monitor the implementation of the measures. In those cases, the project applicant may choose to require the construction contractor to implement specific mitigation measures prior to and/or during construction. The County will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken verbatim from the Draft EIR, as well as any measures which were revised as part of the Final EIR, in the same order that they appear in the Draft EIR.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the department within the County, project applicant, or consultant responsible for mitigation monitoring.
- **Compliance Verification Responsibility:** Identifies the department of the County or other State agency responsible for verifying compliance with the mitigation.

**MITIGATION MONITORING AND REPORTING PROGRAM**

**MITIGATION MONITORING AND REPORTING PROGRAM TABLE**

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	VERIFICATION (DATE AND INITIALS)
<b>3.3 Air Quality</b>				
<b>MM 3.3.1a</b>	<p>The project applicant shall submit to the NSAQMD for approval an Off-Road Construction Equipment Emission Reduction Plan prior to groundbreaking demonstrating that the heavy-duty (greater than 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet-average 20 percent NOx reduction and 40 percent particulate reduction compared to the most recent CARB fleet average at time of construction. Acceptable options for reducing emissions may include use of construction equipment with Tier 2 or cleaner engines exclusively, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. The plan shall include a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project.</p> <p>The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. Construction contracts shall stipulate the following:</p> <ul style="list-style-type: none"> <li>• Emissions from on-site construction equipment shall comply with NSAQMD Regulation II, Rule 202, Visible Emissions.</li> <li>• The primary contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained.</li> <li>• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes when not in use (as required by California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.</li> <li>• All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> </ul>	Nevada County Community Development Agency; Northern Sierra Air Quality Management District	The Off-Road Construction Equipment Emission Reduction Plan shall be submitted and approved prior to issuance of grading permits for the first phase of construction. The plan shall be implemented during all phases of construction.	

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<b>Proposed Mitigation</b>	<b>Summary of Measure</b>	<b>Monitoring Responsibility</b>	<b>Timing</b>	<b>VERIFICATION (DATE AND INITIALS)</b>
	<ul style="list-style-type: none"> <li>Existing power sources (e.g., power poles) or clean fuel generators shall be utilized rather than temporary power generators where feasible.</li> </ul>			
<b>MM 3.3.1b</b>	All architectural coating activities associated with construction of the proposed project shall be required to use interior and exterior coatings that contain less than 250 grams of volatile organic compounds (VOC/ROG) per liter of coating.	Nevada County Community Development Agency; Northern Sierra Air Quality Management District	<i>The requirement shall be shown as a note on the construction plans and implemented during construction</i>	
<b>MM 3.3.1c</b>	Grid power shall be used (as opposed to diesel generators) for construction site power needs where feasible during construction.	Nevada County Community Development Agency; Northern Sierra Air Quality Management District	<i>The requirement shall be shown as a note on the construction plans and implemented during construction</i>	
<b>MM 3.3.1d</b>	Deliveries of construction materials shall be scheduled to direct traffic flow to avoid the peak hours of 7–9:00 AM and 4–6:00 PM.	Nevada County Community Development Agency; Northern Sierra Air Quality Management District	<i>The requirement shall be shown as a note on the construction plans and implemented during construction</i>	
<b>MM 3.3.3</b>	<p>The project applicant shall adhere to the following NSAQMD-recommended mitigation measures to reduce long-term operational emissions:</p> <ul style="list-style-type: none"> <li>Use of wood-burning stoves or fireplaces within interior and exterior areas of residential land uses shall be prohibited. Each residence shall be equipped with a non-wood-burning source of heat.</li> <li>The project applicant shall provide, operate, and fund a green-waste drop-off site for residents.</li> </ul>	Nevada County Community Development Agency; Northern Sierra Air Quality Management District	<i>The requirement shall be shown as a note on the construction plans and implemented throughout the time span of project operations</i>	
<b>3.4 Biological Resources</b>				
<b>MM 3.4.1</b>	Prior to any vegetation removal or ground-disturbing activities:	Nevada County Planning	Prior to any vegetation	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	VERIFICATION (DATE AND INITIALS)
	<p>a) Focused surveys shall be conducted within and adjacent to (within 100 feet, where appropriate) the proposed impact area, which will include impacts from project construction (temporary construction zone and staging areas) or by post-construction fuel management. Surveys shall be conducted during the appropriate time of year to determine the presence of special-status plant species that have been identified as potentially occurring on the project site. Surveys shall be conducted in accordance with the Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities (CDFG 2000). Field surveys shall be scheduled to coincide with known flowering periods (for the specific species) and/or during periods of physiological development that are necessary to identify the plant species of concern. According to the known blooming periods, surveys would need to be conducted in May or June and again in July or August (Draft EIR <b>Table 3.4-3</b>); however unusual weather may affect blooming periods so reference sites should be checked. It is important for project staff to schedule the required plant survey in time to allow for salvage and transplantation, if required, prior to initiation of project grading. Specifically, if construction is to be initiated during or prior to September in any year, the survey will need to be completed during the previous calendar year in order to satisfy the mitigation measure requirements. Project approval conditions should include language that alerts project proponents to this circumstance to avoid costly construction delays. The survey report, including a description of methods, map of area surveyed, results, and a complete list of all plant taxa found during the survey, shall be provided to County staff prior to initiation of any grading or equipment operation. If no occurrences of special-status species are found, no further mitigation is required.</p> <p>(See Draft EIR <b>Table 3.4-3</b> in Section 4.3, Biological Resources.)</p> <p>b) If any federally or state-listed, CNPS Rare Plant Rank 1 or 2 plant species are found within or adjacent to (within 100 feet) the proposed impact area during the surveys, the CDFG (in the case of state-only listed plants) and/or USFWS (in the case of federally listed plants), as applicable, shall be notified regarding the status and location of the plant and the necessary approval and/or</p>	Department	removal or ground-disturbing activities. Surveys will be conducted during the species' blooming period and submitted to the Planning department.	

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<b>Proposed Mitigation</b>	<b>Summary of Measure</b>	<b>Monitoring Responsibility</b>	<b>Timing</b>	<b>VERIFICATION (DATE AND INITIALS)</b>
	<p>permits obtained. These plant species shall be avoided to the extent possible. Avoidance measures shall include fencing of the population(s) before construction, exclusion of project activities from the fenced-off areas (no ingress of personnel or equipment), and construction monitoring by a qualified biologist. Avoidance areas shall be identified on project plans. If these plants cannot be avoided, the following mitigation measures shall be applied:</p> <ul style="list-style-type: none"> <li>• Before the approval of grading plans or any groundbreaking activity within the project site, the project applicant shall submit a mitigation plan concurrently to the CDFG (in the case of state-only listed plants) and/or USFWS (in the case of federally listed plants) for review and comment, and the applicant may consult with these entities before approval of the plan. The plan shall include mitigation measures for the population(s) to be directly affected. Possible mitigation for the population(s) that would be removed during construction of the project includes implementation of a program to transplant, salvage, cultivate, or re-establish the species at suitable sites. The mitigation ratio for directly impacted plant species shall be at a minimum ratio of 2:1. The actual level of mitigation may vary depending on the sensitivity of the species (its rarity or endangerment status), its prevalence in the area, and the current state of knowledge about overall population trends and threats to its survival. Alternatively, replacement credits may be purchased by the project applicant at an approved mitigation bank should such credits be available.</li> <li>• Transplantation of existing special-status plants could be undertaken to move the plant(s) to a suitable habitat location, either within the project site or at an off-site preserve to be protected in perpetuity. The off-site preserve shall include similar soil, climate, and associated plant species as are currently present at the project site. This location will be protected in perpetuity under a conservation easement and managed appropriately to ensure the transplantation is a success. Please note, however, that for some species transplantation may not be successful or effective method for conservation as requirements for some species are highly specialized and not clearly understood. Thus, transplantation shall only be used where success can be assured. Avoidance</li> </ul>			

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	VERIFICATION (DATE AND INITIALS)
	<p>shall be required for special-status plant species that cannot be transplanted, salvaged or cultivated.</p> <ul style="list-style-type: none"> <li>If on-site preservation is determined to be feasible, a conservation easement shall be placed over project open space areas to preserve the mitigation areas in perpetuity.</li> </ul>			
<b>MM 3.4.2a</b>	<p>A habitat assessment for California red-legged frog shall be conducted consistent with the Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog (USFWS 2005). If suitable habitat is found the project site, then field surveys should be undertaken consistent with the aforementioned guidance. If California red-legged frog is found, consultation with the USFWS and additional mitigation measures will be required. If California red-legged frogs are present on the project site, an on-site biological monitor shall be present on the project site to ensure that special-status species are not harmed during construction activities. In the event that a special-status frog is found during project construction, construction activities shall stop until the frog is moved by a qualified biologist to a safe location outside of the construction zone.</p>	Nevada County Planning Department	The project applicant shall incorporate requirements into final improvement plans. Surveys shall be conducted prior to any vegetation removal or ground-disturbing activities and submitted to the Planning Department for review. If California red-legged frogs or foothill yellow-legged frogs are found, monitoring activities shall be conducted throughout construction until the area is unoccupied.	
<b>MM 3.4.2b</b>	<p>If California red-legged frogs are identified during the aforementioned survey (MM 3.4.2a), the project applicant will implement mitigation that would result in no net loss of aquatic California red-legged frog habitat. Restored and preserved habitat will be protected in perpetuity through dedication of the conservation easement. The specific determination of the appropriate measures will be determined through consultation with USFWS but will include one of the following: create habitat suitable for California red-legged frog, purchase mitigation credits at a USFWS-approved conservation bank, or pay an in-lieu fee into a USFWS mitigation plan.</p>	Nevada County Planning Department	Consultation with the USFWS will occur after protocol-level surveys are conducted. Compensation for loss of habitat will occur prior to any vegetation removal or ground-disturbing activities and as directed through consultation with the USFWS.	
<b>MM 3.4.2c</b>	<p>If California red-legged frogs are identified during the aforementioned</p>	Nevada County Planning	The project applicant	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	VERIFICATION (DATE AND INITIALS)
	<p>survey (MM 3.4.2a), the following avoidance and minimization measures shall be implemented to reduce potential impacts to the species:</p> <ol style="list-style-type: none"> <li>1. The permittee shall not work in waters of the U.S. during the wet season (November 1 to April 15), unless storm flow is absent and rain is not forecast for at least three days.</li> <li>2. If a work site is to be temporarily dewatered by pumping, the methods and materials used will be determined by the County in consultation with the USFWS on a site-specific basis. Upon completion of construction activities, any diversions or barriers to flow will be removed in a manner that would allow flow to resume with the least disturbance to the substrate. Alteration of the streambed will be minimized to the maximum extent possible; any imported material will be removed from the streambed upon completion of the project.</li> <li>3. A qualified biologist will permanently remove any individuals of exotic species, such as bullfrogs, crayfish, and centrarchid fishes, from the project area to the maximum extent possible, as feasible, if they are encountered. The biologist will be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code.</li> <li>4. During project activities, all trash that may attract predators will be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris will be removed from work area.</li> <li>5. The number of access routes, size of staging areas, and total area of the activity will be limited to the minimum necessary to achieve the project goal. Environmentally sensitive areas will be established to confine access routes and construction areas to the minimum area necessary to complete construction and minimize the impact to California red-legged frog habitat; this goal includes locating access routes and construction areas outside of wetlands and riparian areas to the maximum extent practicable.</li> <li>6. All refueling, maintenance, and staging of equipment and vehicles will occur at least <del>60</del> 100 feet from riparian habitat or water bodies and not in a location from where a spill would</li> </ol>	Department	shall incorporate requirements into final improvement plans. If California red-legged frogs are found, these minimization measures shall be implemented.	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	VERIFICATION (DATE AND INITIALS)
	<p>drain directly toward aquatic habitat. The monitor will ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the project applicant will ensure that the contractor's stormwater pollution prevention plan (SWPPP) includes provisions for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.</p>			
<b>MM 3.4.2d</b>	<p>If California red-legged frogs are identified during the aforementioned survey (MM 3.4.2a), a worker environmental awareness program (WEAP) shall be established and implemented prior to construction. The program shall include, at a minimum, special-status species or resource identification, a description of suitable habitat for special-status species occurring on the project site, and measures to implement in the event that California red-legged frogs are found during construction. The program shall be presented to all members of the construction crew.</p>	Nevada County Planning Department	A qualified biologist shall implement a worker awareness program prior to any vegetation removal or ground-disturbing activities	
<b>MM 3.4.2e</b>	<p>Illumination installed shall be affixed with glare shields and directed away from adjoining properties and roads. An outdoor illumination plan as required by Nevada County Land Use and Development Code, Chapter II, Article 4.0, Section L-II 4.2.8, shall be submitted to the Nevada County Planning Department prior to commencement of construction operations. The plan shall be designed to use the minimum amount of lights and incandescent lamps as possible, so as not to cause lighting effects on wildlife in the surrounding area, and shall employ low-watt orange-colored lamps ("bug lights") whenever possible.</p>	Nevada County Planning Department	Prior to any vegetation removal or ground-disturbing activities	
<b>MM 3.4.3a</b>	<p>A preconstruction survey for western pond turtle shall be conducted at least one week prior to the onset of construction activities adjacent to suitable habitat. The survey area shall encompass a 325-foot radius of the area to be affected. If juvenile or adult turtles are found within the survey area, the individuals should be moved to a predetermined location with suitable habitat. If a turtle nest is found within the survey area, construction activities should not take place within 100 feet of the nest until the turtles have hatched. Additional mitigation measures, such as nest relocation and barrier fencing of suitable aquatic habitat to prevent turtles from moving into the construction area to nest, hibernate, or aestivate while allowing turtles already in the construction area to move back to water, will be employed after coordination with the CDFG.</p>	Nevada County Planning Department	Submitted to the Planning Department prior to any vegetation removal or ground-disturbing activities	

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<b>Proposed Mitigation</b>	<b>Summary of Measure</b>	<b>Monitoring Responsibility</b>	<b>Timing</b>	<b>VERIFICATION (DATE AND INITIALS)</b>
<b>MM 3.4.3b</b>	<p>If vegetation removal or ground surface disturbance (any form of grading) is to occur between March 1 and August 31, the project applicant shall retain a qualified biologist to conduct a focused survey for active bird nests within 14 days prior to the disturbance of the construction area and periodic field surveys during construction to ensure nests have not been established during construction activities. Nesting surveys for small birds are only fully effective if carried out between dawn and 11 AM, as many species become inactive during the middle of the day. If active nests are found, trees/shrubs with nesting birds shall not be disturbed until abandoned by the birds or a qualified biologist deems disturbance potential to be minimal (in consultation with the USFWS and/or CDFG, where appropriate). If applicable, tree removal and grading shall be restricted to a period following fledging of chicks, which typically occurs between late July and early August. If an active nest is located within 100 feet (250 feet for raptors) of construction activities, other restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100 feet or 250 feet, as appropriate, around the nest as confirmed by the appropriate resource agency) or alteration of the construction schedule. If construction activities or tree removal is proposed to occur during the non-breeding season (September 1 to February 28), a survey is not required, no further studies are necessary, and no mitigation is required.</p>	Nevada County Planning Department	Submitted to the Planning Department prior to any vegetation removal or ground-disturbing activities. Reference to this requirement and the Migratory Bird Treaty Act (MBTA) shall be included in the construction specifications.	
<b>MM 3.4.4</b>	<p>A formal wetland delineation shall be conducted for areas that will be permanently or temporarily impacted by the proposed project. If jurisdictional waters cannot be avoided, the project applicant shall apply for a CWA Section 404 permit from the USACE and a Section 401 permit from the RWQCB. These permits shall be obtained prior to issuance of grading permits and implementation of the proposed project.</p> <p>The project applicant shall ensure that the project will result in no net loss of waters of the U.S. by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits.</p> <p>Compensatory mitigation may consist of (a) obtaining credits from a mitigation bank; (b) making a payment to an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities; these programs are generally administered by government agencies or nonprofit organizations that</p>	Nevada County Planning Department	Prior to any vegetation removal or ground-disturbing activities	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	VERIFICATION (DATE AND INITIALS)
	<p>have established an agreement with the regulatory agencies to use in-lieu fee payments collected from permit applicants; and/or (c) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This last type of compensatory mitigation may be provided at or adjacent the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The project proponent/permit applicant retains responsibility for the implementation and success of the mitigation project.</p> <p>Evidence of compliance with this mitigation measure shall be provided prior to construction and grading activities for the proposed project.</p>			
<b>MM 3.4.6</b>	Each project phase submittal shall demonstrate compliance with the Rincon del Rio Habitat Management Plan in regards to mitigation and protection of on-site oak woodland resources.	Nevada County Planning Department	Mitigation and protection areas shall be shown on the grading and construction plans and protected prior to any vegetation removal or ground-disturbing activities	
<b>MM 3.4.7</b>	100-foot setback of wetland and riparian habitat from construction shall be established. For all project elements that must unavoidably be constructed within 100 feet of riparian or wetland areas, the project shall implement water quality and wildlife habitat mitigation measures provided on pages 7 through 9 of the Rincon del Rio Habitat Management Plan.	Nevada County Planning Department	Wetland setbacks shall be shown on the final plans and implemented prior to any vegetation removal or ground-disturbing activities	
<b>MM 3.4.10</b>	The project applicant shall include visually prominent signage along all trails on the project site warning trail users of rattlesnake hazards. Language on the sign shall include the following or similar: "WARNING: Rattlesnakes may be found in this area. They are important members of the natural community. If you see a rattlesnake, step away from it slowly. Rattlesnakes are not aggressive and will not attack unless disturbed or cornered. Avoid placing your hands where you cannot see them and give rattlesnakes plenty of space."	Nevada County Planning Department	The signage shall be submitted to Planning for review and approval and remain throughout time span of project operation	
<b>3.5 Climate Change and Greenhouse Gases</b>				
<b>MM 3.5.1a</b>	The project applicant shall be required submit a Construction Recycling	Nevada County Community	Submit plan to Planning	

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<b>Proposed Mitigation</b>	<b>Summary of Measure</b>	<b>Monitoring Responsibility</b>	<b>Timing</b>	<b>VERIFICATION (DATE AND INITIALS)</b>
	<p>Plan (CRP) with the goal of recycling at least 50 percent of construction waste or demolition materials. The CRP shall be prepared to the satisfaction of Nevada County and require the following of the project applicant:</p> <ol style="list-style-type: none"> <li>1. Prepare a monthly summary of how many tons of material overall is being diverted through the CRP throughout construction. The applicant shall report to the County, in an approved format, on the amount of materials collected, disposed, and diverted, the facilities to which those materials were taken, and the types of materials which were recycled.</li> <li>2. Reuse, recycle, or compost all construction debris to the maximum extent possible. To the fullest extent possible, all construction waste collected over the course of construction activities shall be processed to recover all reusable, recyclable, and compostable materials.</li> <li>3. Set a goal of achieving a 50 percent diversion for all construction waste resulting from project construction.</li> </ol>	Development Agency	Department prior to building permit issuance and implemented during construction	
<b>MM 3.5.1b</b>	<p>The project applicant shall include the following energy-efficient building measures to be applied during site development for each structure.</p> <ul style="list-style-type: none"> <li>• Meet CALGreen Building Code Tier 1 standards (Title 24, Part 11) at the time of building permit issuance.</li> <li>• A4.203.1 Exceed Tier 1 California Energy Code based on the 2008 energy standard requirements by <del>45</del> 40 percent with the implementation of the following measures:</li> <li>• A4.205.1 Radiant Barrier*</li> <li>• A4.205.2 Exterior Shading on South &amp; West Windows</li> <li>• A4.206.1 Blower Door Testing</li> <li>• A4.207.2 HVAC Commissioning</li> <li>• A4.207.6 Cooling Equipment SEER higher than 13.0 and EER</li> </ul>	Nevada County Community Development Agency	Shown as a note on the building plans and compliance with mitigation shall be demonstrated prior to the issuance of building permits	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	VERIFICATION (DATE AND INITIALS)
	<p>11.5 or higher</p> <ul style="list-style-type: none"> <li>• A4.207.7 Interior and/or Insulated Ductwork</li> <li>• A4.207.8 Duct Leakage Testing Shows &lt;6% Leakage*</li> <li>• A4.207.9 Whole House Fan</li> <li>• A4.207.10 Energy STAR Ceiling Fans</li> <li>• A4.209.1 Hard-wired Lighting Fixtures at least 90% Energy STAR</li> <li>• A4.210.1 All Applicable Appliances Energy STAR</li> <li>• Room Specific Air Conditioning</li> <li>• Interior and/or Insulated Ductwork</li> <li>• Installation of Programmable Thermostat Timers</li> <li>• Installation of solar hot water heaters and tankless hot water heaters for each dwelling unit</li> </ul> <p>Additionally, requiring the project applicant to meet and exceed Tier 1 Standards for all categories will result in the following pre-requisites needing to be met:</p> <ul style="list-style-type: none"> <li>• A4.106.4 - Not less than 20% of the total parking, walking, or patio surfaces shall be permeable (excluding primary driveway, walkway and porch areas).</li> <li>• A4.106.5 - Roofing materials shall have a minimum 3- year aged solar reflectance and thermal emittance or a minimum Reflectance Index (SRI) equal to or greater than the values specified in Tables A4.106.5(1) and A4.106.5(2). Steep slope &gt; 64, low slope &gt; 10 or 16 (depending on climate zone)</li> </ul>			

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	<ul style="list-style-type: none"> <li>• A4.303.1 – Kitchen Faucet has a Maximum flow rate of 1.5 gpm.</li> <li>• A4.303.4 - When landscaping is provided by the builder, a water efficient landscape irrigation system shall be installed that reduces potable water use.</li> </ul> <p>Tier 1: Reduce the use of potable water to a quantity that does not exceed 65% of ETo times landscape area.</p> <ul style="list-style-type: none"> <li>• 4.408.1 - Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition debris, or meet a local construction and demolition waste management ordinance, whichever is more stringent. (Excavated soil and land-clearing debris excluded).</li> <li>• A4.403.2 - As allowed by the enforcing agency, reduce cement used in foundation mix design. Products commonly used to replace cement in concrete mix designs include, but are not limited to fly ash, slag, silica fume, rice hull ash. Tier 1: Not less than a 20% reduction in cement use.</li> <li>• A4.405.3 - Use materials, equivalent in performance to virgin materials, with post-consumer or pre-consumer recycled content value (RCV) for a percent of the total materials cost. (RCV equals percent postconsumer + 1/2 percent pre-consumer times material cost.)</li> </ul> <p>Tier 1: minimum 10%.</p> <ul style="list-style-type: none"> <li>• A4.504.2 - Tier 1: At least 80% of resilient flooring installed shall comply with the criteria listed above.</li> <li>• A4.504.3 - Tier 1: Install thermal insulation in compliance with the VOC emissions limits defined in Collaborative for High Performance Schools (CHPS) Low-emitting Materials List.</li> </ul>			
MM 3.5.1c	The project applicant shall include a solar photovoltaic system that can generate at least 1 kW hour of energy per dwelling unit.	Nevada County Community Development Agency	Submit plan prior to the issuance of building	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	VERIFICATION (DATE AND INITIALS)
			permits	
<b>MM 3.5.1d</b>	The landscape of the proposed project shall be maintained without the use of gas-powered landscaping equipment (i.e., lawn mowers, leaf blowers, chainsaws, and hedge trimmers).	Nevada County Community Development Agency	Included as a requirement of the Use Permit and as a note on the final landscape plans	
<b>MM 3.5.1e</b>	The project applicant shall include the following water conservation measures to be applied site development for each structure. <ul style="list-style-type: none"> <li>Indoor water conservation measures shall be incorporated, such as use of low-flow toilets, showers and faucets.</li> <li>Low- water use landscaping (i.e., drought-tolerant plants and drip irrigation) shall be installed. At least 75 percent of all landscaping plants shall be drought-tolerant as determined by a licensed landscape architect or contractor.</li> </ul>	Nevada County Community Development Agency	Included as a requirement of the Use Permit and as a note on the final landscape plans	
<b>MM 3.5.1f</b>	The project applicant shall provide, operate, and fund a recycling and compost drop-off site for residents.	Nevada County Community Development Agency	Included as a requirement of the Use Permit and shall be shown on the final landscape plans	
<b>MM 3.5.1g</b>	The project applicant shall purchase carbon credits to offset 584 metric tons of greenhouse gas emissions. Only carbon offset credits that are verified and registered with the Climate Action Reserve may be used to offset project emissions. Verification of this purchase and the associated offset shall be provided to the Nevada County Community Development Department prior to issuance of building permits.	Nevada County Community Development Agency	Evidence of compliance shall be shown prior to the issuance of building permits	
<b>3.6 Cultural and Paleontological Resources</b>				
<b>MM 3.6.2a</b>	The project applicant shall retain a qualified archaeologist meeting the Secretary of Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to monitor all initial ground-disturbing activities in native soils or sediments, including all vegetation removal. If no cultural resources are identified during this phase of ground disturbance, and if determined between the qualified archaeologist and the lead agency, monitoring may be reduced to on-call status.	Nevada County Planning Department	Evidence of compliance shall be shown prior to issuance of grading permits and implemented during ground-disturbing activities	

**MITIGATION MONITORING AND REPORTING PROGRAM**

<b>Proposed Mitigation</b>	<b>Summary of Measure</b>	<b>Monitoring Responsibility</b>	<b>Timing</b>	<b>VERIFICATION (DATE AND INITIALS)</b>
	<p>If any prehistoric or historic artifacts or other indications of archaeological resources are found during site grading or once project construction is under way, the on-site monitor shall be empowered to temporarily halt or divert construction in the immediate vicinity of the discovery while it is evaluated for significance, and the County shall be immediately notified. Construction activities could continue in other areas. The archaeologist shall evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered cultural resources. The County and the project applicant will consider the recommendations of the qualified archaeologist. The County, the qualified archaeologist, and the project applicant shall consult and agree upon implementation of a measure or measures that the County, the qualified archaeologist, and the project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by the project applicant, the qualified project archaeologist, and the lead agency as to the appropriate preservation or mitigation measures.</p>			
<p><b>MM 3.6.2b</b></p>	<p>Should cultural resources, other than human remains, be discovered during construction activities when an archaeological monitor is not present, project personnel shall halt such activities in the immediate area and notify a qualified archaeologist meeting the Secretary of Interior's Professional Qualifications Standards in prehistoric or historical archaeology immediately to evaluate the resource(s) encountered and recommend the development of mitigation measures for potentially significant resources consistent with PRC Section 21083.2(i). Construction activities could continue in other areas. The archaeologist shall evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered cultural resources. The County and the project applicant will consider the recommendations of the qualified archaeologist. The County, the qualified archaeologist, and the project applicant shall consult and agree upon implementation of a measure or measures that the County, the qualified archaeologist, and the project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an</p>	<p>Nevada County Planning Department</p>	<p>Shall be shown as a note on the final improvement plans and implemented during ground-disturbing activities</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM**

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	VERIFICATION (DATE AND INITIALS)
	<p>agreement has been reached by the project applicant, the qualified project archaeologist, and the lead agency, as well as the Native American tribal representative if relevant, as to the appropriate preservation or mitigation measures.</p> <p>Should the discovery include Native American human remains, in addition to the required procedures of Health and Safety Code Section 7050.5, PRC Section 5097.98 and California Code of Regulations (CCR) Section 15064.5(e), all work must stop in the immediate vicinity of the find and the Nevada County Coroner must be notified. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Sections 15064.5(d) and (e) shall be followed.</p>			
MM 3.6.3	<p>Should any paleontological resources (i.e., fossils) be uncovered during project construction activities, all work in the immediate vicinity shall be halted or diverted to other areas on the site and the County shall be immediately notified. A qualified paleontologist shall be retained to evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered paleontological resources. The County and the project applicant shall consider the recommendations of the qualified paleontologist. The County, the qualified paleontologist, and the project applicant shall consult and agree upon implementation of a measure or measures that the County, the qualified paleontologist, and the project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by the project applicant, qualified paleontologist, and the County, as well as the Native American tribal representative if relevant, as to the appropriate preservation or mitigation measures.</p>	Nevada County Planning Department	Shall be shown as a note on the final improvement plans and implemented during ground-disturbing activities	
<b>3.8 Hazardous Materials/Human Health</b>				
MM 3.8.7	<p>The project applicant shall prepare an emergency evacuation plan for the project site. The plan shall address methods of notifying and evacuating all residents, guests, and employees in a safe and efficient manner in the event of an emergency, including but not limited to vanpooling, transport of residents under nursing care, and identification of an</p>	Nevada County Community Development Agency and the Higgins Fire Protection District	Submitted to Planning Department and Fire Department prior to occupancy clearance	

**MITIGATION MONITORING AND REPORTING PROGRAM**

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	VERIFICATION (DATE AND INITIALS)
	emergency meeting location.			
<b>3.11 Noise</b>				
<b>MM 3.11.1</b>	<p>The following mitigation measures shall be implemented and specified on all construction contracts:</p> <ul style="list-style-type: none"> <li>a) Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Construction activities shall be prohibited on Sundays and state and federal holidays.</li> <li>b) Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and shrouds, in accordance with manufacturers' recommendations.</li> <li>c) Construction equipment staging areas shall be centrally located on the project site or located at the farthest distance possible from nearby residential land uses.</li> <li>d) All motorized construction equipment and vehicles shall be turned off when not in use.</li> <li>e) At a prominent location legible from a public road at or near the construction area(s) a phone number and contact information shall be provided of a site supervisor or manager with authority to deal with noise complaints. The sign shall be present for the duration of construction.</li> </ul>	Nevada County Planning Department	Shown on the final grading plans and implemented prior to and during construction	
<b>MM 3.11.3</b>	<p>The following mitigation measures shall be implemented and specified on all construction contracts:</p> <p><u>Sewer Lift Stations</u></p> <ul style="list-style-type: none"> <li>a) The proposed sewer lift station, and optional station if needed, shall be designed so that operation noise levels at nearby noise-sensitive receptors would not exceed applicable Nevada County noise standards (refer to Draft EIR <b>Table 3.11-5</b>). Typical design measures may include, but are not limited to, selection of low-noise-generating equipment, incorporation of equipment shielding and enclosures, and use of sound-rated doors and</li> </ul>	Nevada County Planning Department	Shown as a note on the final improvement plans and site plans and implemented prior to construction and during operation. Operational noise restrictions shall be noted in both the Use Permit and plans for each of the following features as noted in the	

## MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	VERIFICATION (DATE AND INITIALS)
	<p>vents.</p> <p><u>On-Site Agricultural Activities</u></p> <p>b) On-site agricultural activities using noise generating equipment shall be limited to the daytime hours of 7 a.m. to 7 p.m.</p> <p><u>Auto/Tractor Repair Barns</u></p> <p>c) Use of the auto/tractor repair barns shall be subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Noise-generating activities/equipment repair shall be conducted within the barn.</li> <li>2. All doors and windows shall be closed when noise-generating activities are conducted.</li> <li>3. Signage specifying the above conditions shall be posted at building entrances.</li> </ol> <p>d) Stationary equipment (i.e., air compressors, generators, etc.) shall be designed and installed so that operational noise levels at nearby noise-sensitive land uses would not exceed applicable Nevada County noise standards of 55 dBA <math>L_{eq}</math> during the daytime hours of 7 a.m. to 7 p.m., in accordance with Nevada County noise standards (refer to Draft EIR <b>Table 3.11-5</b>). Typical design measures may include, but are not limited to, the selection of low-noise-generating equipment, incorporation of equipment shielding, and locating equipment indoors and/or within enclosures.</p> <p>e) Main building entrances/overhead doors shall be shielded from direct line of sight of proposed on-site dwelling units located within 250 feet of the repair barns.</p> <p><u>Property Maintenance</u></p> <p>f) Landscape maintenance activities using noise-generating equipment shall be limited to the daytime hours of 7 a.m. to 7 p.m.</p> <p>g) Building equipment and material loading/unloading areas shall be designed so that operation noise levels at nearby noise-</p>		<p>mitigation measure:</p> <ul style="list-style-type: none"> <li>• On-site agricultural activities.</li> <li>• Auto/Tractor Repair Barns</li> <li>• Overall project landscaping and general maintenance activities.</li> <li>• Recreation features</li> <li>• Dwelling units</li> </ul>	

**MITIGATION MONITORING AND REPORTING PROGRAM**

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	VERIFICATION (DATE AND INITIALS)
	<p>sensitive receptors would not exceed applicable Nevada County noise standards (refer to Draft EIR <b>Table 3.11-5</b>). Typical design measures may include, but are not limited to, selection of low-noise-generating equipment, incorporation of equipment shielding and enclosures, use of sound-rated doors and vents, and incorporation of sound barriers/building parapets to interrupt line of sight between the source and nearby receptors.</p> <p><u>Building Mechanical Equipment</u></p> <p>h) Building equipment shall be designed and installed so that operational noise levels at nearby noise-sensitive land uses would not exceed applicable Nevada County noise standards (refer to Draft EIR <b>Table 3.11-5</b>). Typical design measures may include, but are not limited to, selection of low-noise-generating equipment, incorporation of equipment shielding, and locating equipment indoors and/or within enclosures. Building parapets shall be incorporated, where necessary, to shield roof-mounted equipment from direct line of sight of nearby noise-sensitive receptors. No mitigation will be required if the project applicant provides a noise analysis of the final design demonstrating compliance with County noise standards.</p> <p><u>Recreational Uses</u></p> <p>i) Team use of recreational areas shall be prohibited during the more noise-sensitive nighttime hours of 10 p.m. to 7 a.m.</p> <p>j) Pickleball courts shall be located no closer than 250 feet from existing adjacent residential properties or on-site residential units, or shielding (e.g., noise curtains/blankets or barriers) shall be installed at the court perimeter sufficient to shield noise-sensitive receptors located within 250 feet of the courts. Noise curtains or barriers shall be installed/constructed to a minimum height of 6 feet above ground level with no visible air gaps between construction materials or at the base of the structure. No mitigation will be required if the project applicant provides a noise analysis of the final design demonstrating compliance with County noise standards.</p> <p>k) Swimming pool equipment (e.g., pumps, heaters, and blower units) shall be designed and installed so that equipment</p>			

**MITIGATION MONITORING AND REPORTING PROGRAM**

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	VERIFICATION (DATE AND INITIALS)
	<p>operational noise levels at nearby noise-sensitive land uses would not exceed applicable Nevada County noise standards (refer to Draft EIR <b>Table 3.11-5</b>). Typical design measures may include, but are not limited to, selection of low-noise-generating equipment, incorporation of equipment shielding, and locating equipment indoors and/or within enclosures.</p> <p><u>Proposed Dwelling Units</u></p> <ul style="list-style-type: none"> <li>l) Proposed on-site dwelling units shall be equipped with fresh air supply systems or air conditioning systems to allow windows to remain closed during inclement weather conditions so that acceptable interior noise levels can be maintained.</li> <li>m) Outdoor activity areas or residential dwellings located within 175 feet of pickleball courts and the outdoor swimming pool, 350 feet of proposed on-site agricultural farming/orchard areas, and within 250 feet of the proposed auto/tractor repair barns shall be shielded from direct line of sight of these noise sources, to be measured at a height of 5 feet above ground level. These distances represent the area of potential impact within which noise levels from these sources are projected to potentially exceed the County's noise standards. No mitigation will be required if the project applicant provides a noise analysis of the final design demonstrating compliance with County noise standards.</li> <li>n) On-site dwelling units located within 175 feet of pickleball courts and the outdoor swimming pool, 350 feet of proposed on-site agricultural farming/orchard areas, and within 250 feet of the proposed auto/tractor repair barns shall be provided written notification of potential exposure to nuisances noise associated with the operation of these nearby uses prior to purchase/occupancy. These distances represent the area of potential impact within which noise levels from these sources are projected to potentially exceed the County's noise standards. No mitigation will be required if the project applicant provides a noise analysis of the final design demonstrating compliance with County noise standards.</li> </ul>			

**MITIGATION MONITORING AND REPORTING PROGRAM**

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	VERIFICATION (DATE AND INITIALS)
<b>3.13 Public Services and Utilities</b>				
<b>MM 3.13.4.2</b>	<p>Prior to approval of improvement plans for each building, the project applicant shall provide the County with an approved set of improvement plans accepted by NID, which shall include:</p> <ul style="list-style-type: none"> <li>• Quantification of anticipated water usage by parcel.</li> <li>• A comprehensive water system design for distribution piping and connection to the existing NID distribution system.</li> <li>• Appropriate pipe sizing to accommodate minimum fire flow water pressures (as determined by CAL FIRE, NID, and the HFPD).</li> <li>• Identification of pipe sizing, pipe location, and the location of the tie-in with NID facilities.</li> <li>• Provisions for easement, rights-of-way, and in-fee land to NID for water facilities.</li> </ul>	Nevada County Planning Department; NID	Prior to improvement plan approval	

## MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	VERIFICATION (DATE AND INITIALS)
MM 3.13.5.1	Prior to final map recordation, the applicant shall fund the project's fair share of addition of membranes at the Lake of the Pines Wastewater Treatment Plant. NCSD-1 shall determine the exact payment to ensure adequate capacity at the plant is available.	Nevada County Sanitation District-1	Prior to final map approval	
MM 3.13.6.1	<p>Prior to issuance of occupancy permits the applicant will complete the following mitigation measures:</p> <ol style="list-style-type: none"> <li>1) All businesses will subscribe to waste collection and recycling services provided by the County's franchised waste collection company.</li> <li>2) All businesses will participate in the recycling program offered through the County's franchised waste collection company. Businesses will recycle all items available through the company's program, or an equivalent method, which ensures that the waste is diverted away from landfill disposal.</li> <li>3) Any green waste material generated at the project area such as lawn trimmings, shrubbery, and tree trimmings shall be diverted away from disposal through the County's franchised waste collection company's green waste collection program, or an equivalent method which ensures that the waste is diverted away from landfill disposal.</li> <li>4) Adequate space for waste and recycling containers will be constructed at the complex to ensure ease of collection by the County's franchised waste collection company. The units housing the containers shall be constructed to allow sufficient space for the quantity of containers needed to ensure that the waste and recyclables can be collected in an efficient manner. Waste Management will be consulted to ensure that sufficient space is for recycling and trash containers.</li> </ol>	Nevada County Department of Transportation and Sanitation	Recycling areas shall be shown on the final site plans and implemented prior to the issuance of occupancy permits for commercial and retail establishments	
<b>3.14 Traffic and Circulation</b>				
MM 3.14.4a	The project applicant shall be responsible for the entire cost of restriping Rincon Way at SR 49. Westbound Rincon Way shall be striped to include dedicated left and right turn lanes in order to provide positive guidance for motorists queuing along Rincon Way while waiting to enter the northbound or southbound SR 49 traffic flow.	Nevada County Department of Public Works	Prior to the issuance of grading permit for the first phase of construction	

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<b>Proposed Mitigation</b>	<b>Summary of Measure</b>	<b>Monitoring Responsibility</b>	<b>Timing</b>	<b>VERIFICATION (DATE AND INITIALS)</b>
<b>MM 3.14.4b</b>	If the project will modify the Rincon Way/Connie Court intersection with the completion of the project entrance, changes in roadway segments shall be designed to meet sight distance standards identified in the Caltrans Highway Design Manual. A minimum 150-foot sight line shall be provided meeting stopping sight distance standards identified in the Caltrans Highway Design Manual.	Nevada County Department of Public Works	Prior to the issuance of a grading permit for the first phase of construction	
<b>MM 3.14.5</b>	The project applicant shall include visually prominent signage on or beside the proposed emergency access gate separating the site and Rodeo Flat Road. The signage shall indicate that the access is intended for emergency vehicle access only, or other wording limiting the access roadway to emergency vehicle traffic. The gate shall be designed to close automatically via spring, gravity, or other means to ensure that it presents a "closed" visual to drivers on Rodeo Flat Road. The roadway in front of the gate shall have a Fire Marshall approved turnaround that does not involve entering the gate.	Nevada County Department of Public Works	Submit sign plan to Planning and Fire Department prior to issuance of occupancy permit	