Appendix A

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

The following Mitigation Monitoring and Reporting Program (MMRP) was prepared in compliance with the requirements of California Public Resources Code Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. This MMRP identifies specific funding, timing, and monitoring requirements for implementation of all mitigation measures identified in the Final EIR for the Cabin Creek Biomass Facility Project.

STANDARD MITIGATION MONITORING PROGRAM

Placer County has adopted a standard mitigation monitoring program (Section 18.28.030 of the Placer County Environmental Review Ordinance) in order to implement California Public Resources Code Section 21081.6. This program requires that mitigation measures recommended for discretionary projects, such as the Cabin Creek Biomass Facility Project, be included in the conditions of approval monitored by the County through a variety of permit processes as listed below.

- Development Review Committee
- Improvements Plan Approval
- Improvements Construction Inspection
- Encroachment Permit
- Final Map Recordation
- Acceptance of Project as Complete
- Building Permit Approval
- Certificate of Occupancy

The issuance of any of the listed permits or County actions must be preceded by verification by County staff that certain conditions of approval/mitigation measures have been met. This verification shall serve as the required monitoring for those conditions of approval/mitigation measures. All of the mitigation measures for the Cabin Creek Biomass Facility Project included in the Final EIR would be monitored through the County's Standard Mitigation Monitoring Program. As indicated in the text of each mitigation measure, compliance with each would be verified by County staff prior to issuance of required approvals and permits. Table 1 identifies each mitigation measure that would be monitored through the County's Standard Mitigation Monitoring Program. In addition, some mitigation measures require ongoing implementation and would require monitoring after the point at which Certificates of Occupancy are issued. Table 1 also identifies the mitigation measures that require ongoing implementation, the party(ies) responsible for funding implementation, the necessary timing of implementation that would occur outside the scope of the County's Standard Mitigation Monitoring Program, and the mechanisms for monitoring compliance with each mitigation measure.

Table 1 Mitigation Monitoring and Reporting Program			
Mitigation Measure	Individual Responsible for Monitoring and Verifying Compliance	Timing of Initial Action	Frequency and Duration of Monitoring
Mitigation Measure 5-1: To avoid impacts to nesting birds, trees and other vegetation shall be removed from the project site during the non-breeding season (September 1 to March 30) to the extent feasible. If vegetation removal is scheduled to occur during the nesting season (April 1 to August 31), the Applicant shall retain a qualified biologist to conduct preconstruction surveys in suitable habitat on the project site. The surveys will be conducted no less than 14 days and no more than 30 days before the beginning of construction. Survey results shall be sent immediately to Placer County Planning Services Division and to the California Department of Fish and Game (CDFG). If active nests are present on or immediately adjacent to the project site, Planning Services Division staff shall initiate consultation with CDFG to determine appropriate avoidance measures. If no nests are found, no further mitigation is required.	Placer County Planning Services Division	Prior to any vegetation removal or earthwork activities	At onset of vegetation removal or earthwork activities
Mitigation Measure 5-2: a) To reduce the loss of Jeffrey pine forest and protect individual trees on the project site, the Applicant shall conduct a tree survey to determine the number and size of trees to be removed. The number of trees to be removed shall be minimized to the extent feasible. b) The Applicant shall obtain a tree permit from the County, as per the County's Tree Ordinance. As stated in the Tree Ordinance (12.16.080 Replacement program and penalties), the County may condition any tree permit or discretionary approval involving removal of a protected tree upon (a) the replacement of trees in kind, (b) implementation of a revegetation plan, or (c) payment into the County's Tree Preservation Fund. Because the project site would not support replacement trees or the implementation of a revegetation plan, the Applicant shall either replace trees at an offsite location or contribute to the County's Tree Preservation Fund; this will be determined by the County. The replacement requirement may be calculated based upon an inch for an inch replacement of the removed tree(s) and may require minimum 15 gallon size trees. The total of replacement trees may be required to have a combined diameter of the tree(s) removed. A minimum of 50% of replacement trees shall be of a similar native tree. Replacement trees may be planted onsite or in other areas to the satisfaction of the County Planning Services Division. Such replanting must not result in the over-planting of a site such that an unsafe fire condition is created. The County may decide that if the project site is not capable of supporting all of the replacement trees, the Applicant shall pay the County the current market value, as established by an arborist, forester, or registered landscape architect, of the replacement trees, including cost of installation, to go into a Tree Preservation Fund.	Placer County Planning Services Division	Prior to any tree removal activities	All activities completed prior to approval of Improvement Plans

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Before Improvement Plans are approved, the Applicant shall provide proof to the County that one, or a combination, of the mitigation options described above has been completed and/or funded. Proof of mitigation fulfillment will also be provided to DFG.			
Mitigation Measure 6-1: If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, animal bone, glass, ceramics, structure/building remains) is made during construction activities at the project site, ground disturbances in the area of the find shall be halted and a qualified professional archaeologist shall be notified regarding the discovery. The archaeologist will determine whether the resource is potentially significant per the California Register of Historic Resources (CRHR) and CEQA Guidelines Section 15064.5 and will develop appropriate mitigation to protect the integrity of the resource and ensure that no additional resources are affected. Mitigation could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery.	Placer County Planning Services Division	During earthwork activities	Continuously during earthwork activities
Mitigation Measure 6-2: The County shall implement Mitigation Measures 6-1 and 6-4.	Placer County Planning Services Division	During earthwork activities	Continuously during earthwork activities
Mitigation Measure 6-3: Before the start of grading and/or excavation, the Applicant shall retain a qualified paleontologist or archaeologist to train all construction personnel involved with earthmoving activities, regarding the possibility of encountering paleontological resources at the site, the appearance and types of paleontological resources likely to be seen during project construction, and proper notification procedures should such resources be encountered. In the event that paleontological resources are discovered during ground disturbing activities, grading and construction work within 100 feet of the find shall be suspended until the significance of the features can be determined by a qualified professional paleontologist as appropriate. A qualified professional paleontologist shall then make recommendations for measures necessary to protect the find, or to undertake data recovery, excavation, analysis, and curation of paleontological materials as appropriate.	Placer County Planning Services Division	Prior to earthwork activities conduct training; during earthwork activities monitor for resources	Continuously during earthwork activities
Mitigation Measure 6-4. In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, potentially damaging excavation in the area of the burial shall be halted and the Applicant shall contact the Placer County Coroner and a professional archaeologist to determine the nature and extent of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code, Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that	Placer County Planning Services Division	Monitor during site construction activities	Continuously during site construction activities

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determination (Health and Safety Code, Section 7050[c]). If the remains are determined to be those of a Native American, then the following shall occur: (a) The State Historic Preservation Office (SHPO), the Applicant, an archaeologist, and the NAHC-designated Most Likely Descendant (MLD) shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in Section 5097.9 of the California Public Resources Code. (b) The SHPO shall ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the MLD has taken place. The MLD shall have 48 hours to complete a site inspection and make recommendations after being granted access to the site. A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment may be discussed. Assembly Bill (AB) 2641 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. AB 2641(e) includes a list of site protection measures and states that the Applicant shall implement one or more of the following measures: i. record the site with the NAHC or the appropriate Information Center, ii. utilize an open space or conservation zoning designation or easement, and/or iii. record a document with the county in which the property is located. (c) The County or its authorized representative will rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify a MLD, or if the MLD fails to make a recommendation within 48 hours after being granted access to the site. The County may also reinter the remains in a location not subject to further disturbance if the County rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the County.			
Mitigation Measure 7-3: The Applicant shall ensure that exterior lighting installed at the facility will conform to an approved lighting plan. The exterior lighting plan shall be prepared prior to the issuance of a building permit, and submitted to the County with Improvement Plans for approval. Exterior lighting shall be limited to lighting required for safe operations and security purposes. The exterior lighting plan shall require at a minimum the following:	Placer County Planning Services Division	Prepare lighting plan prior to issuance of building permit	None

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〉 Identification of location of lighting, height, and positioning of all light fixtures, and type and style of light fixtures; 〉 Lighting shall be directed downward using fully shielded fixtures or fixtures otherwise designed to prevent light trespass or projection of light above the horizontal, except as needed for safe operations and security; 〉 The height of light poles shall be limited to 20 feet except as needed for operational and safety purposes. Light fixtures are not to exceed the height of adjacent structures. 〉 Ground level illumination levels shall not exceed two foot candles at the project property line.			
Mitigation Measure 12-1. The Improvement Plan submittal shall include a geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall address and make recommendations on the following: A) Road, pavement, and parking area design; B) Structural foundations, including retaining wall design (if applicable); C) Grading practices; D) Erosion/winterization; E) Special problems discovered on-site, (i.e., groundwater, expansive/unstable soils, etc.); and F) Slope stability. If the soils report indicates the presence of critically expansive or other soils problems that, if not corrected, could lead to structural defects, a certification of completion of the requirements of the soils report shall be required prior to approval of the Improvement Plans. It is the responsibility of the Applicant to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report.	Placer County Engineering and Surveying Department	Submit geotechnical report prior to issuance of building permit	Continuously during earthwork activities
Mitigation Measure 12-2: The Applicant shall implement Mitigation Measure 12-1 above.	Placer County Engineering and Surveying Department	Submit geotechnical report prior to issuance of building permit	Continuously during earthwork activities
Mitigation Measure 13-1. Final design of the detention facilities shall be included in the Final Drainage Report submitted with the Improvement Plans for the project. The final improvement plans shall contain the following information regarding stormwater drainage.	Placer County Engineering and Surveying	Submit improvement plans, including	Periodically during site construction

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a) The Applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal) to the County for review and approval. The plans shall show all physical improvements as required by the conditions for the project as well as pertinent topographical features both on and off site. All existing and proposed utilities and easements, onsite and adjacent to the project, which may be affected by planned construction, shall be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The Applicant shall pay plan check and inspection fees with the first Improvement Plan submittal. (NOTE: Prior to plan approval, all applicable recording and reproduction costs shall be paid). The cost of the above-noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the Applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process and/or Development Review Committee (DRC) review is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans. Record drawings shall be prepared and signed by a California Registered Civil Engineer at the Applicant's expense and shall be submitted to the County in both hard copy and electronic versions in a format to be approved by the County prior to acceptance by the County of site improvements. Conceptual landscape plans submitted prior to project approval may require modification during the Improvement Plan process to resolve issues of drainage and traffic safety.	Department	drainage report, prior to issuance of building permit; revegetate site prior to issuance of certificates of occupancy;	activities
b) The Improvement Plans shall show all proposed grading, drainage improvements, vegetation and tree removal and all work shall conform to provisions of the County Grading Ordinance (Ref. Article 15.48, Placer County Code) and Stormwater Quality Ordinance (Ref. Article 8.28, Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and all temporary construction fencing has been installed and inspected by the County. All cut/fill slopes shall be at a maximum of 2:1 (horizontal: vertical) unless a soils report supports a steeper slope and the County concurs with said recommendation. Fill slopes shall not exceed 1.5:1 (horizontal: vertical) The Applicant shall revegetate all disturbed areas. Revegetation, undertaken from April 1 to October 1, shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement Plans. It is the Applicant's responsibility to ensure proper installation and maintenance of erosion control/winterization before, during, and after project construction. Soil			

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stockpiling or borrow areas, shall have proper erosion control measures applied for the duration of the construction as specified in the Improvement Plans. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the County. The Applicant shall submit to the County a letter of credit or cash deposit in the amount of 110 percent of an approved engineer's estimate for winterization and permanent erosion control work prior to Improvement Plan approval to guarantee protection against erosion and improper grading practices. Upon the County's acceptance of improvements, and satisfactory completion of a one-year maintenance period, unused portions of said deposit shall be refunded to the Applicant or authorized agent. If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by the County for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the County to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.			
c) The Improvement Plan submittal shall include a drainage report in conformance with the requirements of Section 5 of the Land Development Manual that are in effect at the time of submittal, to the County for review and approval. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing conditions, the effects of the improvements, all appropriate calculations, a watershed map, increases in downstream flows, proposed on- and off-site improvements and drainage easements to accommodate flows from this project. The report shall identify water quality protection features and methods to be used both during construction and for long-term post-construction water quality protection. "Best Management Practice" measures shall be provided to reduce erosion, water quality degradation, and prevent contamination.			
d) Water quality Best Management Practices (BMPs), shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and/or for Industrial and Commercial, (and/or other similar source as approved by the County. Storm drainage from on- and offsite impervious surfaces (including roads) shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, as approved by the County. BMPs shall be designed at a minimum in accordance with the Placer County			

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Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals. All BMPs shall be maintained as required to insure effectiveness. The Applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Proof of on-going maintenance, such as contractual evidence, shall be provided to County upon request. e) Prior to Improvement Plan approval, the Applicant shall obtain a State Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) construction stormwater quality permit and shall provide to the County evidence of a state-issued Waste Discharge Identification (WDID) number or filing of a Notice of Intent and fees.			
Mitigation Measure 13-3: The Applicant shall implement Mitigation Measures 13-1a through e.	Placer County Engineering and Surveying Department	Submit improvement plans, including drainage report, prior to issuance of building permit; revegetate site prior to issuance of certificates of occupancy;	Periodically during site construction activities
Mitigation Measure 16-1: If during site preparation and construction activities, previously undiscovered or unknown evidence of hazardous materials contamination is observed or suspected through either obvious or implied measures (e.g., stained or odorous soil, unknown storage tanks, etc.), construction activities in the area of the find shall immediately cease. Placer County Environmental Health Division staff shall be immediately consulted and a qualified consultant registered in DTSC's Registered Environmental Assessor Program will be contracted to assess the situation. Based on the assessment, the Applicant shall implement necessary remediation activities including but not limited to removal of soil and debris, treatment of contaminated groundwater, and capping the site prior to development. All required remediation shall include a DTSC Remedial Action Work Plan or equivalent. Based on consultation between the Registered Environmental Assessor and DTSC, remediation of the site shall be conducted consistent with all applicable regulations.	Placer County Environmental Health Services	Monitor during site construction activities	Continuously during site construction activities

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Mitigation Measure	Individual Responsible for Monitoring and Verifying Compliance	Timing of Initial Action	Frequency and Duration of Monitoring
Mitigation Measure 16-4. The Applicant shall regularly compact the fuel piles to minimize fire risk in storage piles. The Applicant shall also prepare detailed written procedures for the management of biomass piles to prevent inadvertent combustion and fires, and that minimize vectors, odors, litter, and human contact with, inhalation, ingestion, and transportation of dust, particulates, and pathogenic organisms. The written procedures shall outline the specific measures that would be implemented to reduce the total pile storage area, and to prevent potential pile fires due to spontaneous combustion. The written procedures shall be subject to review and input by the County LEA, PCAPCD, and the Truckee Fire Protection District prior to initiating operations at the site. These measures shall include at a minimum the following: a) A schedule for periodic and random load checks of incoming biomass truckloads; b) Restricted public access to the facility (e.g., fencing); c) Fire prevention, protection, and control measures, including, but not limited to temperature monitoring of piles at least weekly, adequate water supply for fire suppression, and the isolation of potential ignition source from the biomass piles; d) Fire lanes between piles shall be provided to allow fire control equipment access to all operational areas; e) Daily visual inspections of the storage piles to observe whether temperature-related effects are occurring (e.g., steam); and f) Leachate shall be controlled to prevent contact with the public. As necessary, measures such as moisture management (e.g., wetting), pile aeration, tarping, among others could be implemented to optimally manage the storage piles.	Placer County Environmental Health Services	Monitor during facility operations	Periodically during facility operations
Mitigation Measure 18-1. Prior to the issuance of any building permits, the Applicant shall pay County traffic impact fees that are in effect for the Tahoe Resorts area pursuant to applicable Ordinances and Resolutions. Fees shall be paid to Placer County DPW. Final determination of the fees will be made once the final site plans are submitted and approved by DPW.	Placer County Department of Public Works	Prior to the issuance of any building permits	Completion prior to the issuance of any building permits

Appendix B

Attachments to the Center for Biological Diversity's Comment Letter on the Draft EIR