

**CALIFORNIA ENVIRONMENTAL QUALITY ACT  
STATEMENT OF FINDINGS**

The Department of Toxic Substances Control (DTSC) has issued Findings for this project pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, Division 13, Section 21081) and implementing Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15091 et seq.)

**A. PROJECT SUBJECT TO DTSC APPROVAL**

PROJECT TITLE: Removal Action Workplan, Sierra College Surplus East Site – Operable Unit D		CALSTARS CODING: 102347
PROJECT ADDRESS: Northeast intersection of Rocklin Road and Sierra College Boulevard	CITY: Rocklin	COUNTY: Placer
PROJECT SPONSOR: Evergreen Sierra East, LLC	CONTACT: Rob Cole	PHONE/ EMAIL: 916.273.4020 rcole@colepartners.com

APPROVAL ACTION UNDER CONSIDERATION BY DTSC: Removal Action Workplan

STATUTORY AUTHORITY: California H&SC, Chap. 6.8

Project Description: The proposed project activities consist of excavation and disposal of approximately 4,575 cubic yards of in-place soil to an appropriate offsite licensed disposal facility. The approximate upper three feet of soil would be excavated from the two impacted areas at Operable Unit D (site), temporarily stockpiled, and transported offsite for disposal. Project activities would be accomplished through approval and implementation of a Removal Action Workplan for lead- and arsenic-impacted soils at the Sierra College Surplus East site.

Background: The site is defined as Operable Unit D, located northeast of Rocklin Road and Sierra College Boulevard, consisting of approximately 3.39 acres of vacant land. Review of historical records indicates that the Site was formerly used as agricultural land and planted with an orchard from at least 1938 to at least 1972. The site is bounded to the north by vacant land and a commercial retail shopping center, to the east by rural residential properties and vacant land, to the south by a residential subdivision and commercial retail properties, and to the west by Sierra College.

The project applicant, Evergreen Sierra East, LLC, proposes to develop the site as the College Park development which will consist of single-family residential housing (traditional single-family homes, small-lot single-family homes, and stacked flats), market-rate apartments, and affordable senior housing. In addition, the College Park development will include: a community clubhouse, a network of parks, trails, and open space.

**Project Activities:** As described in the Removal Action Workplan (RAW), the project activities will involve excavation and off-site disposal of approximately 4,575 cubic yards (cy) of soil contaminated with arsenic and lead to an appropriate offsite licensed disposal facility. The approximate upper three feet of soil would be excavated from the two impacted areas at the site, temporarily stockpiled, and transported offsite for disposal. A total of 230 truck trips occurring over four to five days will be required for excavating and transporting the contaminated soil. Excavation will include operation of heavy equipment such as loaders, backhoes, and/or other appropriate equipment.

DTSC utilized information and analysis in the Final Environmental Impact Report (EIR) for the College Park Project (dated October 21, 2022) to support a final determination about the type of environmental document required to be prepared for the proposed Removal Action Workplan, Sierra College Surplus East Site – Operable Unit D as provided by Sections 15162, 15163, and 15164 of the CEQA Guidelines. Specifically, the EIR analyzed potential impacts related to lead and arsenic contaminated soils in Section 3.8 (Hazards and Hazardous Materials) and potential impacts related to grading and construction activities in Section 3.3 (Air Quality), Section 3.4 (Biological Resources), Section 3.5 (Cultural and Tribal Resources), Section 3.6 (Geology and Soils), Section 3.7 (Greenhouse Gas Emissions), Section 3.11 (Noise), and Section 3.14 (Transportation).

## B. LEAD AGENCY ENVIRONMENTAL DOCUMENT REVIEWED

Lead Agency: City of Rocklin

Lead Agency Environmental Document Title: Final Environmental Impact Report for the College Park Project

Date Certified: December 12, 2022

State Clearinghouse Number: 2019012056

## C. STATEMENT OF FINDINGS AND FACTS FOR ADEQUACY OF LEAD AGENCY ENVIRONMENTAL DOCUMENT

**Using its independent judgment, DTSC makes the following findings:**

The Lead Agency Final Environmental Document includes a description of the Project now before DTSC for decision

The Lead Agency Final Environmental Document adequately analyzed impacts associated with the Project before DTSC for decision.

DTSC concurs with the findings made by the Lead Agency Final Environmental Document relating to the Project before DTSC for decision.

<input checked="" type="checkbox"/> Mitigation measures are included in the Lead Agency Final Environmental Document for the following resources that would potentially be affected by the DTSC project and have been or will be implemented by the project proponent:	
<input type="checkbox"/> Aesthetics	Mitigation Measure: None
<input type="checkbox"/> Agricultural Resources	Mitigation Measure: None
<input checked="" type="checkbox"/> Air Quality	Mitigation Measures 3.3-3: refer to the College Park Project EIR (October 2022).
<input checked="" type="checkbox"/> Biological Resources	Mitigation Measures 3.4-1 through 3.4-9: refer to the College Park Project EIR (October 2022).
<input checked="" type="checkbox"/> Cultural Resources	Mitigation Measure 3.5-1: refer to the College Park Project EIR (October 2022).
<input type="checkbox"/> Energy	Mitigation Measure: None
<input checked="" type="checkbox"/> Geology/ Soils	Mitigation Measure: Mitigation Measure 3.6-3: refer to the College Park Project EIR (October 2022).
<input type="checkbox"/> Greenhouse Gas Emissions	Mitigation Measure: None
<input checked="" type="checkbox"/> Hazards/Hazardous Materials	Mitigation Measures 3.8-1, 3.8-3 through 3.8-7: refer to the College Park Project EIR (October 2022).
<input checked="" type="checkbox"/> Hydrology/ Water Quality	Mitigation Measures 3.9-1 through 3.9-4: refer to the College Park Project EIR (October 2022).
<input type="checkbox"/> Land Use/Planning	Mitigation Measure: None
<input type="checkbox"/> Mineral Resources	Mitigation Measure: None
<input checked="" type="checkbox"/> Noise	Mitigation Measure 3.11-5: refer to the College Park Project EIR (October 2022).
<input type="checkbox"/> Population/Housing	Mitigation Measure: None
<input type="checkbox"/> Public Services	Mitigation Measure: None
<input type="checkbox"/> Recreation	Mitigation Measure: None
<input type="checkbox"/> Transportation/Traffic	Mitigation Measure: None
<input type="checkbox"/> Tribal Cultural Resources	Mitigation Measure: None
<input type="checkbox"/> Utilities/ Service Systems	Mitigation Measure: None
<input type="checkbox"/> Wildfires	Mitigation Measure: None

Mitigation measures identified in the Lead Agency Final Environmental Document have been adopted by DTSC for this Project and have been or will be implemented by the project proponent to avoid, reduce, or substantially lessen the project impacts. No additional mitigation measures are necessary, and no additional mitigation monitoring plan is required pursuant to CEQA.

For each significant environmental effect identified for the Project:

- Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Lead Agency Final Environmental Document.
- Such changes or alterations are within the responsibility and jurisdiction of City of Rocklin and not DTSC.
- Such changes have been adopted by this public agency or can and should be adopted by this public agency.
- Mitigation measures included in the Lead Agency Final Environmental Document are infeasible, and therefore, will not be incorporated into the DTSC Project for the following reasons:

**Based on the above findings, DTSC concludes:**

The proposed Project will not result in significant and unavoidable effects to the environment.

The proposed Project will result in significant and unavoidable effects to the following environmental resources:\*

<input type="checkbox"/> Aesthetics
<input type="checkbox"/> Agricultural Resources
<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources
<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Geology/ Soils
<input type="checkbox"/> Greenhouse Gas Emissions
<input type="checkbox"/> Hazards/Hazardous Materials
<input type="checkbox"/> Hydrology/ Water Quality
<input type="checkbox"/> Land Use/Planning
<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Noise
<input type="checkbox"/> Population/Housing
<input type="checkbox"/> Public Services
<input type="checkbox"/> Recreation
<input type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Utilities/ Service Systems


\*Impacts to these resources would remain significant even after applying mitigation measures described in the Lead Agency Final Environmental Document, or there is no feasible mitigation available.

\*In accordance with Cal. Code of Regs., title 14, section 15093, a Statement of Overriding Considerations was adopted by the Lead Agency for these resources. DTSC adopts a Statement of Overriding Considerations for these resources having determined that the DTSC Project benefits outweigh the significant environmental effects for the following reasons:

None of the conditions requiring a subsequent EIR or Negative Declaration pursuant to Cal. Code Regs., title 14 Section 15162 exist.

In accordance with Cal. Code of Regs., title 14, section 15093, a Notice of Determination indicating the results of said Findings will be filed with the Governor’s Office of Planning and Research/ State Clearinghouse.

**D. CERTIFICATION**



Jun 6, 2024

Project Manager Signature

Date

Alberto Gutierrez

Hazardous Substances Engineer

(916) 255-6693

Project Manager Name

Project Manager Title

Phone #



Jun 6, 2024

Branch Chief Signature

Date

Juan Peng, Ph.D., P.E.

Acting Branch Chief

(916) 255-3690

Branch Chief Name

Branch Chief Title

Phone #

## **Mitigation Measures from the College Park Project Environmental Impact Report (September 2021)**

### Air Quality

Mitigation Measure 3.3-3: To control emissions of criteria air pollutants during construction, the project proponent/operator and/or its contractor(s) will implement the following measures during construction of the proposed residential units, subject to verification by the County:

- Maintain all construction equipment properly according to manufacturer's specifications.
- Fuel all off-road and portable diesel-powered equipment with California Air Resources Board (CARB) certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
- Comply with the State On-Road Regulation by using on-road heavy-duty trucks that meet the CARB's Tier 3 standard for on-road heavy-duty diesel engines.
- All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the five-minute idling limit.
- Diesel idling within 1,000 feet of sensitive receptors is not permitted.
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.
- Use Electrified equipment when feasible.
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible.
- Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas, liquefied natural gas, propane or biodiesel.
- Require contractors to repower equipment with the cleanest engines available.
- Require construction equipment use installed California Verified Diesel Emission Control Strategies. These strategies are listed at: <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>
- Reduce the amount of the disturbed area where possible.
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency is required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stock-pile areas should be sprayed daily as needed.

### Biological Resources

Mitigation Measure 3.4-1: Prior to any ground-disturbing or vegetation-removal activities that would affect Valley Elderberry Longhorn Beetle (VELB), or VELB habitat, the project applicant shall conduct comprehensive VELB surveys in areas proposed for impact no more than three years prior to commencement of construction. If construction commences prior to October 2023, these surveys will not be required. Surveys shall be conducted in accordance with the Framework for Assessing Impacts to the VELB (United States Fish and Wildlife Service [USFWS] 2017), or the most recent (USFWS) VELB guidance at the time. If VELB are located prior to construction, then:

1. All occupied elderberry shrubs (which are defined for the purposes of this section as those with stems greater than 1 inch in diameter at ground level) shall be avoided completely during Project

construction with a buffer of at least 20 feet, except as permitted under paragraph 2 below, and the following avoidance and minimization measures during construction [as outlined in the Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (USFWS 2017) shall be implemented for all work within 165 feet of a shrub:

- All areas to be avoided during construction activities will be fenced and/or flagged as close to construction limits as feasible.
  - Activities that could damage or kill an elderberry shrub (e.g., trenching, paving, etc.) shall receive an avoidance area of at least 20 feet from the drip-line.
  - A qualified biologist will provide training for all contractors, work crews, and any onsite personnel on the status of the VELB, its host plant and habitat, the need to avoid damaging the elderberry shrubs, and the possible penalties for noncompliance.
  - A qualified biologist will monitor the work area at project appropriate intervals to assure that all avoidance and minimization measures are implemented.
  - As much as feasible, all activities within 165 feet of an elderberry shrub will be conducted between August and February.
  - Elderberry shrubs will not be trimmed.
  - Herbicides will not be used within the drip-line of the shrub. Insecticides will not be used within 100 feet of an elderberry shrub.
  - Mechanical weed removal within the drip-line of the shrub will be limited to the season when adults are not active (August - February) and will avoid damaging the elderberry.
2. If an elderberry shrub occupied with VELB must be removed to accommodate construction because surveys conducted in October 2023 or later find VELB in areas within the development footprint of the College Park Project as approved, the applicant shall notify the City and consult with USFWS. At a minimum, the removal of elderberry shrubs found to be occupied with VELB shall be mitigated through the purchase of one (1) VELB mitigation credit from an agency-approved mitigation bank for each occupied shrub removed or through the planting of five (5) elderberry seedlings and five (5) native California trees or shrubs at a USFWS-approved location for each shrub removed. If the latter option is selected then the seedlings and associated natives shall achieve an 80% survival rate measured at the end of a five (5) year monitoring period.

Mitigation Measure 3.4-2: Prior to any ground-disturbing or vegetation-removal activities, a Worker Environmental Awareness Training (WEAT) shall be prepared and administered to the construction crews. The WEAT shall include the following: discussion of the state and federal Endangered Species Act, the Clean Water Act, the Porter-Cologne Act and Waste Discharge Requirements, the Project's permits and CEQA documentation, and associated mitigation measures; consequences and penalties for violation or noncompliance with these laws and regulations; identification of special-status wildlife, location of any avoidance areas; hazardous substance spill prevention and containment measures; and the contact person in the event of the discovery of a special-status wildlife species. The WEAT shall also discuss the different habitats used by the species' different life stages and the annual timing of these life stages. A handout summarizing the WEAT information shall be provided to workers to keep on-site for future reference. Upon completion of the WEAT training, workers shall sign a form stating that they attended the training, understand the information presented, and shall comply with the regulations discussed. Workers shall be

shown designated “avoidance areas” during the WEAT training; worker access shall be restricted to outside of those areas to minimize the potential for inadvertent environmental impacts. Fencing and signage around the boundary of avoidance areas may be helpful.

Mitigation Measure 3.4-3: A western pond turtle survey shall be conducted in all areas within 150 feet of the main (east-west) perennial creek in the South Village Study Area within 48 hours prior to construction in that area. If no western pond turtles or nests are found, no further mitigation is necessary. If a western pond turtle is observed within the proposed impact area, a qualified biologist shall relocate the individual to suitable habitat outside of the proposed impact area prior to construction. If a western pond turtle nest is observed within the proposed impact area, the nest shall be fenced off and avoided until the eggs hatch. The exclusion fencing shall be placed no less than 25 feet from the nest. A qualified biologist shall monitor the nest daily during construction to ensure that hatchlings do not disperse into the construction area. Relocation of hatchlings will occur as stipulated above, if necessary.

Mitigation Measure 3.4-4: The following preconstruction nest survey requirements apply if construction activities take place during the typical bird breeding/nesting season (typically February 1 through September 1):

- A targeted Swainson’s hawk nest survey shall be conducted throughout the Project area and all accessible areas within a ¼ mile radius of the proposed construction area no more than 14 days prior to construction activities. If active Swainson’s hawk nests are found within ¼ mile of a construction area, construction shall cease within ¼ mile of the nest until a qualified biologist (Project Biologist) determines that the young have fledged or it is determined that the nesting attempt has failed. If the applicant desires to work within ¼ mile of the nest, the applicant shall consult with California Department of Fish and Wildlife (CDFW) and the City to determine if the nest buffer can be reduced. The Project applicant, the Project biologist, the City, and CDFW shall collectively determine the nest avoidance buffer, and what (if any) nest monitoring is necessary.
- A pre-construction nesting bird survey shall be conducted by the Project Biologist throughout the Project area and all accessible areas within a 500-foot radius of proposed construction areas, no more than 14 days prior to the initiation of construction. If there is a break in construction activity of more than 14 days, then subsequent surveys shall be conducted.
- If active raptor, California black rail nest, or a tricolored blackbird nesting colony are found, no construction activities shall take place within 500 feet of the nest/colony until the young have fledged. If active songbird nests are found, a 100-foot no disturbance buffer will be established. These no-disturbance buffers may be reduced if a smaller buffer is proposed by the Project Biologist and approved by the City (and CDFW if it is a California black rail nest or tricolored blackbird nesting colony) after taking into consideration the natural history of the species of bird nesting, the proposed activity level adjacent to the nest, habituation to existing or ongoing activity, and nest concealment (are there visual or acoustic barriers between the proposed activity and the nest). The Project Biologist can visit the nest as needed to determine when the young have fledged the nest and are independent of the site or the nest can be left undisturbed until the end of the nesting season.
- A report summarizing the survey(s), shall be provided to the City within 14 days of the completed survey and is valid for one construction season or until there is a gap in construction activity of 14 days or more. If no nests are found, no further mitigation is required.



- Should construction activities cause a nesting bird do any of the following in a way that would be considered a result of construction activities: (1) vocalize, (2) make defensive flights at intruders, (3) get up from a brooding position, or (4) fly off the nest, then the exclusionary buffer shall be increased such that activities are far enough from the nest to stop this agitated behavior. The exclusionary buffer shall remain in place until the chicks have fledged or as otherwise determined by the Project Biologist in consultation with the City. Construction activities may only resume within the buffer zone after a follow-up survey by the Project Biologist has been conducted and a report has been prepared indicating that the nest (or nests) are no longer active, and that no new nests have been identified.

Mitigation Measure 3.4-5: The following mitigation shall be implemented to address the loss of suitable foraging habitat for Swainson's hawks:

- 1.0 acre of suitable foraging habitat shall be protected for each acre of highly suitable foraging habitat impacted. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City.
- 0.5 acre of suitable foraging habitat shall be protected for each acre of marginally suitable foraging habitat impacted. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City.
- The final determination of whether the foraging habitat is "highly suitable" or "marginally suitable" shall be made by the Project Biologist in consultation with the City of Rocklin. Generally, grasslands, croplands, and other low-lying vegetation is highly suitable foraging habitat. Orchard, vineyard, and woodland are generally unsuitable foraging habitat. Marginally suitable would require some level of low-lying vegetation available with an abundance of prey species. Based on these ratios and the current development plan, a total of 54.15 acres of Swainson's hawk foraging habitat shall be protected to compensate for impacts within the Study Area.

Mitigation Measure 3.4-6: Pre-construction roosting bat surveys shall be conducted by a qualified biologist within 14 days prior to any tree or building removal that will occur during the breeding season (April through August). If preconstruction surveys indicate that no roosts of special-status bats are present, or that roosts are inactive or potential habitat is unoccupied, no further mitigation is required. If roosting bats are found, exclusion shall be conducted as recommended by the qualified biologist. Methods may include acoustic monitoring, evening emergence surveys, and the utilization of two-step tree removal supervised by the qualified biologist. Two-step tree removal involves removal of all branches that do not provide roosting habitat on the first day, and then the next day cutting down the remaining portion of the tree. Once the bats have been excluded from buildings or allowed to fly off from trees and roost elsewhere, the building or tree removal may occur.

Mitigation Measure 3.4-7: Special-status plant surveys shall be conducted in areas proposed for impact no more than three years prior to commencement of construction. If construction commences prior to April 1, 2023, these surveys shall not be required. Surveys shall be conducted in accordance with the Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS, 2000), the Botanical Survey Guidelines of the California Native Plant Society (CNPS, 2001), and Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW, 2018) or more recent protocols at that time. If no special-

status plant species are found, no further mitigation would be required. If special-status plants are found and would be impacted, mitigation for those impacts shall be determined during consultation with the City. If the plant found is a perennial such as Sanford's arrowhead or big-scale balsamroot, then mitigation shall consist of digging up the plant and transplanting into a suitable avoided area on-site prior to construction. If the plant found is an annual such as dwarf downingia, then mitigation shall consist of collecting seed-bearing soil and spreading into a suitable constructed wetland at a mitigation site (as placing soil into an avoided wetland on-site would be considered fill). If rare plants will be impacted, a mitigation plan will be developed and approved by the City. Mitigation for the transplantation/establishment of rare plants will result in no net loss of individual plants after a five (5) year monitoring period. The two species most likely to be present in the vicinity are dwarf downingia and Sanford's arrowhead. These two species have been successfully relocated.

Mitigation Measure 3.4-8: The following measures shall be implemented to address the loss of aquatic resources:

1. The Project applicant shall apply for a Section 404 permit from the United States Army Corps of Engineers (USACE) for impacts to aquatic resources verified by the USACE as subject to their jurisdiction. Waters of the U.S. that will be impacted shall be replaced or rehabilitated on a "no-net-loss" basis. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods acceptable to the USACE.
2. The Project applicant shall apply for a Section 401 water quality certification or WDR, as appropriate, from the RWQCB, and adhere to the conditions.

For project applications with impacts to drainages or riparian vegetation, the Project applicant shall apply for a Section 1600 Lake or Streambed Alteration Agreement from CDFW. Impacts will be outlined in the application and are expected to be substantially similar to the impacts to biological resources outlined in this document. Information regarding Project-specific drainage and hydrology changes resulting from Project implementation will be provided as well as a description of storm water treatment methods. Minimization and avoidance measures will be proposed as appropriate and may include: preconstruction species surveys and reporting, protective fencing around avoided biological resources, worker environmental awareness training, seeding disturbed areas adjacent to open space areas with native seed, and installation of project-specific storm water BMPs. Mitigation may include restoration or enhancement of resources on- or off-site, purchase of habitat credits from an agency-approved mitigation/conservation bank, working with a local land trust to preserve land, or any other method acceptable to CDFW.

Mitigation Measure 3.4-9: The Project applicant shall comply with the City's Oak Tree Preservation Ordinance, or provide an alternative way to address the loss of native oaks onsite (such as the College Park Oak Tree Mitigation Plan). The strategy shall be subject to review and approval by the City, and the City shall have ultimate discretion to determine what mitigation shall be required prior to permit approval.

To address the loss of native oaks on-site using land dedication, the Project applicant shall meet the following requirements:

- The Project applicant shall prepare a mitigation plan specific to the Project, hereafter referred to as the College Park Oak Tree Mitigation Plan;

- The College Park Oak Tree Mitigation Plan shall comply with the City's Oak Tree Preservation Guidelines.
- The City shall review and approve the College Park Oak Tree Mitigation Plan.
- The Project applicant shall apply for a Tree Preservation Plan Permit, as required by the City Oak Tree Preservation Ordinance.
- A bond or other security instrument in a form approved by the City Attorney in the minimum amount of \$10,000 (or greater as deemed necessary by the approving body) shall be posted and maintained to insure the preservation of the trees during construction. The security shall be posted prior to any grading or movement of heavy equipment onto the site or issuance of a permit. Any violation of any term or condition of the tree preservation plan permit or these Guidelines may result in forfeiture of all or a portion of the bond. Other violation penalties are contained in the Oak Tree Preservation Ordinance.
- The developer shall be required to fence the trees to be preserved during construction. The Tree Preservation Ordinance requires fencing and signage to be installed by the developer around trees which could be damaged during construction. The sign shall be a minimum of two feet by two feet in size and shall state the bond amount which protects the tree and that damage will result in forfeiture of all or part of the bond. Fencing shall be located three feet outside the dripline of the tree, shall be no less than four feet high, and shall be installed prior to any grading on the site. City staff shall verify installation of the fencing. It is the responsibility of the property owner and workers on the site to assure that the fence remains in its proper location and at its proper height during construction.
- The Project applicant shall implement the College Park Oak Tree Mitigation Plan prior to any removal of protected oak trees. The College Park Oak Tree Mitigation Plan shall include preparation of protective measures for on-site trees to be preserved (i.e., fencing and signage installation around trees which could be damaged during construction), and if land dedication is the method selected by the Project applicant and approved by the City, a long-term management plan for the proposed oak conservation area and providing for the protection of the native oak habitat in perpetuity through the use of a real estate instrument (such as a deed restriction or conservation easement that runs with the land). A funding mechanism shall be in place to implement the management plan.

### Cultural and Tribal Cultural Resources

Mitigation Measure 3.5-1: If subsurface deposits believed to be cultural, historical, paleontological, archaeological, tribal, and/or human in origin are discovered during construction and/or ground disturbance, all work must halt within a 100-foot radius of the discovery. A Native American Representative from traditionally and culturally affiliated Native American Tribes that requested consultation shall be immediately contacted and invited to assess the significance of the find and make recommendations for further evaluation and treatment, as necessary. If deemed necessary by the City, a qualified cultural resources specialist meeting the Secretary of Interior's Standards and Qualifications for Archaeology, may also assess the significance of the find in joint consultation with Native American Representatives to ensure that Tribal values are considered. Work at the discovery location cannot resume until it is determined by the City, in consultation with culturally affiliated tribes, that the find is not a tribal cultural resource, or that the find is a tribal cultural resource and all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB 52, has been satisfied. The qualified cultural resources specialist shall have the authority to modify the no-work radius as appropriate, using professional judgement.

The following notifications and measures shall apply to potential unique archaeological resources and potential historical resources of an archaeological nature (as opposed to tribal cultural resources), depending on the nature of the find:

- If the professional archaeologist determines that the find does not represent a cultural resource that might qualify as a unique archaeological resource or historical resource of an archaeological nature, work may resume immediately and no agency notifications are required.
- If the professional archaeologist determines that the find does represent a cultural resource that might qualify as a unique archaeological resource or historical resource of an archaeological nature from any time period or cultural affiliation, he or she shall immediately notify the City Community Development Department (CDD) and applicable landowner. The professional archaeologist and a representative from the City CDD shall consult to determine whether any unique archaeological resources or historical resources of an archaeological nature are present, in part based on a finding of eligibility for inclusion in the National Register of Historic Places or California Register of Historical Resources. If it is determined that unique archaeological resources or historical resources of an archaeological nature are present, the qualified archaeologist shall develop mitigation or treatment measures for consideration and approval by the City CDD. Mitigation shall be developed and implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), preservation in place may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If approved by the City CDD, such measures shall be implemented and completed prior to commencing further work for which grading or building permits were issued, unless otherwise directed by the City CDD. Avoidance or preservation of unique archaeological resources or historical resources of an archaeological nature shall not be required where such avoidance or preservation in place would preclude the construction of important structures or infrastructure or require exorbitant expenditures, as determined by the City CDD. Where avoidance or preservation are not appropriate for these reasons, the professional archaeologist, in consultation with the City CDD, shall prepare a detailed recommended a treatment plan for consideration and approval by the City CDD, which may include data recovery. If employed, data recovery strategies for unique archaeological resources that do not also qualify as historical resources of an archaeological nature shall follow the applicable requirements and limitations set forth in Public Resources Code Section 21083.2. Data recovery will normally consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim of recovering important scientific data contained within the unique archaeological resource or historical resource of an archaeological nature. The data recovery plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and State repositories, libraries, and interested professionals. If data recovery is determined by the City CDD to not be appropriate, then an equally effective treatment shall be proposed and implemented. Work may not resume within the no-work radius until the City CDD, in consultation with the professional archaeologist, determines that the site either: 1) does not contain unique archaeological resources or historical resources of an archaeological nature; or 2) that the preservation and/or treatment measures have been completed to the satisfaction of the City CDD.

- If the find includes human remains, or remains that are potentially human, the contractor shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Placer County Coroner (per §7050.5 of the Health and Safety Code). The provisions of §7050.5 of the California Health and Safety Code, Section 5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, then the Coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) for the project (§5097.98 of the Public Resources Code). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, then the NAHC can mediate (§5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction.

### Geology and Soils

Mitigation Measure 3.6-3: If subsurface deposits believed to be paleontological in origin are discovered during construction and/or ground disturbance, all work must halt within a 100-foot radius of the discovery. Work shall not continue at the discovery site until a qualified paleontologist evaluates the find to determine whether it includes or constitutes a unique paleontological resource and, if it is, formulates mitigation recommendations for consideration and approval by the City Department of Community Development. A unique paleontological resource means a paleontological resource about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one of the two following criteria: (1) contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; or (2) has a special and particular quality such as being the oldest of its type or the best available example of its type. Mitigation options shall include preserving the resource in place or recovering data and creating documentation for transmission to the University of California Museum of Paleontology, the Sierra College Natural History Museum, or another institution of higher education with an established paleontological department or program. Avoidance or preservation in place of unique paleontological resources shall not be required where such avoidance or preservation would preclude the construction of important structures or infrastructure or require exorbitant expenditures, as determined by the City CDD.

### Hazards and Hazardous Materials

Mitigation Measure 3.8-1: Prior to commencement of grading, the applicant shall submit a Soil Management Plan (SMP) for review and approval by DTSC, or other appropriate agency, and the City. The SMP shall establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction to reduce the potential for spills and to direct the safe handling of these

materials if encountered. The City and DTSC, or other appropriate agency, will approve the SMP prior to any earth moving.

Mitigation Measure 3.8-3: Prior to approval of improvement plans for the North Village, the applicant shall develop a work plan acceptable to DTSC, or other appropriate agency, and the City to remediate hazards at the site. The work plan shall address the following items:

- The soils sampling locations AO-50 and AO-57 found in the Phase II ESA prepared by UES formerly Wallace-Kuhl & Associates (dated July 28, 2016) confirmed presence of arsenic/lead. The work plan shall ensure that any contaminated soil is treated such that it does not impact future residents of the development. This could include:  
Removing the impacted soil from the site by excavation followed by disposal or treatment of excavated soils; Encapsulation, by creating a barrier to prevent human contact by construction of a barrier or cap; and/or Rendering the arsenic/lead immobile or inert by in-situ stabilization to prevent migration into ground water.
- The work plan shall ensure that any lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk contained in the buildings to be demolished are properly removed and disposed of in coordination with DTSC, or other appropriate agency. Removal, demolition and disposal of any of the above-mentioned chemicals shall be conducted in compliance with California and other local environmental regulations and policies.

Mitigation Measure 3.8-4: If the final end use of the land located within the 9.0-acre portion of the South Village site designated Business Professional/Commercial (see Figure 2.0-7 in Chapter 2.0, Project Description) is determined to be residential or a mix of non-residential and residential uses, the applicant or future project proponent will be required to do the following prior to issuance of improvement plans for this area of the South Village site:

Remove the soil over 45 feet by 55 feet to a depth of one-foot below ground surface in the area of Structure 2, as shown in the Phase II Environmental Site Assessment by WKA provided in Appendix F of this DEIR. The removed soil shall be stockpiled, characterized for disposal, and transported off-site to an appropriate licensed waste disposal facility. A set of soil samples shall be collected from the excavation to confirm the removal of lead impacted soil in the area.

Mitigation Measure 3.8-5: If any underground septic tanks, or fuel tanks are uncovered from past site uses during construction, the project proponent shall retain an environmental professional to assist with the removal consistent with the Placer County Environmental Health Department's Underground Storage Tank Program, and Septic Abandonment Permit requirements.

Mitigation Measure 3.8-6: Project site wells that are no longer operated shall be properly abandoned through permit by the Placer County Environmental Health Division permit. The well abandonment work shall be completed by a C-57 State licensed well contractor.

Mitigation Measure 3.8-7: All imported materials shall be characterized according to DTSC's 2001 Information Advisory Clean Imported Fill Material.

## Hydrology and Water Quality

Mitigation Measure 3.9-1: The Project applicant shall demonstrate compliance, through its grading plans, erosion control plan, and Storm Water Pollution Prevention Plan (SWPPP), with all requirements of the City's Stormwater Runoff Pollution Control Ordinance (Title 8, Chapter 8.30 of the Code) and the Grading and Erosion and Sedimentation Control Ordinance (Title 15, Chapter 15.28 of the Code), which regulate stormwater and prohibit non-stormwater discharges except where regulated by an National Pollutant Discharge Elimination System permit. The Project's grading plans shall be approved by the City of Rocklin, Engineering Department prior to initiation of site grading activities.

Mitigation Measure 3.9-2: Prior to issuance of building or grading permits, the applicant shall submit a final Stormwater Control Plan for the final Project design identifying permanent stormwater control measures to be implemented by the Project to the City of Rocklin. The plan shall include measures consistent with the adopted guidelines and requirements set forth in City of Rocklin Post-Construction Manual (dated June 30, 2015) and shall be subject to review and approval by the City of Rocklin, Engineering Department.

Mitigation Measure 3.9-3: Prior to the completion of construction the applicant shall prepare and submit, for the City's review, an acceptable Operation and Maintenance Plan. In addition, prior to the sale, transfer, or permanent occupancy of the site the applicant shall be responsible for paying for the long-term maintenance of treatment facilities, and executing a Stormwater Management Facilities Operation and Maintenance Agreement and Right of Entry in the form provided by the City of Rocklin. The applicant shall accept the responsibility for maintenance of stormwater management facilities until such responsibility is transferred to another entity.

The applicant shall submit, with the application of building permits, a draft Stormwater Facilities and Maintenance Plan, including detailed maintenance requirements and a maintenance schedule for the review and approval by the Director of Public Works/City Engineer. Typical routine maintenance consists of the following:

- Limit the use of fertilizers and/or pesticides. Mosquito larvicides shall be applied only when absolutely necessary.
- Replace and amend plants and soils as necessary to ensure the planters are effective and attractive. Plants must remain healthy and trimmed if overgrown. Soils must be maintained to efficiently filter the storm water.
- Visually inspect for ponding water to ensure that filtration is occurring.
- After all major storm events, remove bubble-up risers for obstructions and remove if necessary.
- Continue general landscape maintenance, including pruning and cleanup throughout the year.
- Irrigate throughout the dry season. Irrigation shall be provided with sufficient quantity and frequency to allow plants to thrive.
- Excavate, clean and or replace filter media (sand, gravel, topsoil) to ensure adequate infiltration rate (annually or as needed).

Mitigation Measure 3.9-4: Prior to the approval of grading permits for projects on Parcel B of the North Village site or the Business Professional areas within Parcel C-2 of the South Village site, future project proponents must demonstrate compliance, through their grading plans, SWPPPs, and Stormwater Control Plans, with all applicable requirements of the City of Rocklin and Placer County Flood Control and Water Conservation District, subject to approval by the City of Rocklin, Engineering Department.

### Noise

Mitigation Measure 3.11-5: Prior to Grading Permit issuance, the Applicant and/or construction contractor shall demonstrate, to the satisfaction of the City of Rocklin Community Development Department, that the Project complies with the following:

- Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices.
- Construction activities shall not occur weekdays between the hours of 7:00 p.m. and 7:00 a.m. or weekends between the hours of 7:00 p.m. and 8:00 a.m.
- The construction contractor shall ensure that equipment operators limit equipment idling to five minutes or less. If greater than five minutes, idling equipment shall be turned off not in use.

The construction contractor shall maintain equipment to ensure that vehicles and the loads are secured to limit reduce rattling or banging noises.