

# "EXHIBIT 3"

RESOLUTION NO. \_\_\_\_\_

## MITIGATION MONITORING AND REPORTING PROGRAM Marin Public Safety and Emergency Communications System

### I. INTRODUCTION

#### A. Background

Assembly Bill 3180 became law in California on January 1, 1989. This bill requires all public agencies to adopt mitigation or reporting programs when they approve projects with Environmental Impact Reports or Negative Declarations that identify significant environmental impacts. The reporting and monitoring program must be adopted when a public agency makes its findings under the California Environmental Quality Act Chapter 2.6 Section 21081.6 so that the program can be made a condition of project approval. The program must be designed to ensure project compliance with mitigation measures during project implementation. If certain project impacts extend beyond the project implementation phase, long-term mitigation monitoring should be provided in the monitoring program.

#### B. Purpose

The Marin Public Safety and Emergency Communications System Mitigation Monitoring and Reporting Program ("MMRP") would ensure that all required mitigation measures are completed as part of project construction and maintained in a satisfactory manner during project implementation. This program is designed in a table format for ease of use by the responsible parties. The table identifies the individual impacts, corresponding mitigation measures, individual/agency responsible for implementation, time frame for implementation, and assigns a party responsible to implement, monitor, and confirm the implementation of the mitigation measure. The table will be used by the County of Marin to verify that all required mitigation measures are incorporated into the project, and will provide a convenient tool to determine whether required measures have been fulfilled.

### II. MITIGATION MONITORING AND REPORTING PROGRAM

#### A. Management

Each permitting Agency will be responsible for overseeing implementation and administration of the MMRP for the project.

A staff member from each agency will manage the MMRP. If current staffing in the Agency cannot absorb the task of managing the MMRP, an independent contractor may be hired to serve under the direction of the Agency. Duties of the staff member responsible for program coordination, whether a permanent staff member or independent contractor, would include the following:

1. Conduct routine inspections, plan checking, and reporting activities.
2. Serve as a liaison between the Agency and project applicant regarding mitigation monitoring issues.
3. Coordinate activities of consultants hired by the project applicant when such expertise and qualifications are necessary to implement and monitor mitigation measures.

## "EXHIBIT 3"

4. Coordinate with agencies having mitigation monitoring responsibilities.
5. Assure follow-up and response to citizens' complaints.
6. Complete forms, checklists and other documentation provided by the County for reporting. Maintain reports and other records and documents generated by the monitoring program.
7. Coordinate and assure corrective actions or enforcement measures are taken, if necessary.

### **B. Baseline Data**

The baseline data for each of the environmental impact report ("EIR") mitigation measures to be monitored over the duration of the project is contained in the certified EIR (SCH #99092073), and the January 2006 Addendum.

### **C. Dispute Resolution**

The overall program goal to ensure compliance with required mitigation measures could create disputes between the Agency and project applicant over what constitutes compliance. Therefore, a procedure for conflict resolution needs to be established as part of the MMRP. In the event of disagreement about appropriate mitigation measure implementation, the responsible Agency staff member will notify the MERA representative and hold a meeting with project applicant. After assessing the information, the responsible staff member will determine the appropriate method for mitigation implementation and will notify the MERA representative of the decision. The project applicant, Agency representative, or any interested member of the public may trigger review by timely appeal or direct referral.

### **D. Enforcement**

The MMRP will be incorporated as a condition of subsequent project approval. Therefore, all mitigation measures and monitoring requirements must be complied with in order to fulfill the requirements of the approval. A number of the mitigation measures will be implemented during the course of the development review process. These measures will be checked in plans, in reports, and in the field prior to granting of subsequent approvals and/or permits (i.e., precise development plans and grading, building, and occupancy permits). If compliance is not found, these approvals and permits would not be granted. The remaining mitigation measures will be implemented during the construction, or project implementation phase. If work is performed in violation of mitigation measures, stop work orders would be issued. Other mitigation measures will be monitored over time in order to ensure long-term compliance. Agency staff may provide for revisions to mitigation measures if necessary to assure success, subject to the appeal process and compliance with CEQA requirements for subsequent or supplemental review of any significant changes to the project EIR. Mitigation measures and monitoring actions are provided in the attached table.

### **E. The Program**

The attached MMRP table is derived from the project EIR and January 2006 Addendum. The table identifies the impact, mitigation measure(s), and level of significance after mitigation. Each impact and mitigation measure number is the same as documented in the EIR for the project. Each impact and mitigation measure is summarized. Detailed discussions of the impacts and mitigations can be found in the EIR. The summary format in the table was intended to avoid the creation of a

### **"EXHIBIT 3"**

cumbersome, unusable table. In addition, the table identifies the person/agency responsible for implementation and monitoring of the mitigation. The "When Implemented" column identifies at which stage during the review (or construction) process the mitigation should be implemented.

**"EXHIBIT 3"**

<b><i>Martinelli Property Mitigation Monitoring and Reporting Program Table</i></b>					
<b>Aesthetic Resources</b>					
Impact Preferred Site on the Martinelli Property: The addition of a radio communications site with a 35 foot monopole plus 10 foot whip antennae will result in a significant new view impact from the existing hiking trail on lands of the GGNRA west of the proposed communications site.	a) Paint all facilities, existing and proposed, a dark green color to reduce the visual contrast, resulting in the visual effect of making the facilities recede into vegetated backgrounds. b) Plant vegetation species recommended by the biologist in the Addendum at the locations shown on the proposed site plan.	MERA	Building Permit	County of Marin	
<b>Biological Impacts</b>					
Impact Preferred Site on Martinelli Property: Site preparation and construction of the facility and the buried power line will create exposed mineral soils, increasing the potential for erosion and for the introduction and establishment of aggressive, exotic weeds	Best management practices as specified in the certified Final EIR are required for all site preparation, construction, landscape, monitoring, and maintenance at the site.	MERA	Building Permit	County of Marin	

**"EXHIBIT 3"**

<i>Martinelli Property Mitigation Monitoring and Reporting Program Table</i>					
<b>Air Quality Impacts</b>					
Impact AIR-1: Construction activities associated with the proposed project would have potential short-term impacts on local air quality	<p>a) Adhere to BAAQMD Regulation 11 Hazardous Pollutants, Rule 2 for Asbestos Demolition, Renovation, and Manufacturing.</p> <p>b) Construction equipment shall be maintained and tuned at intervals recommended by manufacturers in order to minimize exhaust emissions.</p> <p>c) Equipment idling shall be kept at a minimum when equipment is not in use. Moreover, no piece of equipment shall idle in one place for more than 30 minutes.</p> <p>d) Construction truck trips using nearby roadways shall be scheduled during non-peak hours.</p> <p>e) Equipment and manpower shall be provided for watering exposed or disturbed soil surfaces at least twice daily, including weekends and holidays.</p> <p>f) Stockpiles of debris, soil, sand, and other materials that may be blown by the wind shall be covered and the covering anchored.</p>	<p>NERA</p>	<p>Building Permit</p>	<p>Marin County</p>	
Impact AIR-1: Continued	<p>g) The construction area and all adjacent paved streets shall be swept daily of all mud and debris.</p> <p>h) Any truck transporting dust-producing material leaving or entering the proposed project site shall be covered, and nearby roadways shall be cleaned regularly to reduce possible fugitive dust emissions outside the construction area.</p> <p>i) The speed of all construction vehicles shall not exceed 25 miles per hour on unpaved surfaces.</p> <p>j) During construction operations the project proponent shall post a publicly-visible sign on the site that specifies the telephone number and person/agency to contact for complaints and/or inquiries on dust generation and other air quality issues resulting from the proposed project construction</p>	<p>NERA</p>	<p>Building Permit</p>	<p>Marin County</p>	
Impact AIR-2. Operation of the emergency generators would have potentially significant impacts on air quality.	<p>a) Emergency power generators shall be equipped with emission control devices.</p>	<p>NERA</p>	<p>Building Permit</p>	<p>Marin County</p>	

**"EXHIBIT 3"**

<i>Martinelli Property Mitigation Monitoring and Reporting Program Table</i>					
<b>Cultural Resources</b>					
CULT-1: Construction s may affect cultural resources, as these areas are designated as moderately high in archaeological, cultural or historic significance.	<p>a) Prior to the award of a bid, complete final plans and specifications shall be submitted to the Construction Project Manager, or designated representative and agency officials, in order to review the plans and specifications for potential cultural impacts resulting from either project excavation, grading or mobilization.</p> <p>b) Contractors and construction personnel involved with any form of ground disturbance (e.g., utility placement or maintenance) shall be advised of the possibility of encountering subsurface cultural resources. If such resources are encountered or suspected to have been encountered, work shall be halted immediately, and the Construction Project Manager, or designated representative, shall be notified. A note to this effect shall be included on all improvement plans, specifications, notes, and grading permits and submitted to agency officials for review.</p> <p>c) A professional archaeologist shall be present during project excavation and grading to observe and watch for the appearance of cultural resources. If bone is discovered that appears to be human, California Law requires that the Marin or Sonoma County Coroner as well as the Native American Heritage Commission be contacted immediately. If Native American resources are found, Native American Organizations shall be notified and consulted about any plans for treatment and handling. A note to this effect shall be included on all improvement plans, specifications, notes, and grading permits</p>	<p>NERA</p>	<p>Building Permit</p>	<p>Marin County</p>	

**"EXHIBIT 3"**

<b><i>Martinelli Property Mitigation Monitoring and Reporting Program Table</i></b>					
<b>Geological Problems</b>					
Impact GEO-1: The Addendum found that the Preferred Site on the Martinelli Property is located in a region with the potential for significant ground shaking due to seismic activity.	<p>a) A design level geotechnical report shall be prepared for the facilities proposed at the Preferred Site on the Martinelli Property. A qualified geotechnical engineer and engineering geologist should prepare the document, and this design level report should provide criteria for site preparation, pavement, and foundations. Site-specific earthquake forces should also be identified and incorporated into the design of structures.</p> <p>b) All structures, including towers and earthworks, shall conform to the applicable earthquake design standard such as the Uniform Building Code.</p>	<p>NERA</p>	<p>Building Permit</p>	<p>Marin County</p>	
<b>Hazards</b>					
Impact HAZ-1: Hazardous materials, such as diesel and propane fuels, could create a significant hazard to the public if accidentally released.	<p>a) Employ project specifications, applicable state, local, and federal requirements and typical utility installation practices, and limit the risk of upset to occupants of the site and area residents. Responsibility for such practices shall be identified on plans as a component of the project.</p> <p>b) Establish and prepare a monitoring and emergency response plan to be implemented during the operational phase of the proposed project and submit to agency officials for review and verification. The plan shall include periodic inspection for leaks, spillage, or delivery problems and an appropriate response to the same.</p>	<p>NERA</p>	<p>Building Permit</p>	<p>Marin county</p>	

**"EXHIBIT 3"**

<b><i>Martinelli Property Mitigation Monitoring and Reporting Program Table</i></b>					
<p>Impact HAZ-2: The proposed project structures would be exposed to fire hazards particularly under severe dry weather and wind conditions. In addition, construction operations could also increase the risk of wild land fires on the project sites</p>	<p>b) The fuel loads (i. e. grasses, brush) shall be reduced by mowing and pruning to reduce the risk of fire ignition on the construction site.</p> <p>c) The Contractor shall provide a water truck or portable water tank on-site during all construction operations. The number and capacity of water trucks or tanks shall be determined through coordination with the Marin County Fire Department.</p> <p>d) On-site fire response equipment (i. e., fire extinguishers, fire retardant blankets, shovels, buckets) shall be maintained and clearly marked at each project construction site.</p> <p>e) The Contractor shall ensure that all construction workers are trained in workplace safety measures and the use of on-site fire response equipment.</p> <p>f) A wireless phone or other independent communication device shall be located on-site and clearly identified at all times during project construction.</p>	<p align="center">MERA</p>	<p align="center">Building Permit</p>	<p align="center">Marin County</p>	
<p><b>Water Quality</b></p>					



**"EXHIBIT 3"**

<p>Impact WATER-1: The Addendum found that construction-related activities at the Preferred Site on the Martinelli Property has the potential to impact water quality</p>	<p>a) The proposed project shall minimize surface disturbance as much as possible during grading and construction activities associated with the project.</p> <p>b) Excavated materials shall be disposed of or stored away from water resources, storm drain inlets, and the disposal or storage area shall be graded to minimize surface erosion. c) Pollutants such as sanitary wastes and petroleum products shall be collected and removed from the job as they accumulate. An emergency spill prevention and countermeasure plan shall be developed prior to commencement of site activities. When necessary, chemical toilets shall be used in order to prevent bacterial and nutrient contamination of surface waters.</p> <p>d) Utilize Best Management Practices (BMP) that locate construction activities and petroleum product storage away from drainage courses, storm drain inlets, and other water bodies to minimize toxic effects of petroleum products on aquatic organisms.</p>	<p>NERA</p>	<p>Building Permit</p>	<p>Marin County</p>	
---	---	-------------	------------------------	---------------------	--

**"EXHIBIT 3"**

<i>Martinelli Property Mitigation Monitoring and Reporting Program Table</i>					
<b>Noise</b>					
Impact NOISE-1: The Addendum found that construction-related activities at the Preferred Site on the Martinelli Property would have the potential for short-term increases in existing noise levels for the duration of the construction operations.	<p>a) The Contractor shall be required to abide by Marin County's adopted standards for noise and hours of construction during all phases of the project construction. The Construction Project Manager or designated representative shall provide the Contractor with the applicable standards.</p> <p>b) Air conditioning units and emergency power generators shall be selected and specified to meet the applicable noise standards.</p>	MERA	Building Permit	Marin County	