

APPENDIX C

REVISED MITIGATION MONITORING AND REPORTING PLAN

INTRODUCTION

Background Assembly Bill (AB) 3180 (California Public Resources Code (PRC) Section 2108.6) became law in California on January 1, 1989. This bill requires all public agencies to adopt mitigation or reporting plans when they approve projects with Mitigated Negative Declarations or Environmental Impact Reports which identify significant environmental impacts. The reporting and monitoring plans must be adopted when a public agency makes its findings pursuant to the California Environmental Quality Act (CEQA) so that the program can be made a condition of project approval. The plan 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 plan.

Purpose The Tiburon Glen mitigation monitoring plan will ensure that all mitigation measures required by the Environmental Impact Report and agreed to by the applicant are completed as part of project construction and are maintained in a satisfactory manner during and following project implementation. This plan 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 plan. The table will be used by the Town of Tiburon 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.

MITIGATION MONITORING AND REPORTING PLAN

Management The Town of Tiburon Community Development Department will be responsible for overseeing implementation and administration of the Mitigation Monitoring and Reporting Plan (the MMRP) for the Tiburon Glen development.

The Community Development Director will designate a staff member to manage the MMRP. If current staffing in the Community Development Department cannot absorb the task of managing the MMRP, an independent contractor will be hired at the expense of the project applicant. The independent contractor would serve under the direction of the Community Development Director or designated staff member. Duties of the staff member responsible for program coordination, whether a permanent Town staff member or independent contractor, would include the following:

- Conduct routine inspections, plan checking, and reporting activities.
- Serve as liaison between the Town and project applicant regarding mitigation monitoring issues.
- Coordinate activities of consultants hired by the project applicant when such expertise and qualifications are necessary to implement and monitor mitigation measures.
- Coordinate with other Town personnel and agencies having mitigation monitoring responsibilities.

- Assure follow-up and response to citizens' complaints.
- Complete forms, checklists, and other documentation provided by the Town for reporting. Maintain reports and other records and documents generated by the MMRP.
- Coordinate and assure corrective actions or enforcement measures are taken, if necessary.

Baseline Data The baseline data for each of the environmental impact mitigation measures to be monitored over the duration of the project are contained in the May 2003 *Revised Draft Environmental Impact Report*, the Addendum to the August 2003 *Final Environmental Impact Report* and the Second Addendum to the August 2003 *Final Environmental Impact Report* for the Tiburon Glen development.

Dispute Resolution The overall goal of the MMRP, to ensure compliance with required mitigation measures, could be affected by disputes between the Town and project applicant or the individual lot owners over what constitutes compliance. Therefore, a procedure for conflict resolution about appropriate mitigation measure implementation, the responsible Town staff member will notify the Planning Director via a brief memo and hold a meeting with the project applicant. After assessing the information, the responsible staff member will determine the appropriate method for mitigation implementation and will notify the Planning Director of the decision. The project applicant, Planning Director, or any interested member of the public may trigger Town Council review by timely appeal or directed referral. The Town Council's decision is final.

Enforcement The MMRP will be incorporated as a condition of project approval. Therefore, all mitigation measures 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 before granting construction-related permits (that is, grading, building, and occupancy permits). If compliance is not found, these permits would not be granted. Most of 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. These mitigation measures include the success of wetland habitat and native grassland enhancement. Planning Department staff are to provide for revisions to the mitigation measures if necessary to assure success, subject to the appeal process. Mitigation measures and monitoring actions are provided in the MMRP.

The MMRP The MMRP identifies the impact and mitigation measure(s). Each impact and mitigation measure number (for example, Impact 5.2-3, Mitigation Measure 5.2-3) is the same as documented in the *Revised Draft Environmental Impact*. In addition, the MMRP identifies the person / agency responsible for implementing and monitoring the mitigation ("Implemented By"). The "When Implemented" column identifies at which stage during the review or construction process the mitigation should be implemented.

Funding AB 3180 does not provide a specific funding mechanism for implementing MMRPs. However, public agencies have the authority to levy charges, fees, or assessments to pay for the program, just as they currently do for the preparation of environmental documents under CEQA. For the Tiburon Glen project, the project applicant would be responsible for the costs of mitigation monitoring.