



## CHAPTER 24

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### DRAFT MITIGATION MONITORING PROGRAM

Introduction

Tracking Mitigation Measures

Mitigation Monitoring Program

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## INTRODUCTION

The California State Legislature amended CEQA in 1990 by enacting AB 3180, which resulted in the addition of Section 21081.6 to the Public Resources Code. AB 3180 requires all state and local agencies to establish either reporting or monitoring programs whenever approval of a project relies upon a mitigated negative declaration or an environmental impact report (Governor's Office of Planning and Research, 1994).

## TRACKING MITIGATION MEASURES

In 1994, the Governor's Office of Planning and Research (OPR) published a manual titled, *Tracking CEQA Mitigation Measures Under AB 3180*. Districts Nos. 26 and 32 will adhere to the guidelines set forth in that manual.

### Reporting

The OPR defines reporting as *a written review of mitigation activities that is presented to the approving body by either staff or the project developer*. According to the OPR manual, a program for reporting on the implementation of mitigation measures should include the following components:

- A list of the mitigation measures being reported on.
- Standards for determining compliance with each mitigation measure.
- A schedule for making one or more reports to the approving agency regarding the level of compliance of the project with required mitigation measures. The program may identify the stages of the project at which each mitigation measure must be implemented.

- A statement that identifies the person or agency responsible for reviewing the project and for preparing and making the report to the approving agency.

### Monitoring

The OPR defines monitoring as *a continuous, ongoing process of project oversight*. According to the OPR manual, a program for monitoring the implementation of mitigation measures should include the following components:

- A list of the mitigation measures or project revisions which have been adopted for the project by the lead agency.
- A schedule for regularly checking on the project's compliance with the mitigation measures or project revisions, including progress toward meeting specific standards, if any. The program may identify the stages of the project at which each mitigation measure must be implemented.
- A means of recording compliance at the time of each check.
- A statement assigning responsibility for monitoring implementation of the mitigation measures to specific persons or agencies.
- If monitoring duties are contracted to private individuals or firms, provisions ensuring that monitoring reflects the independent judgement of the agency. Regardless of whether monitoring is performed by the agency or a contractor, the agency retains the ultimate legal responsibility for fulfilling Section 21081.6 of the Public Resources Code.
- Provisions for funding monitoring activities, including the imposition of fees.

- Provisions for responding to a failure to comply with any mitigation measure.

## **MITIGATION MONITORING PROGRAM**

Reporting is most suited for projects with mitigation measures that are readily measurable or that already involve regular review. Monitoring, on the other hand, is most suited for projects with complex mitigation measures that are expected to be implemented over a period of time, that may exceed the expertise of the local agency overseeing the project, or that require careful implementation to assure compliance. Since the mitigation measures for the recommended project are complex in nature and will need to be implemented during various phases of the project, Districts Nos. 26 and 32 will fulfill the requirements of AB 3180 through a monitoring program similar to that recommended by the OPR. The mitigation monitoring program will be administered by Districts Nos. 26 and 32 and will include the use of worksheets as a means of tracking compliance. A separate worksheet will be prepared to monitor each mitigation measure and will include the following information: the impact being mitigated, the mitigation measure for that impact, the party responsible for implementing the mitigation measure, the implementation schedule, the party responsible for monitoring implementation, the monitoring schedule, and verification of compliance.

Table 24-1 lists the mitigation measures proposed for the recommended project as well as implementation and monitoring information for each. A monitoring program is not proposed for mitigation measures associated with cumulative, growth-inducing, and growth-related impacts because agencies other than the Districts, primarily local governments, are responsible for the implementation of those mitigation measures.

**Table 24-1**  
**MITIGATION MONITORING PROGRAM FOR THE RECOMMENDED PROJECT**

<b>MITIGATION MEASURE</b>	<b>IMPLEMENTING PARTY</b>	<b>IMPLEMENTATION SCHEDULE</b>	<b>MONITORING PARTY</b>
<b>Geologic Hazards and Soils</b>			
<b>10-1:</b> Prepare and Implement an Erosion Control and Rehabilitation Plan.	Contractors	Pre-Construction and Construction	Districts
<b>10-2:</b> Implement Appropriate Seismic Engineering Considerations for Facilities.	Districts	Design and Construction	Districts
<b>10-3:</b> Implement Appropriate Liquefaction Engineering Considerations for Facilities.	Districts	Design and Construction	Districts
<b>Air Quality</b>			
<b>13-1:</b> Apply Nontoxic Soil Stabilizers to All Inactive Construction Areas.	Contractors	Construction	Districts
<b>13-2:</b> Establish a Vegetative Ground Cover to Disturbed Areas.	Districts and Contractors	Post-Construction	Districts
<b>13-3:</b> Enclose, Cover, Water Twice Daily, or Apply Nontoxic Soil Binders to Exposed Piles.	Contractors	Construction	Districts
<b>13-4:</b> Apply Water to Active Sites.	Contractors	Construction	Districts
<b>13-5:</b> Cover or Maintain Freeboard Requirements When Hauling Loose Material.	Contractors	Construction	Districts
<b>13-6:</b> Sweep Paved Public Streets at End of Day to Remove Visible Soil.	Contractors	Construction	Districts
<b>13-7:</b> Apply Nontoxic Soil Stabilizers to Unpaved Parking and Staging Areas.	Contractors	Construction	Districts
<b>13-8:</b> Limit Traffic Speeds on All Unpaved Roads.	Contractors	Construction	Districts
<b>Aesthetics</b>			
<b>15-1:</b> Partially Screen New Elements from Public View Where Feasible.	Districts and Contractors	Construction	Districts
<b>Water Quality</b>			
<b>17-1:</b> Prepare and Implement a Stormwater Pollution Prevention Plan.	Districts	Pre-Construction and Construction	Districts
<b>Biological Resources</b>			
<b>18-1:</b> Replacement of Lost Cottonwoods at a 3:1 Ratio.	Districts and Contractors	Post-Construction	Districts
<b>18-2:</b> Revegetation of Riparian Areas Disturbed by Construction.	Districts and Contractors	Post-Construction	Districts