

Appendix I
Mitigation Monitoring and Reporting Program

TABLE OF CONTENTS

Appendix I. Mitigation Monitoring and Reporting Program I-1

Appendix I

Mitigation Monitoring and Reporting Program

The California Environmental Quality Act (CEQA) requires a lead public agency to adopt a mitigation monitoring and reporting plan or program when making any necessary findings for a Final Environmental Impact Report (EIR) or when approving a Negative Declaration. The intent of the mitigation monitoring plan is to verify or document that the required mitigation measures presented in the Final EIR are implemented. An amendment to CEQA, effective in 1989 as a result of Assembly Bill (AB) 3180, requires that a public agency adopt a plan for monitoring and reporting of the implementation of mitigation measures required of a project. Specifically, as stated in California Public Resources Code Section 21081.6(a)(1):

[T]he public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.

The following table lists each mitigation measure included in the Final EIR for the Marin Municipal Water District Desalination Project, along with the purpose of the measure, the anticipated timing or schedule, the requirements, and the responsible party. For this project, all mitigation measures are the responsibility of MMWD.

Appendix I

Mitigation Monitoring and Reporting Program

Mitigation Measure	Purpose	Timing	Monitoring Requirements	Responsible Party	Actions Taken to Comply with Requirements	Task Completed		Remarks	Task Completed	
						Initial	Date		Initial	Date
Aesthetics										
Mitigation Measure 4.1-3: During the project design phase, MMWD will work with a landscape architect and the cities of San Rafael and Larkspur to develop a landscaping plan for the San Quentin Ridge tank site to reduce the visual contrast of the tanks on the ridge top. MMWD will implement the landscaping plan during project construction. The landscape plan will identify the location and types of planting (i.e., trees and shrubs) that will soften the visual intrusion of the tanks and identify success metrics such as survival and growth rates for the plantings. MMWD will place story poles at the tank locations upon completion of the site plans.	Minimize the contrast between the proposed tanks on San Quentin Ridge and the surrounding natural setting.	During project design and project construction.	MMWD will develop the landscape plan during project design. MMWD will implement the landscaping plan during project construction.	MMWD						
Mitigation Measure 4.1-4(a): Design of the desalination plant will provide for the use of textured nonreflective exterior surfaces and nonreflective glass.	Minimize the effects of light and glare from the desalination plant on surrounding views.	During project design and project construction.	Design features will be included in design documents. Monitoring will occur during project design and as needed during construction.	MMWD						
Mitigation Measure 4.1-4(b): All outdoor lighting will utilize directional lighting methods with shielded and cutoff-type light fixtures to minimize glare and upward directed lighting.										

Appendix I

Mitigation Monitoring and Reporting Program

Mitigation Measure	Purpose	Timing	Monitoring Requirements	Responsible Party	Actions Taken to Comply with Requirements	Task Completed		Remarks	Task Completed	
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Air Quality										
Mitigation Measure 4.2-1(a): Implement the following Basic Control Measures, as described in the BAAQMD CEQA Guidelines, at all construction sites: <ul style="list-style-type: none"> • Water all active construction areas at least twice daily. • Cover all trucks hauling soil, sand, and other loose materials <i>or</i> require all trucks to maintain at least 2 feet of freeboard. • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. 	Minimize fugitive dust from ground disturbance and exhaust pollutants from construction equipment.	During construction.	MMWD will include dust and exhaust control measures in its design documents, including requiring the contractor to adhere to BAAQMD requirements.	MMWD						

Appendix I

Mitigation Monitoring and Reporting Program

Mitigation Measure	Purpose	Timing	Monitoring Requirements	Responsible Party	Actions Taken to Comply with Requirements	Task Completed		Remarks	Task Completed	
						Initial	Date		Initial	Date
Air Quality, continued										
<p>Mitigation Measure 4.2-1(b): Implement the following Enhanced Control Measures, as described in the BAAQMD CEQA Guidelines, at construction sites greater than 4 acres in area:</p> <ul style="list-style-type: none"> • All Basic Control Measures listed above. • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). • Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.) • Limit traffic speeds on unpaved roads to 15 mph. • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. • Replant vegetation in disturbed areas as quickly as possible. 	Same as above	Same as above	Same as above	MMWD						

Appendix I

Mitigation Monitoring and Reporting Program

Mitigation Measure	Purpose	Timing	Monitoring Requirements	Responsible Party	Actions Taken to Comply with Requirements	Task Completed		Remarks	Task Completed	
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Biology										
<p>Mitigation Measure 4.3-2: MMWD will conduct a pre-construction survey of trees and annual grassland on and adjacent to the pipeline route, tank sites and pumping stations during the breeding season not more than 14 days prior to the start of construction of any given segment. The surveys will be conducted by a qualified biologist to determine if any nesting birds will be affected. If an active raptor nest is discovered during pre-construction surveys, work exclusion buffers will be determined in consultation with the CDFG. If non-raptor protected bird species are observed nesting, clearing and construction within 150 feet will be postponed until the nest is vacated and juveniles have fledged, and there is no evidence of second nesting attempts. Nests located near existing roads will not require the 150-foot buffer zone.</p>	<p>Minimize construction-related impacts to nesting efforts of migratory and other protected bird species.</p>	<p>Prior to construction.</p>	<p>Pre-construction surveys will be performed and documented (in project files) for construction activities that are planned or may coincide with the February 15 to August 15 nesting season. Positive findings (active nesting) may require avoidance measures developed in consultation with the CDFG.</p>	<p>MMWD</p>						
<p>Mitigation Measure 4.3-3: Prior to final design and construction of project features, MMWD would perform a tree survey of the San Quentin Ridge woodland and other wooded areas along pipeline routes. The project design would be modified to avoid trees greater than 6 inches diameter at breast height (DBH), if feasible. If the project cannot avoid a tree greater than 6 inches DBH, replacement trees (similar to those removed) would be planted at a 2:1 ratio, and a management plan would be developed with Marin County and/or the City of San Rafael, designating preservation areas of the woodland.</p>	<p>Minimize and mitigate conversion of woodland habitat.</p>	<p>Prior to, during, and after construction.</p>	<p>Surveys will occur prior to construction. Survey results will be documented in project files. Planting activities will begin anytime after surveys are complete. Coordination with Marin County and/or the City of San Rafael for the development of a management plan will be ongoing and maintenance for woodlands would follow this plan.</p>	<p>MMWD</p>						

Appendix I

Mitigation Monitoring and Reporting Program

Mitigation Measure	Purpose	Timing	Monitoring Requirements	Responsible Party	Actions Taken to Comply with Requirements	Task Completed		Remarks	Task Completed	
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Biology, continued										
<p>Mitigation Measure 4.3-9(a): NOAA Fisheries will be consulted regarding appropriate measures to mitigate potential effects on fish, including special-status species (chinook salmon, steelhead, and green sturgeon). Such measures normally include specifying allowable seasonal work windows for in-water pile-driving and use of physical attenuators such as air bubble curtains. During initial pile-driving efforts, the area around the in-water pile-driving activities will be monitored for signs that fish are being injured (e.g., floating on the surface, or birds moving in to prey on dead or injured fish).</p>	<p>Reduce the impact from underwater noise generated during pile-driving activities associated with the reconstruction of the Marin Rod & Gun Club Pier.</p>	<p>Prior to and during construction.</p>	<p>Consultation with NOAA Fisheries will occur prior to construction. Monitoring will occur prior to and during construction. Monitoring activities will be documented in the project files.</p>	<p>MMWD</p>						

Appendix I

Mitigation Monitoring and Reporting Program

Mitigation Measure	Purpose	Timing	Monitoring Requirements	Responsible Party	Actions Taken to Comply with Requirements	Task Completed		Remarks	Task Completed	
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Biology, continued										
<p>Mitigation Measure 4.3-9(b): For marine mammals, an IHA from NOAA Fisheries may be required for pile-driving activities. Expected underwater sound levels will be estimated during final design. If estimated levels are expected to be above 160 decibels referenced to 1 micropascal (dB re 1 μPa), NOAA Fisheries would consider this Level B harassment and an IHA would be required. Avoidance measures and a marine mammal monitoring plan will be developed in consultation with NOAA Fisheries. The IHA request will incorporate these measures. Avoidance and minimization measures would likely include the following:</p> <ul style="list-style-type: none"> • Pre-construction surveys conducted to determine use of the area by marine mammals before pile driving begins. • Marine mammal monitoring conducted during construction in conjunction with underwater noise monitoring. • Avoidance measures will include the establishment of a “safe zone” based on the initial measurements of where the 160 dB contour occurs. • Pile-driving activities will not commence until marine mammals are not sighted within the safety zone for approximately 15 to 30 minutes. 	Same as above	Same as above	Same as above	MMWD						

Appendix I

Mitigation Monitoring and Reporting Program

Mitigation Measure	Purpose	Timing	Monitoring Requirements	Responsible Party	Actions Taken to Comply with Requirements	Task Completed		Remarks	Task Completed	
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Cultural Resources										
<p>Mitigation Measure 4.4-1(a): Route the pipeline (Reach 1) along the easternmost edge/curb of the concrete access road adjacent to the mapped location of the intact remnant of CA-MRN-80. This will keep the project out of the demonstrated location of the deposit.</p>	Reduce potential impacts to known archaeological resources.	During project design and during construction.	The route of the pipeline near CA-MRN-80 will be documented in the design documents. Archaeological monitors will be present during applicable times of construction. All activities by archaeological monitors will be documented in the project files.	MMWD						
<p>Mitigation Measure 4.4-1(b): Require full-time archaeological monitors to be present during the cut and removal of the concrete road within 75 feet in either direction from the plotted location of CA-MRN-80, as well as intermittent monitoring at this location during trenching at the professional discretion of a professional archaeologist. Implement Mitigation 4.4-2(b) and 4.4-2(c) if a discovery occurs.</p>										
<p>Mitigation Measure 4.4-1(c): Require a full-time archaeological monitor to be present during the removal of the aggregate roadbed (beneath the pavement) within 75 feet in either direction from the plotted location of CA-MRN-86 and CA-MRN-129, as well as intermittent monitoring at this location during trenching activities at the professional discretion of a professional archaeologist. Implement Mitigation 4.4-2(b) and 4.4-2(c) if a discovery occurs.</p>										

Appendix I

Mitigation Monitoring and Reporting Program

Mitigation Measure	Purpose	Timing	Monitoring Requirements	Responsible Party	Actions Taken to Comply with Requirements	Task Completed		Remarks	Task Completed	
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Cultural Resources, continued										
<p>Mitigation Measure 4.4-1(d): If ground-disturbing activities are necessary within Caltrans right-of-way, a Cultural Resources Study will be required prior to obtaining an encroachment permit from Caltrans that evaluates the potential for buried unrecorded sites within the area impacted by activities. If an archaeological site is identified within Caltrans right-of-way, the following will be submitted to Caltrans as part of MMWD’s application for an encroachment permit: 1) effect evaluation of potential project impacts to the archeological site; 2) mitigation plan per CEQA Guidelines 15126.4(b)(3) including implementation of Mitigation Measure 4.4-1(b)–(c); and 3) evidence of consultation with the territorial Native American group(s) for the area pursuant to Section 5097 of the California Public Resources Code. Any archaeological site identified will be avoided to the extent feasible. If a historically or culturally significant resource cannot be avoided, MMWD will implement a Data Recovery Plan approved by Caltrans.</p>	<p>Reduce potential impacts to buried unrecorded archaeological resources.</p>	<p>Before submittal of Caltrans encroachment permit application.</p>	<p>Document that all appropriate cultural resources studies have been submitted to Caltrans prior to submittal of encroachment permit application.</p>	<p>MMWD</p>						

Appendix I

Mitigation Monitoring and Reporting Program

Mitigation Measure	Purpose	Timing	Monitoring Requirements	Responsible Party	Actions Taken to Comply with Requirements	Task Completed		Remarks	Task Completed	
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Cultural Resources, continued										
<p>Mitigation Measure 4.4-2(a): Contractor crews will be required to attend an informal training session prior to the start of earth moving, regarding how to recognize archaeological sites and artifacts. Prior to disturbing the soil, contractors will be notified that they are required to watch for potential archaeological sites and artifacts and to notify MMWD immediately if any are found. In the event of a find, MMWD will implement Mitigation 4.4-2(b), below.</p>	Reduce potential impacts to unknown archaeological resources.	Immediately prior to and during construction, when needed.	Design and construction documents will require the construction contractor to notify the responsible engineer with the MMWD in event of encountering potential archaeological or human remains. All activities conducted by construction crews, MMWD, and MMWD-employed archaeologists relating to the discovery of unanticipated cultural resource will be documented in the project files.	MMWD						
<p>Mitigation Measure 4.4-2(b): If an archaeological deposit is encountered, immediately halt all digging within 100 feet of the find, and have a professional qualified archaeologist assess the integrity and significance of the deposit. Further testing to establish the significance of impacts and/or mitigation of significant impacts will be developed in consultation between MMWD and the professional archaeologist.</p>										

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Cultural Resources, continued										
<p>Mitigation Measure 4.4-2(c): In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps will be taken:</p> <ol style="list-style-type: none"> 1. There will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: <ol style="list-style-type: none"> a. The coroner of the County must be contacted to determine that no investigation of the cause of death is required; and b. If the coroner determines the remains to be Native American: <ol style="list-style-type: none"> i. The coroner will contact the NAHC within 24 hours. ii. The NAHC will identify the person or persons it believes to be the most likely descended from the deceased Native American. iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in California PRC Section 5097.98, or 	Same as above	Same as above	Same as above	MMWD						

Appendix I

Mitigation Monitoring and Reporting Program

Mitigation Measure	Purpose	Timing	Monitoring Requirements	Responsible Party	Actions Taken to Comply with Requirements	Task Completed		Remarks	Task Completed	
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Cultural Resources, continued										
<p>2. Where the following conditions occur, the landowner or his 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:</p> <p>b. The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission;</p> <p>c. The descendent identified fails to make a recommendation; or</p> <p>d. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the NAHC fails to provide measures acceptable to the landowner.</p> <p>Section 8100 of the California Health and Safety Code provides that six or more human bodies buried at one place constitute a cemetery. Section 7052 makes it a felony for anyone found guilty of mutilating or removing any human remains from a cemetery without authority of law. Section 7050.0 makes it a misdemeanor for anyone who disturbs, mutilates or removes human remains from any location other than a cemetery. This circumstance applies most often to archaeological investigations but will also apply to remains found during maintenance activities. It requires any person to stop disturbing ground in the vicinity of discovered human remains and to call the county coroner.</p>	Same as above	Same as above	Same as above	MMWD						

Appendix I

Mitigation Monitoring and Reporting Program

Mitigation Measure	Purpose	Timing	Monitoring Requirements	Responsible Party	Actions Taken to Comply with Requirements	Task Completed		Remarks	Task Completed	
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Cultural Resources, continued										
<p>Mitigation Measure 4.4-3: Avoid all direct impacts to the Northwestern Pacific Railroad tracks, berm, or any associated contributing elements. Route the pipeline away from the tracks, and where crossings are necessary, use directional boring under the feature.</p>	Reduce the potential impacts to a historic resource.	During project design and during construction.	Design and construction documents will avoid direct impacts to known historic resources and will require directional boring under the feature, if necessary.	MMWD						
Geology, Soils, and Seismicity										
<p>Mitigation Measure 4.5-7: Areas of grading and other construction activity should be designed to minimize runoff. The use of temporary controlled drainage measures, including straw rolls, visquene covering and silt fences should minimize erosion and runoff during construction. Properly designed and implemented drainage and revegetation plans will minimize post-construction erosion.</p>	Reduce the potential impact of soil erosion resulting from ground-disturbing construction activities	During project design and during and after construction.	Design and construction documents will include measures for erosion control. Drainage plans will be included as a part of project design. A revegetation plan will be developed during project design. Construction manager/engineer will verify/document (in project files) that construction contractor complies with criteria and design measures. Monitoring will occur, as needed, of implementation of revegetation plan.	MMWD						

Appendix I

Mitigation Monitoring and Reporting Program

Mitigation Measure	Purpose	Timing	Monitoring Requirements	Responsible Party	Actions Taken to Comply with Requirements	Task Completed		Remarks	Task Completed	
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Hazards and Hazardous Materials										
<p>Mitigation Measure 4.6-3: During all project excavation activities at all sites, the contractor will inspect the exposed soil for visual evidence of contamination, particularly near the sites identified during the database search (Table 4.6-1). If visual contamination indicators are observed during excavation or grading activities, all work will stop and an investigation will be designed and performed to verify the presence and extent of contamination at the site. Results will be reviewed and approved by the appropriate County’s Environmental Health Division or DTSC prior to construction. The investigation will include collecting samples for laboratory analysis and quantifying contaminant levels within the proposed excavation and surface disturbance areas. Subsurface investigation will determine the appropriate worker protection and the hazardous material handling and disposal procedures appropriate for the subject site. Areas with contaminated soil and groundwater determined to be hazardous waste will be removed by personnel who have been trained through the OSHA-recommended 40-hour safety program (29 CFR 1910.120) with an approved plan for groundwater extractions, soil excavation, control of contaminant releases to the air, and off-site transport or on-site treatment. A health and safety plan, prepared by a qualified and approved industrial hygienist, will be used to protect the general public and all workers in the construction area. In addition, any soils that must be excavated and removed for off-site disposal will be tested to determine if the soil is contaminated and if special handling is required.</p>	<p>To reduce potential health hazards if contaminated soils are encountered during construction activities.</p>	<p>Prior to and during construction.</p>	<p>The health and safety plan would be developed prior to initiating construction activities. Any necessary investigation, testing, disposal, and coordination with the appropriate County’s Environmental Health Division or DTSC if contamination is encountered will be documented in the project files.</p>	<p>MMWD</p>						

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Hydrology and Water Quality										
<p>Mitigation Measure 4.7-8: The impacts of future tsunamis can be lessened or mitigated completely by the application of appropriate engineering design. Detailed hydrodynamic modeling may be necessary for coastal locations in order to determine the likely extent of potential inundation. The behavior of tsunami waves is dependent on local bathymetry. Optimal siting and design of shoreline facilities will lessen the impact of incoming waves. MMWD will design and construct the facility to minimize the risk of damage from a tsunami or seiche-generated wave.</p>	<p>Minimize potential damage to desalination facilities from inundation caused by tsunami- and seiche-generated waves.</p>	<p>During project design and construction.</p>	<p>Proper design criteria will be included and incorporated in design and construction documents. Construction manager/engineer will verify/document (in project files) that construction contractor complies with criteria and design measures.</p>	<p>MMWD</p>						
Land Use, Planning, and Community Issues										
<p>Mitigation Measure 4.8-1: MMWD will work with the Marin County Open Space District and the Town of Tiburon to identify the location and amount of lands (minimum mitigation ratio of 1:1) that can be purchased or MMWD-owned land that can be traded to offset the loss of this open space land. Preferably the land would be contiguous to other existing open space managed by the Marin County Open Space District and located on the Tiburon Peninsula. MMWD will then execute the agreed-upon exchange.</p>	<p>To mitigate loss of land designated as Open Space.</p>	<p>Ongoing until agreement is made and fully executed.</p>	<p>Coordination with Marin County Open Space District and the Town of Tiburon will begin once design is finalized. Coordination will continue until exchange is executed.</p>	<p>MMWD</p>						

Appendix I

Mitigation Monitoring and Reporting Program

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Noise										
Mitigation Measure 4.9-3(a): Limit construction to daytime hours (8:00 a.m. to 5:00 p.m.) Monday through Friday (except construction of the pipeline across Second Street, which would occur at night to comply with the City of San Rafael’s roadway construction policies, and when the effects of construction on congestion would be minimal). No construction activities within 500 feet of residences should occur on Saturdays, Sundays, or holidays.	Reduce extent of construction-generated noise.	During construction.	Design and construction documents will require contractor to follow noise restrictions and design criteria to limit noise. Construction manager/engineer will document compliance with all restrictions and criteria in project files. Noise disturbance coordinator will document all activities in project files.	MMWD						
Mitigation Measure 4.9-3(b): All powered construction equipment will be equipped with intake and exhaust mufflers recommended by the manufacturers thereof.										
Mitigation Measure 4.9-3(c): Locate all stationary noise-generating construction equipment, such as air compressors and portable power generators, as far as practical from existing noise-sensitive receptors.										
Mitigation Measure 4.9-3(d): Foundation pile holes should be pre-drilled where possible to reduce the number of impacts required to seat the pile. Consider using multiple pile drivers to reduce the number of days of pile-driving activity. Use of multiple pile drivers will slightly increase noise levels during construction but will reduce the construction duration.										
Mitigation Measure 4.9-3(e): Notify active land uses within 500 feet of pile driving activities of construction schedule.										

Appendix I

Mitigation Monitoring and Reporting Program

Mitigation Measure	Purpose	Timing	Monitoring Requirements	Responsible Party	Actions Taken to Comply with Requirements	Task Completed		Remarks	Task Completed	
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Noise, continued										
Mitigation Measure 4.9-3(f):										
Designate a noise disturbance coordinator who will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post the construction schedule and telephone number for the disturbance coordinator at the construction site.	Same as above	Same as above	Same as above	MMWD						
Recreation										
Mitigation Measure 4.12-3:										
As indicated in Mitigation Measure 4.8-1, MMWD will work with the Marin County Open Space District and the Town of Tiburon to identify the location and amount of lands (minimum mitigation ratio of 1:1) that can be purchased or MMWD-owned land that can be traded to offset the loss of this open space land. Preferably the land would be contiguous to other existing open space managed by the Marin County Open Space District and located on the Tiburon Peninsula. MMWD will then execute the agreed-upon exchange.	To mitigate loss of land designated as Open Space.	Ongoing until an agreement is made and fully executed.	Coordination with Marin County Open Space District and the Town of Tiburon will begin once design is finalized. Coordination will continue until exchange is executed.	MMWD						

Appendix I

Mitigation Monitoring and Reporting Program

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Traffic, Circulation, and Parking										
Mitigation Measure 4.13-6: MMWD will coordinate at least 30 days in advance with public transit agencies to avoid disruption to transit operations. Public agencies that operate bus routes on the roadways potentially affected by the proposed construction activities will be informed in advance of the pipeline project and the potential impacts at bus stop locations. Alternative pickup/drop-off locations will be determined and marked appropriately.	Minimize potential disruptions to transit operations.	Prior to construction.	Coordination with public transit agencies and implementation of locating and marking alternative pickup/drop-off locations will be documented in project files.	MMWD						

Notes:

- BAAQMD = Bay Area Air Quality Management District
- CEQA = California Environmental Quality Act
- CFR = Code of Federal Regulations
- DBH = diameter at breast height
- DTSC = Department of Toxic Substances Control
- IHA = Incidental Harassment Authorization
- MMWD = Marin Municipal Water District
- NAHC = Native American Heritage Commission
- NOAA Fisheries = (National Oceanographic and Atmospheric Administration) National Marine Fisheries Service
- OSHA = Occupational Health and Safety Administration