

Exhibit B

East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan Mitigation Monitoring and Reporting Plan

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Mitigation Monitoring and Reporting Plan Introduction

Purpose of and Need for Monitoring

In compliance with the California Environmental Quality Act (CEQA), an environmental impact report (EIR) was prepared for the East Contra Costa County Habitat Conservation Plan and Natural Community Conservation Plan (HCP/NCCP) (Proposed Project). The EIR identified significant impacts in the following resource areas. The EIR also identified mitigation measures to reduce these impacts to less than significant levels:

- Biological resources
- Hydrology and water quality
- Cultural resources
- Traffic and circulation
- Noise
- Air quality
- Mineral Resources

CEQA requires that a lead agency adopt a mitigation monitoring and reporting plan (MMRP) for the revisions the agency has required to a project and the measures it has proposed to avoid or mitigate significant environmental effects (CEQA Guidelines Section 15097). The purpose of the MMRP is to ensure that the project revisions and mitigation measures identified in the EIR are implemented and to identify who is responsible for their implementation.

Table 1 of this MMRP, which follows this introductory section, identifies the mitigation measures for the Proposed Project and identifies the parties responsible for implementing and monitoring the mitigation measures, as well as the timing of the mitigation.

Project Description

The proposed HCP/NCCP plan contains the elements described below.

Permit Areas

Two permit areas which reflect the range of expected growth in the area would be established.

- An initial urban development area (which would authorize 9,796 acres of ground-disturbing urban development activities).
- A maximum urban development area (which would authorize up to 13,029 acres of ground-disturbing urban development activities).

Covered Activities

Covered activities (i.e., specific activities or projects) in the proposed HCP/NCCP which would be permitted by DFG and USFWS include the following three distinct categories.

- Activities and projects associated with urban growth, in accord with local general plans.
- Specific infrastructure projects outside the Urban Limit Line (ULL). The proposed plan would allow up to 1,126 acres of impact from rural infrastructure projects for either the initial or maximum urban development area.
- The following activities inside the proposed HCP/NCCP preserves:
 - construction and maintenance of recreational or management facilities,
 - habitat enhancement, restoration, and creation,
 - management activities necessary to achieve the HCP/NCCP's biological goals,
 - surveys for covered species, vegetation communities, and other resources,
 - agricultural activities on adjoining land within one mile of the preserve boundary,
 - low-intensity recreational use, and
 - construction and maintenance of utility infrastructure.

Other activities or projects not specifically described above may be evaluated for coverage under the proposed HCP/NCCP on a case-by-case basis.

Preserve System

The main element of the proposed HCP/NCCP conservation strategy is the creation of a Preserve System that would preserve approximately 23,800 acres of land with the initial urban development area, or approximately 30,300 acres of

land under the maximum urban development area. Likely locations for land acquisition have been divided into Acquisition Analysis Zones, and are under study as detailed in Chapter 2 of the EIR.

Conservation Measures

The proposed HCP/NCCP conservation measures address the landscape-level, community-level (or habitat), and species-level impacts, and includes measures to address the following objectives.

- Design of covered activities to avoid or minimize impacts on covered species and covered vegetation communities.
- Preservation of covered vegetation communities.
- Preservation of covered species populations and habitats.
- Restoration of covered species habitat and vegetation communities to compensate for direct and indirect impacts on specific species and vegetation communities.
- Restoration of species habitat to contribute to the recovery of listed covered species and help prevent the listing of non-listed covered species.
- Management of preserves to maximize the functions of habitats for covered species.

Mitigation Monitoring Program

This MMRP has been prepared for the Proposed Project in accordance with Public Resources Code 21081.6, which specifies that when a public agency makes findings required by paragraph (1) of subdivision (a) of Section 21081, it "...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." Public Resources Code 21081.6 further specifies that the MMRP will "...ensure compliance during project implementation." This MMRP is intended to ensure the effective implementation of mitigation measure, including monitoring where identified, throughout all phases of development and operation of the Proposed Project.

The HCP/NCCP Implementing Entity (IE) will be the primary agent responsible for implementation, monitoring, and reporting related to the MMRP.

Procedures for Construction Monitoring and Reporting

Monitoring and reporting procedures prior to and during project construction and operation will conform to the following steps.

Step 1. Monitoring

This step will be executed by a monitor designated by the IE. The monitor will investigate noncompliance allegations and identify how IE staff or its designees should correct implementation of the mitigation measure to ensure compliance.

The monitor will have the following responsibilities:

- Prepare an implementation plan prior to execution of contracts and prior to advertisement of bid documents to detail the monitoring actions and compliance requirements listed in this MMRP.
- Be knowledgeable in the mitigation that is to be monitored.
- Verify implementation of mitigation by:
 - verifying, prior to advertisement for contract bids, that bid documents, contracts, plans, and specifications include requirements to implement identified mitigation measures;
 - verifying in the field that required implementation has been properly executed during and after construction; and
 - contacting the project manager and requesting that the situation be remedied if mitigation is not being implemented or executed properly.
- Prepare mitigation status reports and submit to the IE, as identified in Step 3 of this MMRP.

Step 2. Action

This step will be executed by the IE project manager (IE PM) for specific restoration activities. During construction activities associated with the HCP/NCCP (e.g restoration activities), the IE PM will document monthly all actions taken as part of this MMRP and report periodically to IE executive director. The IE executive director or designees will immediately commence the correction of measures being inadequately implemented.

The IE PM will have the following responsibilities.

- Review the mitigation status reports and any other information presented by the monitor as monitoring occurs, as detailed below in Step 3.
- Oversee amendments to the MMRP, if changes in monitoring activities are deemed necessary, to implement the mitigation measures.
- Ensure that the mitigation measures in the MMRP are undertaken, by staff, contractors, or consultants.
- Ensure that penalties to contractors for noncompliance are incorporated into contracts.
- Verify and document monthly that mitigation actions are properly undertaken. This may include designating other staff or consultants to enforce effective and timely compliance with regard to specific mitigation measures outlined in this MMRP or in required permits.
- Ensure that procedures and assignments to implement the MMRP are in place if the IE staff structure is reorganized prior to completion of the MMRP actions.

Step 3. Reporting

This step will be executed by an IE monitor or designee.

The monitor will have the following responsibilities.

- Compile all mitigation status forms into a report of compliance on a quarterly basis. Convey the status and any recommendations to the IE PM. Recommendations may include updating the frequency of monitoring, changing the type of monitoring, and suggesting better ways to implement mitigation.
- Assist the IE PM in reviewing the contractor's implementation of mitigation requirements, detailing corrective action and time of completion to resolve issues raised by the monitor and/or IE PM. If the monitor deems mitigation is unsatisfactorily addressed, the monitor will document this in report format. The IE PM will submit the reports to the IE Executive Director.
- Submit all completed reports and statements to the IE PM for submittal to the IE Executive Director.

Table 1. Mitigation Monitoring and Reporting Plan for the East Contra Costa County HCP/NCCP

Mitigation Measure	Timing	Implementing Entity	Monitoring Entity
<p>Mitigation Measure BIO-1: Conduct surveys for elderberry shrubs and avoid during restoration activities in suitable habitat. Within suitable habitat for the valley elderberry longhorn beetle a qualified biologist would identify and mark all elderberry shrubs with stems 1.0 inch or more in diameter within 100 feet of the construction area. A 100-foot buffer would be established around all elderberry shrubs, and no construction activities would be permitted within the buffer zone without consultation with USFWS. In areas where encroachment on the 100-foot buffer has been approved by USFWS, no ground-disturbing activities would be permitted within 20 feet of the dripline of each elderberry shrub unless the activity is necessary to complete the project. No riparian vegetation within 100 feet of elderberry shrubs would be removed by construction activities.</p>	Prior to project construction	IE or contractors	IE Project Manager
<p>Mitigation Measure BIO-2: Conduct preconstruction surveys to locate double crested cormorant, great blue heron, Northern harrier, California horned lark, loggerhead shrike, and Bell’s sage sparrow nest sites or rookeries before construction is initiated and avoid breeding sites. A qualified biologist will conduct surveys in suitable habitat to locate nest sites of the above-mentioned species in the spring of each construction year. Survey results will be submitted to CDFG before restoration activities may proceed. If the survey does not identify any nesting special-status bird species in the area potentially affected by the proposed activity, no further mitigation is required. If nest sites or young are located, a no-disturbance buffer will be established around the active nest. The biologist will consult with CDFG to determine the size of the no-disturbance buffer.</p>	Prior to project construction	IE or contractors	IE Project Manager
<p>Mitigation Measure BIO-3. Document special status plant populations and avoid or minimize impacts. The Implementing Entity, or its designated agents, will retain a qualified botanist to document the presence or absence of non-covered special-status plant species in the preserves. Surveys for non-covered special-status species may be conducted either as part of project-level environmental review for a specific preserve activity (i.e., restoration project, construction project), or as part of the comprehensive plant survey described in Chapter 6 of the HCP/NCCP. These surveys would conform to Plan requirements (planning surveys for [covered] plants in impact areas and potential preserves) and would determine the presence, location, and extent of any populations of non-covered special-status plant species.</p> <p>If special-status plants are found, the population would be incorporated into the project or restoration design to avoid, to the extent feasible, direct or indirect impacts to these species. Special-status plants near the project site will be protected during construction by installing environmentally sensitive area fencing (orange construction barrier fencing) around special-status plant populations. The Implementing Entity would coordinate with the appropriate agencies (CDFG, USFWS) to develop appropriate avoidance and mitigation measures.</p>	Prior to project construction	IE or contractors	IE Project Manager

Mitigation Measure	Timing	Implementing Entity	Monitoring Entity
<p>Mitigation WTR-1: Implement erosion and sediment control BMPs. For construction or restoration of habitat within the preserves, the Implementing Entity or its designated agents will implement multiple erosion and sediment control BMPs in areas with potential to drain to surface waters. These BMPs will be selected to achieve maximum sediment removal and represent the best available technology that is economically achievable. BMPs to be implemented as part of this mitigation measure could include the following.</p> <ul style="list-style-type: none"> • Temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) will be employed to control erosion from disturbed areas. • Drainage facilities in downstream offsite areas will be protected from sediment using BMPs acceptable to the County and RWQCBs. • Grass or other vegetative cover will be established on the construction site as soon as possible after disturbance. At minimum, vegetative application will be completed by September 15 to allow plants to establish. No disturbed surfaces will be left without erosion control measures in place between October 15 and April 15. <p>BMPs would be consistent with Contra Costa County and participating city ordinances, and with grading, erosion, and sediment control standards. The final selection of BMPs will be subject to review by the County.</p>	<p>During project construction</p>	<p>IE or contractors</p>	<p>IE Project Manager</p>

Mitigation Measure	Timing	Implementing Entity	Monitoring Entity
<p>Mitigation Measure CR-1: Develop HCP/NCCP cultural resources management plan. The HCP/NCCP Implementing Entity will prepare a cultural resources management plan to ensure that implementation of the proposed HCP/NCCP would not result in significantly adverse impacts on prehistoric or historic resources. The cultural resources management plan would consist of the following.</p> <ul style="list-style-type: none"> • Establishment of an APE for the HCP/NCCP, in consultation with SHPO, ACHP, and USFWS. • Summary of known resources in the APE that are currently listed in the NRHP, CRHP, or local historic registries. • Identification of areas of potential cultural sensitivity in the APE. • Development of a Standard Mitigation Measures Agreement that establishes the mitigation and recordation measures to treat the adverse effects of undertakings such as: <ul style="list-style-type: none"> <input type="checkbox"/> relocation (of individual structures), <input type="checkbox"/> recordation, <input type="checkbox"/> data recovery, and <input type="checkbox"/> curation. 	After plan adoption	IE or contractors	IE Executive Director

Mitigation Measure	Timing	Implementing Entity	Monitoring Entity
<p>Mitigation Measure CR-2: Stop work if cultural materials are discovered during ground-disturbing activities. Because specific locations of preserves and the conservation activities within the preserves are not known at present, no archaeological surveys of such preserves could be conducted, and the presence or absence of subsurface archaeological deposits remains unknown. Conservation activities involving ground disturbance could have a significant impact on archaeological deposits. There is a potential for the discovery of buried archaeological deposits.</p> <p>If archaeological deposits, such as chipped stone or groundstone, historic debris, or building foundations, are discovered during construction-related activities, all ground-disturbing activities will cease within a 100-foot radius. A qualified archaeologist will be notified immediately to assess the discovery.</p> <p>If human remains of Native American origin are discovered during ground-disturbing activities, it will be necessary to comply with state laws regarding the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Pub.Res. Code Sec. 5097). If human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <ol style="list-style-type: none"> 1. The county coroner has been informed and has determined that investigation of the cause of death is required; and 2. If the remains are of Native American origin: <ol style="list-style-type: none"> a. The descendants of the deceased Native Americans have made a recommendation 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 Pub. Res. Code Sec. 5097.98; or b. The Native American Heritage Commission was unable to identify a descendent or the descendent failed to make a recommendation within 24 hours after being notified by the commission. <p>According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that excavation be stopped in the vicinity of the discovered human remains until the coroner can determine whether the remains are those of a Native American.</p>	<p>During project construction</p>	<p>IE or contractors</p>	<p>IE Project Manager</p>
<p>Mitigation Measure TR-1: Prepare and implement a traffic control plan. For any restoration or construction activity requiring a grading permit from the County or a city, the Implementing Entity or its designated contractor will, as part of the application for a grading permit, prepare a traffic control plan to address construction-related traffic nuisances and public safety. The purpose of the traffic</p>	<p>During project design</p>	<p>IE or contractors</p>	<p>IE Project Manager</p>

Mitigation Measure	Timing	Implementing Entity	Monitoring Entity
<p>control plan will be to accomplish the following objectives.</p> <ul style="list-style-type: none"> • Reduce, to the extent feasible, the number of vehicles (construction and other) on the roadways adjacent to the construction site. • Reduce, to the extent feasible, the interaction between construction equipment and other vehicles. • Promote public safety through actions aimed at driver and road safety. • Ensure safety for bicyclists and pedestrians throughout the construction area. 			
<p>The traffic control plan will include the following measures.</p> <ul style="list-style-type: none"> • Through access for emergency vehicles will be provided at all times. • Access will be maintained for driveways and private roads. • Adequate off-street parking will be provided for construction-related vehicles through the construction period. • Pedestrian and bicycle access and circulation will be maintained during construction. If construction encroaches onto the trail or a sidewalk, a safe detour will be provided for pedestrians at the nearest painted crosswalk. If construction encroaches on a bike lane, warning signs will be posted that indicate that bicycles and vehicles are sharing the roadway. • Lane closures (partial or entire), traffic controls, and construction materials delivery will be restricted to between 9:00 a.m. and 4:00 p.m. on weekdays to avoid more congested morning and evening hours. • Traffic controls on arterials and collectors should include flag persons wearing bright orange or red vests and using a “stop/slow” paddle to warn drivers. • Access to public transit should be maintained, and movement of public transit vehicles will not be impeded as a result of construction activities. • Construction warning signs will be posted, in accordance with local standards or those set forth in the Manual on Uniform Traffic Control Devices, in advance of the construction area and at any intersection that provides access to the construction area. If lane closures occur, local fire and police departments will be notified of construction locations, and alternative evacuation and emergency routes will be designed to maintain response times during construction periods, if necessary. • Written notification will be provided to appropriate contractors regarding appropriate routes to and from construction sites, and weight and speed limits for local roads used to access construction sites. • A sign with the name, telephone number, and email address to contact with complaints regarding construction traffic will be posted at all active construction sites. 			

Mitigation Measure	Timing	Implementing Entity	Monitoring Entity
<p>Mitigation TRA-2: Avoid planned transportation improvement sites. As part of the process of identifying suitable sites for proposed HCP/NCCP land acquisition, the Implementing Entity will avoid lands that are within or adjacent to proposed alignments for the following planned transportation projects.</p> <ul style="list-style-type: none"> • Byron Highway-Vasco Road Connector. • Kirker Pass Road widening. • Marsh Creek Road realignment at selected curves. • Vasco Road widening/SR 84. • Bridge replacement, repair, and retrofit. • Marsh Creek regional trail. • SR 239 (Brentwood–Tracy Expressway). 	<p>Prior to an during preserve assembly.</p>	<p>IE or contractors</p>	<p>IE Executive Director</p>
<p>These projects are identified in CCTA’s Contra Costa CTP or MTC’s RTP. Lands within or adjacent to the proposed rights-of-way should not be considered for acquisition unless it is determined that, as part of acquisition, adequate avoidance and minimization measures could be provided to permit construction of the proposed project and avoid inconsistencies with the goals and objectives of the proposed HCP/NCCP.</p>			

Mitigation Measure	Timing	Implementing Entity	Monitoring Entity
<p>Mitigation Measure NOISE-1: Employ noise-reducing construction practices. To reduce noise levels to the maximum extent practicable, the remediation contractor will employ the following noise-reducing construction practices.</p> <ul style="list-style-type: none"> • During construction phases, the contractor will ensure that construction is performed in accordance with noise standards for the County and any city within 1 mile. • During construction phases, noise-generating activities within 300 feet of an occupied residence will only be performed during normal daylight hours (6:00 a.m.–10:00 p.m.) Monday through Saturday, wherever feasible. • Mufflers should be kept operable and effective on all construction equipment, generators, and vehicles. All internal combustion engines must be operated with exhaust and intake silencers. Wherever possible, noise-generating construction equipment should be shielded from nearby residences by noise-attenuating buffers such as structures or truck trailers. • Prior to construction within 1,000 feet of residences, written notice should be provided to potentially affected residences identifying the type, duration, and frequency of construction activities. Notification materials will also identify a mechanism for residents to register complaints if construction noise levels are overly intrusive or construction occurs outside the required hours. • Construction staging and stockpile areas will be located at least 1,000 feet from occupied residences, or contractors will be required to provide appropriate noise-reducing engine-housing enclosures. Equipment warm-up areas, water tanks, and storage areas should be located in the established staging area or in other portions of the site more than 1,000 feet from existing residences, as feasible. • Throughout the construction period, the contractor will implement appropriate additional noise mitigation measures, including changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, or installing temporary barriers around stationary construction noise sources at the request of the County or affected city. 	<p>During project construction</p>	<p>IE or contractors</p>	<p>IE Project Manager</p>

Mitigation Measure	Timing	Implementing Entity	Monitoring Entity
<p>Mitigation Measure AIR-1: Implement NOx-reducing construction practices. The project proponent will implement the following NOx-reducing construction practices, as required, during construction of preserve elements.</p> <ul style="list-style-type: none"> • Require use of Purinox instead of diesel fuel. • All machinery will be retrofitted with lean-NOx catalysts to reduce NOx emissions. • Install high-pressure injectors on all vehicles, where feasible. • Use Caterpillar prechamber diesel engines or equivalent, together with proper maintenance and operation. • Maintain equipment according to manufacturers’ specifications, except as specified above. • Restrict the idling of construction equipment to 10 minutes. • Install catalytic converters on gasoline-powered equipment. • Use only diesel equipment or diesel vehicles with engines built in 1996 or later. 	During project construction	IE or contractors	IE Project Manager
<p>Mitigation Measure AIR-2: Implement PM10-reducing construction practices. The project proponent will implement the PM10-reducing construction practices indicated in Table 4.12-2 during construction of preserve elements. These mitigation measures are required by BAAQMD for all construction activities within its jurisdiction.</p>	During project construction	IE or contractors	IE Project Manager
<p>Mitigation Measure AIR-3: Comply with California Air Resource Board’s (ARB’s) Smoke Management Guidelines for Agricultural and Prescribed Burning. The proposed HCP/NCCP will comply fully with ARB’s Smoke Management Guidelines for Agricultural and Prescribed Burning. California’s Smoke Management Program addresses potentially harmful smoke impacts from agricultural, forest, and rangeland management burning operations.</p>	Prior to and during prescribed burning.	IE or contractors	IE Project Manager
<p>Mitigation Measure AIR-4: Comply with BAAQMD Regulation 5 requirements for wildland vegetation management burning. The proposed NCP/HCCP will comply fully with BAAQMD Regulation 5 requirements for all prescribed burns. Compliance entails submission of a smoke management plan for each burn. Each smoke management plan will include specific objectives of the burn, acreage, tonnage to be burned, burn schedule, and particulate matter emissions estimates. If burning were to significantly change from what was originally detailed in the smoke management plan, consultation with BAAQMD staff would be required, and a new smoke management plan may be required, depending on the type of burn.</p>	Prior to and during prescribed burning.	IE or contractors	IE Project Manager
<p>Mitigation Measure AIR-5: Implement BAAQMD requirements for the management of PM10. For all construction activities, all appropriate mitigation measures from Table 4.12-2 shall be implemented.</p>	During project construction	IE or contractors	IE Project Manager

Mitigation Measure	Timing	Implementing Entity	Monitoring Entity
<p>Mitigation MIN-1: Evaluate mineral resources. The Implementing Entity shall, when evaluating lands for acquisition in Zones 3 and 5, determine if the lands are within mineral resource protection areas designated in the Contra Costa County General Plan. Lands within the mineral resource protection area will be considered for acquisition only if the Implementing Entity determines that acquisition would not impair future mineral resource extraction in the area by introducing an inherently incompatible use, or by restricting access to other mineral resource areas. Lands adjacent or in proximity to the designated mineral protection area will also be evaluated to assess compatibility with potential future mineral extraction operations, such as quarry transport trucks.</p>	<p>Prior to an during preserve assembly.</p>	<p>IE or contractors</p>	<p>IE Executive Director</p>