

## 7 MITIGATION AND MONITORING PROGRAM

The mitigation requirement of state and federal agencies requires the development of a formal mitigation monitoring program to ensure that monitoring is carried out in all stages. Monitoring is divided into three (3) categories related to the timing of activities and implementation of mitigations.

**Before Construction (Pre-Construction Mitigations).** These are activities that precede any actual land disturbance. Included among these mitigations is the development of drainage, erosion control, and agricultural management plans. Also included are pre-construction establishment of Environmentally Sensitive Areas (ESAs) or Zones (ESZs) around archaeological sites and mature trees to be preserved.

**Construction-Related Mitigations.** These include implementation of the drainage and erosion control plans and all other measures required to reduce the impacts of construction and development on the site lands.

**Post-Construction Mitigations.** These include the maintenance programs necessary to ensure long-term control of erosion, protection of surface water quality in runoff, and management of the waste water, lighting, and road enhancements programs.

The mitigations proposed for the Monitoring Program are a combination of specific and general measures appropriate to a construction project and maintenance of the proposed project.

Monitoring will be the responsibility of Butte County, as well as some state agencies. Physical inspections may be delegated to a private company or individuals chosen by those agencies. The monitor will be on-site during construction to ensure compliance with required mitigations.

### 7.1 MITIGATION MEASURES FROM FOCUSED EIR ANALYSIS

#### **Mitigation Measure AIR-1: Construction Requirements**

Consistent with the guidance from the BCAQMD, the project applicant shall implement the following measures during construction of the project.

- Maintain all construction equipment in proper tune according to manufacturer's specifications.
- To the extent feasible, maximize the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines.
- Water shall be applied by means of truck(s), hoses and/or sprinklers as needed prior to any land clearing or earth movement to minimize dust emission.
- Haul vehicles transporting soil into or out the property shall be covered.
- A water truck shall be on site at all times. Water shall be applied to disturbed areas a minimum of 2 times per day or more as necessary.
- On-site vehicles limited to a speed which minimizes dust emissions on unpaved roads.

- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the BCAQMD shall also be visible to ensure compliance with District Rule 200 & 205.
- Vehicles entering or exiting construction areas shall travel at a speed which minimizes dust emissions.
- Construction workers shall park in designated parking areas.
- Soil pile surfaces shall be moistened if dust is being emitted from the pile(s).
- Limit dust producing construction activities during wind events exceeding 15 mph.

**Plan Requirements:** The Butte County Department of Development Services and Department of Public Works shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. The contractor(s) shall be responsible for implementing the above mitigation conditions.

**Timing:** Measures above, shall be enforced through all construction activities.

**Monitoring:** The Building Division of Butte County Department of Development Services and the inspection staff shall monitor this condition for compliance. Violations of District Rules shall be reported to BCAQMD immediately.

**Significance after Mitigation:** Implementation of this measure will reduce construction impacts to a level which would not violate air quality standards.

**Mitigation Measure BIO-1**

If the project will include vegetation removal (including grasses) or earthwork of any kind during the nesting season (February 1 through August 31), CDFW recommends a pre-construction nesting bird survey be conducted by a qualified biologist to identify the absence or presence of active (i.e. with eggs or young) nests. The survey area should include the project site and a minimum 300-foot buffer around the project site. To minimize the chance of nests becoming established between the time the survey is conducted and when construction begins, CDFW recommends the preconstruction survey be conducted no more than three (3) days before the start of vegetation removal and/or ground disturbing activities. Please also note that Fish and Game Code section 3503 protects the nests and eggs of all birds, not just migratory birds and birds of prey. If active nests are observed during the pre-construction survey a species-appropriate no-disturbance buffer should be established to protect the active nest. Nesting birds' tolerance of disturbance varies greatly depending on species, intensity of disturbance, whether the nesting pair is accustomed to disturbance, the location of the nest, the stage of development of nestlings, etc. Disturbance too close to the nest may impact the parents' ability to forage effectively and reduce nestlings' chances of survival. In some cases, disturbance can cause the parents to abandon the nest completely. For these reasons the size of the no-disturbance buffer should be determined by the qualified biologist. CDFW is available to provide comments and feedback on nesting bird avoidance strategies if desired. However, it should be noted that CDFW cannot guarantee that any specific buffer

width will be sufficient to completely avoid take in any given situation, and therefore CDFW cannot approve or disapprove specific buffer proposals.

**Plan Requirements:** Perform protocol-level surveys for migratory birds protected by the California Department Fish & Game Code and the Migratory Bird Treaty Act. This measure shall be recorded on an additional map sheet to the Parcel Map.

**Timing:** Requirements of the condition shall be adhered to prior to and during construction activities planned to occur during nesting seasons for CDFC and MBTA species (between February 1 and August 31).

**Monitoring:** The Butte County Department of Development Services and the Public Works Department shall ensure that the note is recorded on an additional map sheet of the Parcel Map. Department of Development Services shall ensure the condition is met at the time of construction activities.

**Mitigation Measure BIO-2**

Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "Any ground disturbance or vegetation removal within the project area should be conducted during the non-breeding season (September 16 through February 28). If construction activities occur during the breeding season (March 1-September 15) then a pre-construction raptor survey will be conducted by a qualified biologist to identify any active Swainson's hawk nests within and in the vicinity of the BSA. The pre-construction survey will take place in accessible areas within a 0.5-mile radius of the area where construction activities would occur. The required survey radius may be reduced on a case-by-case basis if approved by CDFW, but in no case will be less than 500 feet. At least one survey will be conducted no more than one week prior to the initiation of construction. If no active nests are located, no further measures are necessary to avoid impacts to Swainson's hawk nests. If active nests are identified, the following measures will be implemented:

3. A no-disturbance buffer zone will be established around the nest. The width of the buffer will be determined by a qualified biologist in coordination with CDFW. Determination of the required width will consider the distance of the nest from construction activities, existing level of disturbance, etc.
4. A qualified biologist will monitor active nests within 500 feet (or the width of the buffer zone) of construction activities. The first monitoring event will coincide with the initial implementation of construction activities and monitoring will continue at least once a week until the young have fledged. If the biologist determines that construction is disturbing the birds and nest failure is possible, CDFW will be notified immediately. Measures to avoid nest failure will be implemented in coordination with CDFW and may include halting some or all construction activities until the young have fledged. For monitored nest sites, a monitoring report will be submitted to CDFW within two weeks after termination of monitoring activities.

**Plan Requirements:** The above referenced mitigation shall be placed on a separate document which is to be recorded concurrently with the final map or an additional map sheet.

**Timing:** Requirements of the condition shall be adhered to prior to construction activities.

**Monitoring:** The Butte County Department of Development Services and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. Department of Development Services shall ensure the condition is met at the time of development and during construction activities.

**Mitigation Measure CUL-1: Cultural Resource Protection.**

Place a note on a separate document, which is to be recorded concurrently with the Final Map or on an additional map sheet and on all building and site development plans, that includes the following:

The project engineer shall create a map of based on the Jensen and Associates 1991 Cultural Resources Report that indicates the area of the prehistoric site of potential historical significance with a 100-foot buffer and labeled “Environmentally Sensitive Area.” No ground- disturbing work shall be allowed within this area.

The note shall include the following language: “A qualified archaeological monitor shall be hired and be present to inspect all ground-breaking activities including tree removal. Should grading activities reveal the presence or prehistoric or historic cultural resources (i.e. artifact concentrations, including arrowheads and other stone tools or chipping debris, cans glass, etc.; structural remains; human skeletal remains) work within 50 feet of the find shall immediately cease until a qualified professional archaeologist can be consulted to evaluate the find and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that the remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in determining the disposition of any remains.” The provisions of this note shall be followed during construction of all subdivision improvements, including land clearing, road construction, utility installation, and building site development.

**Plan Requirements:** This note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and shall be shown on all site development and building plans.

**Timing:** This measure shall be implemented during all site development activities involving ground disturbance.

**Monitoring:** Should cultural resources be discovered, the landowner shall notify the Planning Division and a professional archaeologist. The Planning Division shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action. State law requires the reporting of any human remains.

**Mitigation Measure GHG-1: Greenhouse Gases Construction Codes.**

The project applicant shall incorporate the following measures into project design and construction:

- Support expansion of renewable energy systems. Prewire all new residential development to support photovoltaic system installation;
- Support efficiency in vehicles and landscaping equipment. Install electrical vehicle outlets on external walls or in garages in all new residential development;
- Install electrical vehicle outlets on external walls or in garages in all new residential development. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 3 minute. Use clean or alternative fuel equipment;
- Construction of the proposed project shall utilize recycled-content construction materials to the extent feasible;
- Project design shall comply with the Green Building Standards adopted by the California Standards Commission at the time of building permit application, including requirements about low- or no-toxicity building materials;
- The project shall meet all appropriate green planning standards; and
- The project design shall maximize energy efficiency and meet the guidelines of the California Energy Star New Homes Program and demonstrate detailed energy conservation measures.

**Plan Requirements:** The Building Division of Butte County Department of Development Services and Department of Public Works shall ensure that a note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet.

**Timing:** Pre-construction, Construction.

**Monitoring:** The Building Division of the Butte County Department of Development Services and Department of Public Works shall ensure that the above mitigation conditions are met before a building permit is approved and shall verify compliance through their inspection processes.

**Significance after Mitigation:** Implementation of this measure will comply with the requirements for reduction of greenhouse gases to the extent feasible.

**Mitigation Measure HYD-1:**

Adherence to Butte County standards for development within a flood zone. The project will be built in accordance with Butte County standards and requirements for construction within a flood zone. Building will occur at 3 feet above the flood. Increases in any runoff from the site will be addressed within the project design.

**Plan Requirements:** The Building Division of Butte County Department of Development Services and Department of Public Works shall ensure that a note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet.

**Timing:** Pre-construction

**Monitoring:** The Building Division of the Butte County Department of Development Services and Department of Public Works shall ensure that the above mitigation conditions are met before a building permit is approved and shall verify compliance through their inspection processes.

**Significance after Mitigation:** Less than Significant.

**Mitigation Measure HYD-2: Timing of Excavation**

**Construction requiring excavation of material and temporary on-site storage of excavated material shall be limited to the dry season, or between April 15 and October 15 of the construction year.**

**Plan Requirements:** The Building Division of Butte County Department of Development Services and Department of Public Works shall ensure that a note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet.

**Timing:** Construction

**Monitoring:** The Building Division of the Butte County Department of Development Services and Department of Public Works shall ensure that the above mitigation conditions shall verify compliance through their inspection processes.

**Significance after Mitigation:** Less than Significant.

**Mitigation Measure HYD-3: Remedial Off-site Storage of Excavated Material**

All excess material excavated during construction shall be transported off site and outside of the currently designated flood zone. Stockpiling of soil shall not occur on site outside of the designated construction window of April 15 through October 15.

**Plan Requirements:** The Building Division of Butte County Department of Development Services and Department of Public Works shall ensure that a note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet.

**Timing:** Construction

**Monitoring:** The Building Division of the Butte County Department of Development Services and Department of Public Works shall ensure that the above mitigation conditions shall verify compliance through their inspection processes.

**Significance after Mitigation:** Less than Significant.

**Mitigation Measure TT-1: Line of Sight Maintenance.**

Areas within the line of sight along Durham- Dayton Highway, which extends 25 feet south of the edge of the pavement, must be kept clear of vegetation, signage, and other obstacles to maintain the adequate sight distance.

**Plan Requirements:** This note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and shall be shown on all site development and building plans.

**Timing:** Construction, Post-construction.

**Monitoring:** The Butte County Department of Development Services and Department of Public Works.

**Mitigation Measure TT-2: Signage and Shoulder to Minimize Conflicts with Farm Equipment.**

Provide signage indicating “turning vehicles” near access points and tractor symbol signage.

**Plan Requirements:** The Building Division of Butte County Department of Development Services and Department of Public Works shall ensure that a note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet.

**Timing:** Pre-Construction, Construction

**Monitoring:** The Building Division of the Butte County Department of Development Services and Department of Public Works shall ensure that the above mitigation conditions shall verify compliance through their inspection processes.

**Significance after Mitigation:** Less than Significant.