

MITIGATED NEGATIVE DECLARATION
REGARDING ENVIRONMENTAL IMPACT

1. **NOTICE IS HEREBY GIVEN** that the project described below has been reviewed pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code 2110, et. Seq.) and a determination has been made that it will not have a significant effect upon the environment.
3. **DESCRIPTION OF PROJECT:** Skyway Lookout Point Parking and Pedestrian Viewing Facilities Project, Butte County Project Number 51261-2-2005-1
4. **LOCATION OF PROJECT:** Skyway Lookout Point, located on the Skyway between the City of Chico and the Town of Paradise, in Butte County, CA.
5. **NAME AND ADDRESS OF PROJECT APPLICANT:**
County of Butte
Department of Public Works
7 County Center Drive
Oroville, CA 95965
6. **MITIGATION MEASURES:** See the Attached Mitigation Monitoring and Reporting Program.
7. A copy of the Initial Study regarding the environmental effect of this project is on file in the Department of Public Works at 7 County Center Drive, Oroville, CA.

This study was:

Adopted as presented.

Adopted with changes. Specific modifications and supporting reasons are attached.

8. A public hearing on this Negative Declaration was held by the decision making body.

Hearing Body: Butte County Board of Supervisors.

Date: March 22, 2005

Determination:

On the basis of the Initial Study of environmental Impact, the information presented at hearings, comments received on the proposal, and our own knowledge and independent research:

We find the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** is hereby adopted.

We find that the project **COULD** have a significant effect on the environment, but will not in this case because of attached mitigation measures described in the Mitigation Monitoring and Reporting Program, which are by this reference made conditions of project approval. A conditional **NEGATIVE DECLARATION** is hereby adopted.

Signature: _____

Kim Yamaguchi, Chair, Butte County Board of Supervisors

MAR 22 2005

Date: _____

MITIGATION MONITORING AND REPORTING PROGRAM Skyway Lookout Point parking and pedestrian viewing facilities

1.1 INTRODUCTION

The California Environmental Quality Act (CEQA) Guidelines, Section 15074(d), requires public agencies, as part of the adoption of a mitigated negative declaration, to adopt a reporting and monitoring program to ensure that changes made to the project as conditions of project approval to mitigate or avoid significant environmental effects are implemented.

The Mitigation Monitoring and Reporting Program (MMRP) contained herein is intended to satisfy the requirements of CEQA as they relate to the Skyway Lookout Point parking and pedestrian viewing facilities. The MMRP is intended to be used by County staff, project contractors, and mitigation monitoring personnel during implementation of the project.

The MMRP will provide for monitoring of construction activities as necessary, in-the-field identification and resolution of environmental concerns, and reporting to County staff. The MMRP will consist of the components described below.

1.2 COMPLIANCE CHECKLIST

Table 1-1 contains a compliance-monitoring checklist that provides a synopsis of all adopted mitigation measures, a suggested monitoring action, identification of agencies responsible for enforcement and monitoring, and timing of implementation.

1.3 FIELD MONITORING OF MITIGATION MEASURE IMPLEMENTATION

During construction of the project facilities, Butte County's designated construction inspector will be responsible for monitoring the implementation of mitigation measures. The inspector will report to the Butte County Department of Public Works, and will be thoroughly familiar with all plans and requirements of the project. In addition, the inspector will be familiar with construction contract requirements, construction schedules, standard construction practices, and mitigation techniques. Aided by **Table 1-1**, the inspector will typically be responsible for the following activities.

1. On-site, day to day monitoring of construction activities;
2. Reviewing construction plans to ensure conformance with adopted mitigation measures;
3. ensuring contractor knowledge of and compliance with all appropriate conditions of project approval;

4. Evaluating the adequacy of construction impact mitigation measures, and proposing improvements to the contractors and County staff;
5. Requiring correction of activities that violate project mitigation measures, or that represent unsafe or dangerous conditions. The inspector shall have the ability and authority to secure compliance with conditions or standards through the Butte County Public Works Department, if necessary;
6. Acting in the role of contact for property owners or any other affected persons who wish to register observations of violations of project mitigation measures, or unsafe or dangerous conditions. Upon receiving any complaints, the inspector shall immediately contact the construction representative. The inspector shall immediately contact the construction representative. The inspector shall be responsible for verifying any such observations and for developing any necessary corrective actions in consultation with the construction representative and the Butte County Public Works Department;
7. Maintaining prompt and regular communication with County staff;
8. Obtaining assistance as necessary from technical experts such as archaeologists and wildlife biologists to develop site-specific procedures for implementing the mitigation measures adapted by the County for the project. For example it may be necessary at times for a wildlife biologist to work in the field with the inspector and construction contractor to explicitly identify and mark areas to be avoided during construction; and
9. Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

1.4 PLAN CHECK

Many mitigation measures will be monitored via plan check during project implementation. County staff will be responsible for monitoring plan check mitigation measures.

**TABLE 1-1
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Implementation and Monitoring/Action	Enforcement/Monitoring Agency	Timing	Mitigation Completed
<p>3.3 Air Quality</p> <p>MM 3.3.1</p> <p>To the greatest extent feasible Caltrans Standard Specifications (Section 7-1.01, Air Pollution Control and Section 10.1, Dust Control) and the Butte County Air Quality Management District's Best Available Mitigation measures for the control of construction related emissions shall be implemented.</p>	<p>The Butte County Department of Public Works shall ensure that construction contractors comply with emissions control measures.</p>	<p>Butte County Department of Public Works, Contractor</p>	<p>Prior to, During and Post Construction.</p>	
<p>3.4 Biological Resources</p> <p>MM 3.4.1</p> <p>Prior to construction, a bird survey shall be conducted in April-May to detect the presence of Swainson's hawk or other special status raptors or nesting cliff swallows. All recommendations and mitigations described in the bird survey shall be incorporated into the design and management of the biological resources at the project site. Should raptors or nesting cliff swallows be observed the California Department of Fish and Game shall be consulted.</p>	<p>A qualified biologist will conduct a pre-construction biological survey to determine the presence of any raptors or nesting cliff swallows in the project area.</p>	<p>Butte County Department of Public Works, USFWS</p>	<p>Prior to and during construction.</p>	

Mitigation Measure	Implementation and Monitoring Action	Enforcement/Monitoring Agency	Timing	Mitigation Completed
<p>3.5 Cultural Resources</p> <p>MM 3.5.1</p> <p>A note shall be placed on the final construction plans which states "should cultural resources be encountered, the supervising contractor shall be responsible for reporting any such findings to the Public Works Department, and a qualified archaeologist will be contacted to conduct meetings with on-site employees and monitor the referenced mitigation measures." All mitigation measures determined by the Public Works Department to be appropriate for this project shall be implemented pursuant to the terms of the archaeologist's report.</p>	<p>The Butte County Department of Public Works shall ensure that construction activities are halted in the event that prehistoric or historic cultural resources are discovered during construction activities.</p>	<p>Butte County Department of Public Works, supervising contractor</p>	<p>Prior to final construction plan approval</p>	
<p>3.6 Geology and Soils</p> <p>MM 3.6.2</p> <p>As part of the construction plan for the project; the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP) and gain approval from the Central Valley Regional Water Quality Control Board (CVRWQCB) for such plan before construction activity. The SWPPP shall include the following measures:</p> <ol style="list-style-type: none"> 1. Immediate revegetation or protection of all disturbed areas from both wind and water erosion upon the 	<p>As part of the construction plan for the project, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP) and gain approval from the Central Valley Regional Water</p>	<p>CVRWQCB, Butte County Department of Public Works, Contractor</p>	<p>Prior to, During, and Post construction.</p>	

	<p>completion of grading activities.</p> <ol style="list-style-type: none"> 2. Use of water bars, temporary swales and culverts, mulch, netting, hydro seeding, silt fences, sediments and/or other measures where necessary to prevent surface water from eroding graded areas and to retain sediment. 3. Maintaining items in 2) above during storm events or on-site watering to ensure that the measures continue to be effective, 4. Water soils susceptible to wind erosion at least twice per day during construction or as directed by the project engineer, 5. Halting of all grading activity when wind speeds exceed 20 miles per hour or existing wind creates an obvious dust cloud, and 6. If refueling of equipment and oil changing is planned on site the contractor shall prepare a Spill Prevention, Control, and Containment Plan to establish spill prevention practice, and to prepare for spill mitigation in the event of a hazardous materials spill. 	<p>Quality Control Board (CVRWQCB).</p>	
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Mitigation Measure	Implementation and Monitoring Action	Enforcement/Monitoring Agency	Timing	Mitigation Completed
<p>3.8 Hydrology and Water Quality</p> <p>MM 3.8.1</p> <p>Apply for and gain a General Construction Stormwater Permit from the Regional Water Quality Control Board.</p>	<p>The Butte County Department of Public Works shall ensure that construction contractors apply for and gain a General Construction Stormwater Permit from the Regional Water Quality Control Board.</p>	<p>Butte County Department of Public Works, Agent</p>	<p>Prior to construction.</p>	
<p>3.11 Noise</p> <p>MM 3.11.1</p> <p>Implement Caltrans standard specification, Section 7-1.01I, "Sound Control Requirements."</p>	<p>The Butte County Department of Public Works shall ensure that construction contractors implement Caltrans standard specification.</p>	<p>Butte County Department of Public Works</p>	<p>During construction.</p>	

4.1 DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature <i>Mike Crump</i>	Date <i>3/11/05</i>
Printed Name Mike Crump	Title Director of Public Works