

APPENDIX A

MITIGATED NEGATIVE DECLARATION

MITIGATION MONITORING AND REPORTING
PROGRAM



Butte County Department of Public Works
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MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE
DURHAM-PENTZ ROAD/BUTTE CAMPUS DRIVE INTERSECTION
SIGNALIZATION

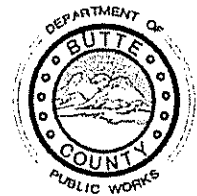
COUNTY PROJECT: 43341-2006-01
STATE CLEARINGHOUSE: 2008-022-056

CEQA GUIDELINES §15074:

When adopting a mitigated negative declaration, the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects

LEAD AGENCY:

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1.1 INTRODUCTION

Pursuant to the California Environmental Quality Act (CEQA), public agencies must adopt a mitigation monitoring and reporting program (MMRP) in conjunction with the adoption of a mitigated negative declaration (*CEQA Guidelines* §15074). The MMRP requirement ensures that all required mitigation measures, as set forth in the Final Initial Study, are implemented. The MMRP contained herein is intended to satisfy the requirements of §15074 of the CEQA Guidelines as they relate to the Durham-Pentz Road/Butte Campus Drive Intersection Signalization.

1.2 ROLES AND RESPONSIBILITIES

The Butte County Department of Public Works (Public Works) will be responsible for the administration of the MMRP, which shall be utilized by county staff, project contractors and mitigation monitoring personnel during implementation of the project, as required. The MMRP identifies the parties that are responsible for implementation of each mitigation measure as well as the parties that ensure implementation through a variety of monitoring actions.

1.3 PLAN CHECK

Many mitigation measures will be monitored via plan check during project implementation. The Butte County Department of Public Works will be responsible for monitoring compliance of the plans/specifications with applicable mitigation measures. The monitoring would occur during the plan check process and prior to commencement of the applicable construction activities. Construction Section staff, within the Engineering Division of the Public Works Department, will be responsible for monitoring compliance with the applicable plans/specifications in the field.

1.4 FIELD MONITORING OF MITIGATION MEASURE IMPLEMENTATION

During construction activities, Construction Section staff will be responsible for monitoring implementation of required mitigation through regular inspections. The inspector(s) will be thoroughly familiar with all project-specific plans and requirements as well as construction contract requirements, construction schedules, standard construction practices and mitigation techniques. Aided by **Table 1-1**, the Construction Section inspector(s) will typically be responsible for the following activities:

- On-site, day to day monitoring of construction activities
- Reviewing construction plans to ensure conformance with adopted mitigation measures
- Ensuring contractor knowledge of and compliance with all appropriate conditions of project approval
- Requiring correction of activities that violate project mitigation measures, represent unsafe or dangerous conditions. The inspector shall have the ability and authority to secure compliance with conditions or standards through Public Works, if necessary;
- 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 be responsible for verifying any such observations and for developing any necessary corrective actions in consultation with the construction representative and Public Works;
- Maintaining prompt and regular communication with County staff;
- Obtaining assistance as necessary from technical experts such as archaeologists and wildlife biologists to develop site-specific procedures for implementing the mitigation measures adopted 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

- Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

1.5 TIMING

The MMRP is to be implemented in a manner that ensures compliance with the mitigation measures identified in the Final Initial Study. For example, most plans and specifications will be prepared before the commencement of construction activities, construction activities will adhere to the applicable plans and specifications and the facilities will be monitored for proper function upon project completion.

1.6 CHANGES/SUBSTITUTIONS

Any substantive changes to the mitigation program set forth in this document must be reported to the Public Works Director in writing. The Public Works Director may approve changes to the mitigation measures, subject to the following findings:

- A. The mitigation measure identified in the Final Initial Study, as set forth in this MMRP, is no longer necessary to ensure the potential impact would remain less than significant, either because the potential impact has been found to occur at less than significant levels or because the potential impact has been found to be non-existent. This finding may be the result of changes to project plans/specifications, environmental changes in the project area or other currently unidentified factors.

Or

- B. The proposed modification/change/substitution would, at a minimum, result in a level of environmental protection comparable to the mitigation measure identified in the Final Initial Study, as set forth in this MMRP, and

The modification/change/substitution shall not result in potentially significant impacts that were not identified in the Final Initial Study and subject to mitigation set forth in this MMRP, and

Implementation of the modification/change/substitution is feasible and can be assured through administration of this MMRP or through other County project review procedures.

Any substantive changes to the MMRP must be consistent with one of these findings, as substantiated by evidence in the record. Any changes to the mitigation program must be included in the publicly-available project files. The documented changes must be accompanied by evidence that substantiates compliance with either Finding A or Finding B.

2.1 COMPLIANCE CHECKLIST

Table 1 contains a compliance-monitoring checklist that identifies all adopted mitigation measures, as set forth in the Final Initial Study. Every measure identified in the table is accompanied by the following columns:

- **Responsibility:**
Party responsible for implementation of, and compliance with, mitigation measure, or element thereof
- **Monitoring Action:**
Party that monitors implementation of each mitigation measure, or element thereof
- **Timing:**
Mandatory timing of implementation for each mitigation measure, or element thereof
- **Mitigation Completed:**
Allows the monitoring party to document MMRP compliance during all stages of project implementation

As listed in this MMRP, *Contractor* refers to the principal construction contractor. This party will be responsible for training applicable staff and subcontractors to ensure compliance.

Public Works refers specifically to the Butte County Department of Public Works.

Construction Section refers specifically to the Construction Section of the Engineering Division of the Butte County Department of Public Works.

Air Quality:

Mitigation Measure 3.3.1

To comply with Chapter 13 of the County Code and BCAQMD Rules 200 and 205 (Air Quality Nuisances and Fugitive Dust respectively), the Public Works Department shall require implementation of all applicable BMM in project plans and specifications. As part of this requirement, the contractor shall submit a Pollution Control Plan that shall include, at a minimum, all applicable dust mitigation measures below:

- Water all active construction areas at least twice daily. The frequency should be based on the type of operation, soil conditions and wind exposure.
- Apply chemical soil stabilizers to inactive construction areas (disturbed areas that are unused for at least four consecutive days, unless wind conditions dictate application in less than four days) to control dust emissions. Dust emissions should be controlled at the site for both active and inactive construction areas throughout the entire construction period (including holidays).
- Limit vehicle speeds to 15 mph on unpaved roads.
- Suspend land clearing, grading, earth moving, or excavation activities when wind speeds exceed 20 mph.
- If applicable, apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operation and hydro-seed the area.
- Cover inactive storage piles.
- Provide paved (or dust palliative treated) apron onto the project site.
- Following daily construction activities sweep or wash paved streets adjacent to the site where visible silt or mud deposits have accumulated due to construction activities.
- Upon completion of construction activities all exposed ground surfaces shall be treated sufficiently to minimize fugitive dust emissions (dust clouds caused by wind, traffic, or other disturbances to exposed ground surfaces).

Responsibility	Monitoring Action	Timing	Mitigation Completed
<u>Plan Development</u> Contractor to prepare Pollution Control Plan	Public Works approval of Pollution Control Plan /BAMM	Prior to issuance of notice to proceed to contractor	
<u>Plan Implementation</u> Contractor to ensure compliance onsite	Construction Section through ongoing site inspections	During construction	

Air Quality:

Mitigation Measure 3.3.2

The following measures would reduce NOx emissions from construction equipment, and represent a level of reasonable control that would reduce these emissions to a less than significant level.

- Prior to commencement of any grading or construction, a NOx reduction plan shall be prepared and submitted for approval by the Public Works Department demonstrating that heavy-duty (> 50 horse-power) off-road vehicles to be used during construction, including owned, leased and subcontracted vehicles, will achieve a project-wide, fleet average 20 percent NOx reduction compared to the most recent CARB fleet average at the time of construction.
- Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.
- The NOx reduction plan shall include a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that would be used an aggregate of 40 or more hours during any portion of the construction project. The inventory should include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment.

Responsibility	Monitoring Action	Timing	Mitigation Completed
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<u>Plan Development</u> Contractor to prepare NOx reduction plan	Public Works approval of NOx reduction plan	Prior to commencement of construction activities	
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<u>Plan Implementation</u> Contractor to ensure compliance onsite	Construction Section through ongoing site inspections	During construction	
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Biological Resources:

Mitigation Measure 3.4.1

If grading, construction or vegetation removal are proposed between March 1st and September 15th, a protocol-level, preconstruction field survey shall be conducted by a qualified biologist or ornithologist to identify whether special status birds are nesting in or adjacent to, the project site. The survey shall take place in April-May, or 30 days prior to construction activities, to determine the presence and location of nesting raptors/migratory birds in the project area. Should nesting special-status birds be observed and potentially impacted, appropriate mitigation or avoidance measures will be required in consultation with DFG. Direct take of active nests, eggs or birds is prohibited by the Fish and Game Code. Construction activities should not occur within 300 feet of active nests. If nesting special-status birds are not identified during the protocol-level field survey(s), no further action would be required relative to this mitigation measure. Relative to this mitigation measure, activities proposed between September 16th and February 29th do not require pre-construction surveys.

Responsibility	Monitoring Action	Timing	Mitigation Completed
Public Works to ensure survey(s) conducted as required	Qualified biologist to conduct pre-construction survey(s)	April-May or 30 days prior to construction if construction proposed March 1 st through Sept 15 th	
Contractor to ensure avoidance per DFG consultation	Public Works to consult with DFG if occupied nests identified. Qualified biologist to monitor avoidance and identify timing of fledge	During construction until offspring have fledged	

Biological Resources:

Mitigation Measure 3.4.2

Responsibility	Monitoring Action	Timing	Mitigation Completed
<p>The County shall consult with the DFG in order to verify the absence of active nesting sites within 10 miles of the project site. If the DFG concurs, no further mitigation is required relative to potential Swainson's hawk foraging habitat.</p>	<p>Public Works to ensure consultation completed</p> <p>DFG to identify presence/absence of active nests within 10 miles of site</p>	<p>Prior to construction activities</p>	
<p>If an active nest is identified within 10 miles of the project site by the DFG during consultation, the county shall mitigate potential impacts to Swainson's hawk foraging habitat in a manner that is consistent with the <i>DFG Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley</i>. Mitigation may include the provision of habitat management lands, habitat enhancement or payment to an in-lieu fund, as determined appropriate by the DFG.</p>	<p>Public Works to ensure mitigation has been implemented if potential impacts to foraging habitat identified during consultation.</p>	<p>To be implemented prior to project completion</p>	

Biological Resources:

Mitigation Measure 3.4.3

	Responsibility	Monitoring Action	Timing	Mitigation Completed
<p>Mitigation Measure 3.4.1, as listed above, requires protocol-level preconstruction raptor surveys to identify whether nesting special-status birds are present within the project area. If nesting Swainson's hawks are identified during preconstruction raptor surveys, the county shall implement a non-disturbance setback that is consistent with DFG standards. Pursuant to DFG standards, no intensive new disturbances shall be initiated within ¼ to ½ mile of an active nest. The non-disturbance buffer, established in consultation with the DFG, would be based on the area's level of existing development. Grading, excavating and other intensive disturbances shall not occur within the non-disturbance buffer until the offspring have fledged, as identified by a qualified biologist/ornithologist. Relative to this mitigation measure, no further actions are required if nesting Swainson's hawks are not identified during preconstruction surveys.</p>	<p>Public Works Dept to ensure pre-construction survey(s) conducted as required</p>	<p>Public Works to ensure qualified biologist conducts pre-construction survey(s)</p>	<p>April-May or 30 days prior to construction if proposed March 1st through Sept 15th</p>	
	<p>Public Works Dept to consult with DFG if nest(s) are identified</p>	<p>DFG to identify appropriate non-disturbance buffer.</p>	<p>During construction activities until offspring fledge</p>	
	<p>Construction contractor to implement non-disturbance buffer onsite</p>	<p>Qualified biologist to identify time of fledge; Construction Section to ensure non-disturbance through site inspections</p>	<p>During construction activities until offspring fledge</p>	

Biological Resources:

Mitigation Measure 3.4.4

All jurisdictional waters that may be impacted by the project shall be avoided during construction activities to the extent practicable through implementation of construction activity setbacks. Temporary impacts shall be mitigated through restoration of area and function of all impacted water features in the project site. To accomplish this, the following shall be required:

- The proponent shall enter into consultation with the USACE and, if necessary, a §404 permit will be obtained. If required by the USACE, the §404 permit must be obtained before any filling, dredging or modification of jurisdictional waters can occur. The permit will be conditional and will contain minimization and mitigation measures developed through consultation with the USACE.
- If a §404 permit will be required by the USACE, the proponent shall obtain necessary certification/approval from the RWQCB pursuant to §401 of the Clean Water Act.
- The proponent shall enter into consultation with the DFG and, if necessary, a Streambed Alteration Agreement will be obtained before in-stream construction activities commence. If required, the agreement will contain site-specific minimization and mitigation measures identified through consultation with the DFG.

Responsibility	Monitoring Action	Timing	Mitigation Completed
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Permits/Approvals
Public Works and USACE, RWQCB and DFG

Public Works to obtain necessary approvals/ permits identified through consultation

Prior to the commencement of construction activities

Avoidance

Contractor to ensure compliance onsite

Public Works Dept to ensure avoidance to the extent practicable per USACE, RWQCB and/or DFG through site inspections

During construction

Permit Conditions

Contractor shall implement physical permit conditions

Public Works to adhere to any USACE §404, RWQCB §401 and/or DFG §1600 mitigation requirements

Prior to project completion

Construction Section to ensure implementation of physical conditions by Contractor

Cultural Resources:

Mitigation Measure 3.5.1

Responsibility

Monitoring Action

Timing

Mitigation Completed

A note shall be placed on the final construction plans stating:

“Should cultural resources be encountered, the supervising contractor will stop all work within 100-feet of the find. 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 employee, determine appropriate mitigation measures, 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.

Public Works and Contractor

Public Works to ensure the language is included on all final construction plans

Prior to construction

Contractor

Public Works to ensure the contractor is aware of this mitigation measure

During work on site

Cultural Resources:

Mitigation Measure 3.5.2	Responsibility	Monitoring Action	Timing	Mitigation Completed
<p>A note shall be placed on the final construction plans stating: <i>“If human remains are unearthed during construction, the construction contractor must cease work within 100-feet of the discovery and notify the County Coroner per Health and Safety Code §7050.5. No further disturbance may occur until the Coroner has made the necessary findings as to the origins and disposition pursuant to Public Resource Code section 5097.98.”</i></p>	<p>Public Works and Contractor</p>	<p>Public Works to ensure the language is included on all final construction plans</p>	<p>Prior to construction</p>	
	<p>Contractor</p>	<p>Public Works to ensure the contractor is aware of this mitigation measure</p>	<p>During work on site</p>	

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.

Geology and Soils:

Mitigation Measure 3.6.1

As part of the construction plans for the project, the contractor shall prepare a Pollution Control Plan to include all applicable storm water pollution and erosion control BMPs required during construction. As part of project plans and specifications, the Public Works Department shall prepare final erosion control plans and specifications for post-construction conditions to be implemented by the construction contractor.

Responsibility	Monitoring Action	Timing	Mitigation Completed
<p><u>Pollution Control Plan</u> Contractor to prepare Plan, with all applicable BMPs</p>	<p>Public Works to ensure preparation of Pollution Control Plan</p>	<p>Prior to issuance of notice to proceed construction</p>	
<p><u>Erosion Control Plans/ Specifications</u> Public Works shall prepare plans/ specifications</p>	<p>Public Works to ensure preparation of plans/ specifications for post-construction conditions</p>	<p>Plans/specifications to be prepared prior to construction</p>	
<p><u>Plans/Specifications Implementation</u> Contractor to implement Plans/ Specifications during construction</p>	<p>Construction Section to ensure implementation through site inspections</p>	<p>Plans/specifications to be implemented during project construction</p>	
<p><u>Post-Construction</u> Public Works to monitor post-project conditions</p>	<p>Public Works to ensure long-term effectiveness through periodic monitoring</p>	<p>Post-construction</p>	