

BUTTE COUNTY

ENVIRONMENTAL REVIEW GUIDELINES

Prepared by:
Department of Development Services
Planning Division
7 County Center Drive
Oroville, California 95965
(916) 538-7601

Approved May 28, 1996

Amended: April 26, 2022

TABLE OF CONTENTS

California Environmental Quality Act Implementation Policies and Procedures

| | Page |
|--|-------------|
| I INTRODUCTION..... | 1 |
| A. Basic Purposes of CEQA..... | 1 |
| B. Purpose of County Guidelines..... | 1 |
| C. Project application..... | 1 |
| II OVERVIEW AND SUMMARY OF PROCEDURES | 2 |
| A. CEQA Applicability..... | 2 |
| B. CEQA Process..... | 2 |
| 1. Preliminary..... | 3 |
| 2. Preparation..... | 3 |
| 3. Determination..... | 3 |
| C. Initial Studies, Negative Declarations, and EIRs..... | 3 |
| D. Contents of EIRs..... | 4 |
| III AUTHORITY PROVIDED BY CEQA..... | 4 |
| A. Mitigate 4..... | 4 |
| B. Disapprove Projects..... | 4 |
| C. Approve Projects Despite Significant Effects..... | 4 |
| D. Fees..... | 4 |
| IV APPLICABILITY OF CEQA..... | 5 |
| A. Time of Compliance..... | 5 |
| B. Responsibility for Compliance..... | 5 |
| C. Advisory Role of Planning..... | 5 |
| V PRELIMINARY REVIEW..... | 5 |
| A. Initial Project Review..... | 5 |
| B. Actions That Constitute a "Project"..... | 5 |
| 1. The whole of an action..... | 5 |
| 2. Project does not include..... | 6 |
| 3. The term "Project" refers to..... | 6 |
| C. Determining Exemptions..... | 6 |
| 1. Not a Project under CEQA..... | 6 |
| 2. Statutory Exemptions..... | 6 |
| 3. Categorical Exemptions..... | 6 |
| 4. Exemption verification..... | 6 |
| D. General Rule..... | 7 |
| E. Notice of Exemption..... | 7 |
| 1. When Lead Agency approves..... | 7 |
| 2. The NOE shall include..... | 7 |
| 3. Filing..... | 7 |
| F. County Projects..... | 7 |
| VI INITIAL STUDY..... | 8 |
| A. Purpose of an Initial Study..... | 8 |
| 1. Provide information..... | 8 |
| 2. Enable modifications of project..... | 8 |
| 3. Assist preparation of an EIR..... | 8 |
| 4. Facilitate environmental assessment..... | 8 |
| 5. Previous EIR..... | 8 |
| 6. Eliminate unnecessary EIRs..... | 8 |

| | Page |
|---|-------------|
| B. Project Information Required..... | 8 |
| C. Preparation..... | 8 |
| 1. Following preliminary review - prepare an Initial Study..... | 8 |
| 2. Pass on further environmental review - an EIR required..... | 9 |
| D. Content of An Initial Study..... | 9 |
| E. Determining Environmental Significance..... | 9 |
| 1. Mandatory Findings of Significance..... | 9 |
| 2. Effects that are normally Significant..... | 10 |
| F. Thresholds..... | 12 |
| G. Formulation of Mitigation Measures..... | 12 |
| 1. Avoiding..... | 12 |
| 2. Minimizing..... | 12 |
| 3. Repairing, rehabilitating, restoring..... | 12 |
| 4. Reducing or eliminating..... | 12 |
| 5. Compensation..... | 12 |
| VII NEGATIVE DECLARATIONS..... | 13 |
| A. Preparation of A Negative Declaration..... | 13 |
| 1. Initial Study shows no significant effect..... | 12 |
| 2. Initial Study shows potentially significant effects but..... | 13 |
| B. Contents of Negative Declarations..... | 13 |
| 1. Project description..... | 13 |
| 2. Location, name of proponent..... | 13 |
| 3. Finding..... | 13 |
| 4. Documenting reasons to support the finding..... | 13 |
| 5. Mitigation measures..... | 13 |
| C. Public Notice..... | 13 |
| D. Time Limits..... | 14 |
| E. Consideration and Approval of Negative Declarations..... | 14 |
| F. Notice of Determination..... | 14 |
| VIII ENVIRONMENTAL IMPACT REPORTS (EIRs)..... | 14 |
| A. Decision to Prepare an EIR..... | 14 |
| B. Scope of an EIR..... | 15 |
| C. Letter to Applicant..... | 15 |
| D. Appeal..... | 15 |
| E. Notice of Preparation..... | 15 |
| F. Consultant Selection Procedures..... | 15 |
| G. Fees..... | 16 |
| H. Execution of Contract..... | 16 |
| I. Preparation of Administrative Draft EIR..... | 16 |
| J. Notice of Completion of a Draft EIR..... | 16 |
| K. Public Review of Draft EIRs..... | 17 |
| L. Public Hearing on Draft EIR..... | 17 |
| M. Evaluation of Responses to Comments..... | 17 |
| N. Preparation of the Final EIR..... | 17 |
| O. Certification of the Final EIR and Time Limits..... | 17 |
| P. Findings 18 | |
| Q. Approval..... | 18 |
| R. Statement of Overriding Considerations..... | 18 |
| S. Notice of Determination..... | 18 |
| IX. MITIGATION MONITORING AND/OR REPORTING PROGRAM..... | 19 |

APPENDICES

- A. CEQA List of Effects & Projects/Nonprojects:
 - List of Significant Effects
 - Projects
- B. Exemptions:
 - Statutory
 - Categorical
- C. Environmental Information Form
- D. Environmental Checklist: Initial Study

I. INTRODUCTION

The California Environmental Quality Act (CEQA) of 1970 (as amended) is California's most fundamental and far reaching environmental law. CEQA is a procedural act that governs the review and approval process of most developments in California. These policies and procedures are written for the purpose of implementing the requirements of CEQA as contained in §21000 et seq of the Public Resources Code (PRC) and the state CEQA Guidelines as contained in §15000 et seq of the California Code of Regulations (CCR).

A. BASIC PURPOSES OF CEQA (§15002)

The basic purposes of CEQA are to:

- (1) inform governmental decision-makers and the public about the environmental effects of proposed activities;
- (2) involve the public in the decision-making process;
- (3) identify ways that damage to the environment can be avoided or significantly reduced; and,
- (4) prevent environmental damage by requiring changes in projects through the use of alternatives, mitigation measures, or both.

B. PURPOSE OF COUNTY GUIDELINES

Butte County's Environmental Review Guidelines (hereafter referred to as Guidelines) set forth comprehensive procedures for complying with the California Environmental Quality Act (CEQA). CEQA requires each public agency to adopt guidelines (objectives, criteria, and specific procedures) for administering its responsibilities under CEQA (§15022 of CAC and §21000 et seq of PRC). The purpose of these Guidelines is to protect both local and regional environmental resources in a manner that reflects local values.

An additional purpose of these Guidelines is to implement Section 15006: to reduce delay and paperwork in determining if CEQA applies to particular projects. Section 15006 enumerates methods for conducting environmental review of projects that are not exempt. The intent of this document is to translate the myriad of State laws and judicial interpretations into a precise guide for use by the County, project proponents, and general public.

Butte County's CEQA Guidelines summarize State law. Please refer to the State CEQA Guidelines (California Code of Regulations Sections in parentheses) for more detail.

C. PROJECT APPLICATION

1. Review of Application For Filing - All applications for non-exempt land development projects shall be filed with the County and shall include the following:
 - a. A fully completed and signed Application Form.
 - b. A fully completed and signed Environmental Information Form (see Appendix C).
 - c. The appropriate environmental review fee as set forth on the County's fee schedule.
2. Review of Application For Completeness - The County shall determine in writing whether an application is complete within 30 calendar days of receipt (filing). If the application is determined to be incomplete, within this 30 calendar day period, it shall be returned to the

applicant with a written specification as to why it is not complete and with suggested revisions to ensure completeness. The applicant has 30 calendar days to provide a specified number of copies of the requested information and the County has 30 calendar days to determine whether the resubmitted application is complete. This cycle may be repeated one more time. If the application is still determined to be incomplete, the project shall be determined to be withdrawn by the County, unless an appeal is filed regarding that determination. If a dispute arises as to the resubmitted application's completeness, the applicant may appeal the matter to the Director of Development Services. There shall be a final written determination of completeness within 60 calendar days of appeal.

3. Additional Information - After an application has been accepted as complete, the County may require the applicant to submit additional information needed for environmental evaluation (Initial Study) of the project.
 - a. If the applicant is unable to supply the additional information needed for the County to complete its environmental evaluation within the 30 calendar day period, (after application has been determined to be complete), this timeline is suspended and processing of the application shall cease until the applicant provides the additional information.
 - b. If the applicant is unwilling to provide this additional information, thereby making it impossible for the County to perform an adequate Initial Study, then the project will be sent to the approving authority with a staff recommendation for Denial Without Prejudice.
4. If the County determines that an EIR will be required for a project, the County may skip further initial review of the project and begin work directly on the EIR process. The County shall identify the significant effects of the project upon which the EIR shall focus. The County shall indicate briefly its reasons for determining that other effects would not be significant or potentially significant.

II. OVERVIEW AND SUMMARY OF PROCEDURES

The following subsections provide the procedures for following CEQA requirements. See Appendix A for helpful flowcharts, outlines, and time periods.

A. CEQA APPLICABILITY

A proposed activity or application must first be evaluated to determine if it is for a "project" and is, therefore, subject to further CEQA review. A project is defined as any discretionary action that may cause a physical change to the environment. A project is the whole of an action that might result in a physical change to the environment, directly or ultimately. However, if the proposed activity is a project under CEQA, it may still be exempt from environmental review (see categorical exemptions and "general rule" exemptions, Appendix B).

B. CEQA PROCESS (three separate steps):

There are three steps in the CEQA process that incorporate environmental documentation. These three separate steps are taken in deciding which environmental document to prepare for a project subject to CEQA.

1. Preliminary review of a project to determine whether it is subject to CEQA, or is exempt;

2. Preparation of an Initial Study to determine whether the project may have any significant environmental effects.
3. Preparation of environmental document:
 - a. If the Initial Study shows that there is no substantial evidence that the project may have a significant impact, the County prepares a Negative Declaration.
 - b. If the Initial Study shows the project may have a significant impact but can the project can revised to avoid or mitigate the impact, the County prepares a Mitigated Negative Declaration.
 - c. If the Initial Study shows the project may have a significant impact that cannot be avoided or adequately mitigated, the County requires the preparation of an EIR (Guidelines §15002(k)).

C. INITIAL STUDIES, NEGATIVE DECLARATIONS, AND ENVIRONMENTAL IMPACT REPORTS (EIRs)

Initial Study. If the proposed activity is a project under CEQA (Guidelines, §15378), and is not exempt from review, the County will prepare an Initial Study. Where an EIR is required the preparation of an Initial Study is at the option of the County. The Initial Study determines whether a negative declaration, a mitigated negative declaration, or an Environmental Impact Report (EIR) is needed.

If the Initial Study identifies potentially significant impacts resulting from a project, the County may consult with the applicant to determine if the applicant is willing to modify the project to reduce or avoid the significant effects identified in the Initial Study (§ 15063(g)). The applicant may make changes to the project, or agree to changes suggested by the County in order to avoid or reduce to insignificance potential impacts (§15063(c)(2) and §15070(b)(1)). For public projects see Section V "Preliminary Review" (B)(1)(a).

Negative Declaration. If no significant impacts are identified, a Negative Declaration is prepared. A Negative Declaration is a written statement by the County describing why a project will not have a significant impact on the environment and therefore does not require the preparation of an EIR. A Negative Declaration may be prepared when no substantial evidence exists that the project may have a significant environmental effect (Guidelines, §15070).

Mitigated Negative Declaration. If the County determines that project revisions or mitigation measures are needed to lessen the impacts to an insignificant level or to avoid significant impacts, then a mitigated Negative Declaration is prepared. (§15041(a)).

Focused EIR (PRC < 21158). “A focused environmental impact report is an environmental impact report on a subsequent project identified in a master environmental impact report. A focused environmental impact report may be utilized only if the lead agency finds that the analysis in the master document of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment is adequate for the subsequent project. The focused environmental impact report shall incorporate, by reference, the master environmental impact report and analyze only the subsequent project’s additional significant effects on the environment . . . and any new or additional mitigation measures or alternatives that were not identified and analyzed by the master environmental impact report.”

Full EIR. A full EIR shall be required when the physical conditions exist within an area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance.

- D. CONTENTS OF EIRs (§15120 et seq):** The required contents of EIRs, as set forth in Article 9 of the State Guidelines, are hereby incorporated by reference.

III. AUTHORITY PROVIDED BY CEQA (§15040)

CEQA gives the County, as lead agency, authority to mitigate, disapprove, or approve projects despite significant impacts, and to charge fees to recover costs incurred in the preparation of the environmental documentation.

- A. MITIGATE (§15041(a)):**

The County has authority to require changes in the project to lessen or avoid significant effects on the environment (Guidelines §15041(a), 15042, & 15064(b); Public Resources Code §21002 & 21004). The County shall draft mitigation measures to achieve the objective of mitigating or avoiding significant effects on the environment identified in the Initial Study.

- B. DISAPPROVE PROJECTS (§15042):**

The County may disapprove a project, if necessary, to avoid one or more significant effects on the environment that would occur if the project were approved.

- C. APPROVE PROJECTS DESPITE SIGNIFICANT EFFECTS (§15043):**

The County may approve a project despite significant environmental effects identified in an EIR if: the County makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid these effects; and the County adopts, when certifying the EIR, a Statement of Overriding Considerations to address those significant environmental effects. Findings shall be included identifying expected benefits from the project that outweigh the adverse impacts or the costs of mitigating the impacts of the project.

- D. FEES (§15045):**

The County, as a lead agency, may charge and collect reasonable fees in order to recover the estimated cost in preparing an Initial Study, Negative Declaration or mitigated Negative Declaration, and/or EIR. These fees are subject to periodic review and adjustment in order to assure that County costs are recovered.

Administrative costs incurred by the County for time and materials for review and processing the environmental documentation will be estimated. Established fees for development applications include the estimated cost for preparation of an initial study and a Negative Declaration or Mitigated Negative Declaration. Fees for the cost of preparation of an EIR shall be based upon the hourly fees established by Section 3-044 of the Butte County Code and/or upon the cost of the consultant's services as established by the tri-party agreement. See Part VIII, G and H.

Costs for the preparation of an EIR will be estimated on a case by case basis depending upon the scope of the EIR, and a deposit required in at least 50 percent of the amount of the estimate. Certification of the final EIR will not be scheduled unless the account is in excess of the estimate/deposit in order to cover the costs of finalizing the EIR.

IV. APPLICABILITY OF CEQA (§15002)

A. TIME OF COMPLIANCE

The County will comply with CEQA procedures as set forth in these guidelines whenever the County proposes to carry out or approve a project. CEQA review, preparation, and certification of appropriate documentation occurs prior to or concurrently with an approval of a private project or authorization of a public project.

B. RESPONSIBILITY FOR COMPLIANCE

The Director of Development Services, or the Director's designee, shall ensure that these guidelines are followed for public and private projects. These guidelines apply to all agencies of the County.

C. ADVISORY ROLE OF DEVELOPMENT SERVICES

The Director of Development Services, or the Director's designee, will provide direction, guidance, advice and consultation to other County departments at their request with respect to interpretation of CEQA, State Guidelines or these Guidelines.

V. PRELIMINARY REVIEW

A. INITIAL PROJECT REVIEW

All activities that are initiated by the County, which are determined to be a project under CEQA, funded in whole or part by the County, or require authorization or entitlement from the County are subject to CEQA review. County staff, with primary responsibility for processing, reviewing, or authorizing activities affecting the environment should be familiar with these guidelines. Most activities that are not exempt from CEQA will be reviewed or processed by the Department of Development Services.

B. ACTIONS THAT CONSTITUTE A "PROJECT" (Government Code, §65100-66700)

Except as otherwise provided, these Guidelines shall apply to Discretionary Projects proposed to be carried out or approved by the County. A project is defined as:

1. The whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately, and that is any of the following:
 - a. An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local general plans or elements thereof pursuant to Government Code §65100-65700.
 - b. An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
 - c. An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.
2. Project does not include:

- a. Anything specifically exempted by state law;
 - b. Proposals for legislation to be enacted by the State Legislature;
 - c. Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, emergency repairs to public service facilities, general policy and procedure making (except as they are applied to specific instances covered above);
 - d. The submittal of proposals to a vote of the people of the state or of a particular community;
 - e. The closing of a public school and the transfer of students to another school where the only physical changes involved are categorically exempt.
3. The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term "project" does not mean each separate governmental approval.

C. DETERMINING EXEMPTIONS

Generally, there are two types of exemptions: statutory and categorical. Statutory exemptions apply to projects that the State Legislature has ruled to have insignificant effects. Statutory exemptions include ministerial projects and emergency projects.

The County has 30 calendar days in which to determine whether a project is exempt or not. The County must act on a project determined to be exempt within 90 calendar days after determination of exemption. However, any project that may cause significant environmental impacts, regardless of its listing as a categorical exemption, is subject to environmental review under CEQA (§15300.2). After approving an exempt project, the County may file a Notice of Exemption with the County Clerk. All proposed activities must be reviewed to determine if one of the following exemptions is appropriate:

- 1. **Not a Project under CEQA:** If a proposed activity is not a project, it is exempt from CEQA review.
- 2. **Statutory Exemptions:** Certain activities have been exempted from CEQA by the Legislature. These exemptions include feasibility or planning studies, ministerial projects, and emergency actions. A complete list of statutory exemptions is included in Appendix B.
- 3. **Categorical Exemptions:** Certain classes or "categories" of projects have been determined by the State's Secretary for Resources to have an insignificant effect on the environment, and are known as categorical exemptions. Currently, the State's CEQA Guidelines recognize 29 classes of categorically exempt projects. A complete list of these exemptions is included in Appendix B.
- 4. **Exemption Verification:** If a project falls within a Categorical Exemption category, the Lead Division shall make an additional inquiry as to whether the Categorical Exemption is inapplicable, because of the existence of any of the following factors:
 - a. There are unusual circumstances creating the reasonable possibility of significant effects (e.g., an otherwise exempt project located in a wetland).

- b. The project and successive projects of the same type in the same place will result in Cumulative Impacts.
- c. For classes 3, 4, 5, 6, and 11, the project may affect an environmental resource of hazardous or critical concern officially adopted pursuant to law (e.g., an otherwise exempt project that would impact habitat of an endangered species).

If any of these factors cause the Categorical Exemption to be inapplicable, the applicant shall be required to submit an Environmental Information Form and a detailed project description. Additional information, data, studies, and the like, may be required of the applicant in order for the County to make an environmental determination.

D. GENERAL RULE

Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to environmental review.

In such cases, the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (Guidelines, §15061(b)(e)).

E. NOTICE OF EXEMPTION (§15062)

If a determination is made that the activity is exempt from CEQA, a Notice of Exemption (NOE) may be filed with the County Clerk.

- 1. When the County approves or decides to carry out the project, the filing of a Notice of Exemption shall be posted within 24 hours of receipt in the office of the County Clerk. It also requires the clerk to return the notice after it was posted for thirty days to the local agency. The local agency must then retain the notice of nine months. Filing the NOE initiates a 30 calendar day statute of limitations period on legal challenges to the County's determination that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180 calendar day statute of limitations shall apply.
- 2. The NOE shall include a brief description of the project, findings of exemption, including citation to the State CEQA Guidelines section under which it is found exempt, and reasons supporting those findings. For private projects, the notice shall include a certification that the County has independently reviewed information submitted by the project applicant which supports the exemption.
- 3. If filed, the notice shall be filed with the County Clerk. If state resources could be affected the NOE shall be filed with the Office of Planning and Research (OPR). Copies of the NOE shall be available for public inspection.

F. COUNTY PROJECTS: ENVIRONMENTAL REVIEW PROCEDURES (§15378(a)(1)):

When the County, or any of its departments, as the Lead Agency, contemplates any activity resulting in physical change in the environment, including but not limited to Public Works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances initiated by the County, and the amendment of the Butte County General Plan or any of its elements, the following procedures shall be followed.

The department which contemplates the activity shall request the Planning Division to determine whether the activity qualifies for an exemption. If the activity is exempt, no EIR is required and regular processing of plans for the activity may continue without further environmental review.

If the activity is not exempt, the department shall forward its plans and specifications to the Planning Division. Upon receipt of the plans and specifications for the project, the Planning Division shall conduct an Initial Study to determine if the project may have a significant effect on the environment. The environmental review process from that point on, including determinations and filing of notices, will be conducted in the same manner as specified above in the procedures for environmental review of private projects, with the department proposing to carry out the project being treated as the "applicant."

VI. INITIAL STUDY

The County will prepare an Initial Study within 30 calendar days after determining the application complete. The 30 calendar day period may be extended 15 calendar days upon the consent of the County and the project applicant. (For public projects, these time limits do not apply.) Staff recommendations for requiring particular environmental documents may be appealed in writing, within ten (10) calendar days, to the approving agency for the project upon payment of proper fees.

A. PURPOSES OF AN INITIAL STUDY:

1. Provide the County with information to use as the basis for deciding whether to prepare an EIR or Negative Declaration (§15063(c)(1));
2. Enable an applicant or the County to modify a project, avoiding, or mitigating adverse impacts thereby enabling the project to qualify for a Negative Declaration;
3. Assist the preparation of an EIR, if one is required;
4. Facilitate environmental assessment early in the design of a project;
5. Determine whether a previously prepared EIR could be used for the project;
6. Eliminate unnecessary EIRs.

B. PROJECT INFORMATION REQUIRED:

The primary source of project information for the Initial Study is the Environmental Information Form (see Appendix C) (§15063(f)). This form is completed by the applicant and received as part of the project (application) submittal. Any information that the project proponent or County deems relevant and will facilitate the environmental review of a project, should be submitted along with the project application. The County may require the project proponent to provide additional data and information determined necessary for the preparation of the Initial Study (§15060(b), 15063(e), & 15064(b)).

An unreasonable delay by the applicant in providing information (studies, surveys, maps, etc.) requested by the County shall suspend the running of the time periods as described in §15107 and §15108 (§15109). After a reasonable period of time, if no action has been taken by the applicant to collect or supply the necessary information the project will be set on the approving agency agenda for **Disapproval without prejudice**.

C. PREPARATION

1. Following preliminary review, the County shall prepare an Initial Study for nonexempt projects to determine if the project may have a significant effect on the environment.

2. On projects where the County can clearly determine that an EIR will be required for the project, the County may skip any further initial review of the project and begin work directly on the EIR process. (See discussion I, C(4))

D. CONTENT OF INITIAL STUDY

The Initial Study is prepared by County staff. It includes:

- project description,
- environmental setting,
- environmental checklist,
- identification of environmental effects by use of a checklist, matrix, or other method,
- discussion of any impacts and ways to avoid or mitigate identified impacts,
- examination of consistency with zoning, general plans and other applicable land use controls (§15063(d)).

All phases of project planning, implementation, and operation shall be considered in the Initial Study. Staff shall consult with County departments, public entities that may be a responsible or trustee agency for the project and any individuals or organizations otherwise concerned.

E. DETERMINING ENVIRONMENTAL SIGNIFICANCE

Critical to the environmental analysis is the determination of significant effect. The CEQA Guidelines define the term "significant effect on the environment" as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance." (CEQA Guidelines, §15382)

The environmental evaluation must consider:

- **Primary or Direct impacts:** such as construction-related impacts of dust and noise (§15064(d)(1));
- **Secondary or Indirect impacts:** such as those associated with growth resulting from additional infrastructure capacity (§15064(d)(2)); and,
- **Cumulative impacts:** such as those resulting from the total effect of a group of proposed projects or programs, over time (§15065(c)).

Significance will be judged by the intensity and longevity of the change, the size of the area affected, and deviation from existing conditions. Establishing thresholds of significance is the best way to enable a determination of environmental impacts.

1. **Mandatory Findings of Significance (§15065):** The project may be found to have a significant effect on the environment if any of the following findings are made by the County.
 - a. The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a threatened or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

- b. The project has possible environmental effects which are individually limited but cumulatively considerable. As used in this subsection, "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- c. The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

The County **must** prepare an EIR if any of these Findings occur (Appendix D, Environmental Checklist).

2. **Effects That Are Normally Significant:** A project will normally have a significant environmental effect if it may indirectly or directly affect the following:

- a. Land Use
 - (1) Conflict with adopted environmental plans and goals of the community where it is located.
 - (2) Disrupt or divide the physical arrangement of an established community.
 - (3) Conflict with established recreational, educational, religious, or scientific uses of the area.
 - (4) Convert prime agricultural land to nonagricultural use, or impair the agricultural productivity of prime agricultural land.
- b. Aesthetics
 - (1) Have a substantial, demonstrable negative aesthetic effect.
- c. Population, Housing, and Employment
 - (1) Induce substantial growth or concentration of population.
 - (2) Displace a large number of people.
- d. Public Services
 - (1) Breach published national, state, or local standards relating to solid waste or litter control.
 - (2) Extend a sewer trunk line with capacity to serve new development.
 - (3) Require a "will serve" letter from a public agency and the agency identifies serious deficiencies in providing service.
- e. Vehicle Miles Traveled (VMT)
 - (1) Butte County has adopted thresholds of significance to be applied to all discretionary projects that are unable to be screened from VMT analysis or considered de minimus. The Butte County thresholds of significance were

adopted under Board Resolution No, _____, and are entitled the *Butte County California Environmental Quality Act Interim Transportation Threshold*. This document is on file and maintained by the Department of Development Services.

- f. Air
 - (1) Violate any ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations.
- g. Noise
 - (1) Increase substantially the ambient noise levels for adjoining areas.
- h. Geology
 - (1) Expose people or structures to major geologic hazards.
- i. Hydrology
 - (1) Substantially degrade water quality.
 - (2) Substantially degrade or deplete groundwater resources.
 - (3) Contaminate a public water supply.
 - (4) Interfere substantially with groundwater recharge.
 - (5) Cause substantial flooding, erosion, or siltation.
- j. Biological Resources
 - (1) Substantially affect a rare or endangered species.
 - (2) Interfere substantially with the movement of any resident or migratory fish or wildlife species.
 - (3) Substantially diminish habitat for fish, wildlife, or plants.
- k. Cultural Resources
 - (1) Disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group; or a paleontological site except as a part of a scientific study.
- l. Energy
 - (1) Encourage activities that result in the use of large amounts of fuel, water, or energy.
 - (2) Use fuel, water, or energy in a wasteful manner.

m. Hazards

- (1) Create a potential public health hazard or involve the use, production, or disposal of materials which pose a hazard to people or animal or plant populations in the area affected.
- (2) Interfere with emergency response plans or emergency evacuation plans.

F. **THRESHOLDS:** Determining the significance of environmental impacts is a critical and often controversial aspect of the environmental review process. It is critical because a determination of significance requires that the project be substantially altered, or that mitigation measures be readily employed to avoid the impact or reduce it below the level of significance. If the impact cannot be reduced or avoided, an Environmental Impact Report (EIR) must be prepared.

State CEQA Guidelines define the term "significant impact on the environment" as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project. However, there is no iron-clad definition of what constitutes a substantial change because the significance of an activity may vary according to location.

G. **FORMULATION OF MITIGATION MEASURES (Section 15370):** Mitigation measures are actions designed to alleviate or avoid the adverse environmental effects of proposed plans and projects. If there is a potential for significant impacts, efforts should be made to identify and incorporate mitigation measures, either into the project design prior to completion of the Initial Study, or staff, in consultation with the applicant, shall incorporate appropriate mitigation measures into the project approval. If identified impacts can be mitigated to a non-significant level, a mitigated Negative Declaration can be used. Impacts must be reduced to a non-significant level or an EIR is required. Mitigation includes:

1. *Avoiding* the impact altogether by not taking a certain action, or parts of an action or redesigning the project;
2. *Minimizing* impacts by limiting the degree or magnitude of the action and its implementation;
3. *Repairing, rehabilitating, or restoring* an impacted environment;
4. *Reducing or eliminating* the impact over time by preservation and maintenance operations during the life of the action;
5. *Compensation* for the impact by replacing or providing substitute resources or environments.

Creativity, reasonableness, and practicality should be used in developing mitigation measures for identified impacts, providing that the mitigation adequately and accurately addresses the impact.

A Mitigation Monitoring & Reporting Program shall be made a condition of approval of the project. The County shall require applicants to furnish a monitoring program for each mitigation measure required. The Mitigation Monitoring Program shall be required to be submitted by the applicant within 45 calendar days after approval of the project. For mitigation of complicated or technical impacts, a consultant may need to be hired at the developer's expense (see Section VII Mitigation Monitoring or Reporting Program).

When other agencies have jurisdiction over aspects of the project, the developer will have to meet the design, mitigation, and monitoring requirements imposed by those agencies, as well as any additional requirements established by Butte County.

VII. NEGATIVE DECLARATIONS (Guidelines, §15070)

There are two types of Negative Declarations: a (standard) Negative Declaration, and a Negative Declaration with mitigations, or "Mitigated Negative Declaration." When the Initial Study shows that the project may not have a significant effect on the environment CEQA allows for a Negative Declaration to be adopted.

CEQA continues to give the County the option of allowing applicants to modify their project so that the County can make a finding that the project would not have a significant effect on the environment as proposed. If the applicant can modify his project to avoid potential significant effects, he can qualify for a Mitigated Negative Declaration.

- A. PREPARATION OF A NEGATIVE DECLARATION (Section 15070):** A Negative Declaration shall be prepared for non-exempt projects if:
1. The Initial Study shows that there is no substantial evidence of the project having a significant effect on the environment; or
 2. The Initial Study identified potentially significant effects but:
 - a. Prior to completion of the Initial Study, the project is revised to avoid or mitigate the effects to a point where no significant effects would occur; and
 - b. There is no substantial evidence that the project, as revised, may have a significant effect on the environment.
- B. CONTENTS OF NEGATIVE DECLARATIONS (Section 15071):** A Negative Declaration shall include:
1. A brief project description;
 2. The location of the project (preferably a location map), and the name of the project proponent;
 3. A proposed finding that the project will not have a significant effect on the environment;
 4. An attached copy of the Initial Study documenting reasons to support the finding;
 5. Mitigation Measures, if any, included in the project to avoid potentially significant effects.
- C. PUBLIC NOTICE (§15072):** The County shall notify the public of its intention to adopt a Negative Declaration, and provide opportunities to review it and any related documents by direct mail to all landowners within a 300 foot radius of the exterior project boundary, but not less than ten (10) properties in the surrounding area. The notice shall include a reference as to where all documents are available for review. The notice shall also be published in a newspaper of local circulation.

Where one or more state agencies will be a Responsible Agency or a Trustee Agency or will exercise jurisdiction by law over natural resources affected by the project, the County shall send ten copies of the Negative Declaration to the State Clearinghouse for distribution to the state agencies (§15073).

Public review period for a Negative Declaration shall be at least 20 calendar days. The review period for a Negative Declaration which has been submitted to the State Clearinghouse shall be at least 30 calendar days (Public Resources Code, Section 21091).

- D. **TIME LIMITS:** The Negative Declaration must be completed and ready for approval within 105 calendar days from the date when the County accepted the application as complete. Approval of the Negative Declaration by the hearing body may occur at a later date (§15107). Any unreasonable delays resulting from failure of the applicant to provide information requested by the County and necessary to complete the Negative Declaration, shall suspend these limits (§15109).

- E. **CONSIDERATION AND APPROVAL OF NEGATIVE DECLARATIONS (§15074):** Prior to project approval, the hearing body responsible for approval of the project shall consider the proposed Negative Declaration with any comments received during the review process:
 - a) The hearing body shall approve the Negative Declaration if it finds on the basis of the Initial Study, and comments received, that there is no substantial evidence of significant effects on the environment.
 - b) The Negative Declaration shall reflect the County's independent judgment and analysis.
 - c) The County shall inform, through public notice, the location and custodian of documents or other material which constitutes the record.
 - d) When a Mitigated Negative Declaration is adopted, the County shall adopt a mitigation monitoring program (PRC §21081.6).
 - e) A Negative Declaration cannot be adopted for a project within the boundaries of a comprehensive airport land use plan without first considering safety and noise issues (PRC §21096).

- F. **NOTICE OF DETERMINATION (§15075):** After deciding to carry out or approve a project for which a Negative Declaration has been approved, the County shall file a Notice of Determination with the County Clerk within five (5) working days. The Notice of Determination shall be posted with the County Clerk within 24 hours of receipt from a lead agency and remain posted for at least 30 calendar days. The County must then retain the notice for not less than 9 months. Filing and posting the Notice of Determination starts a 30 calendar day statute of limitations on court challenges to CEQA approvals. Failing to file the Notice of Determination extends the statute of limitations to 180 calendar days. If the project requires a discretionary approval from any State agency, the notice shall also be filed with the Governor's Office of Planning and Research.

Public Review: The review period for a Negative Declaration shall not be less than 20 calendar days (30 calendar days when the document is submitted to the State Clearinghouse).

VIII. ENVIRONMENTAL IMPACT REPORTS (EIRs)

The EIR process starts with the decision to prepare an EIR. This decision will be made either during preliminary review (Guidelines, §15060) or at the conclusion of an Initial Study (§15064).

- A. **DECISION TO PREPARE AN EIR (§15063):** If the Initial Study determines that a project may have a significant effect on the environment, which cannot be eliminated by changing the project or adding mitigation measures, the County shall initiate the preparation of an EIR. If the County can determine that an EIR will clearly be required for the project, an Initial Study is not required but may still be desirable.

The Director of Development Services, or the Director's designee, will determine whether an EIR is required within 30 calendar days of determining the application complete. A 15 calendar day extension may be approved upon consent of the applicant.

- B. SCOPE OF AN EIR (§15082):** The breadth of analysis in the EIR shall be determined by the Initial Study, comments of the County staff, and responses to the Notice of Preparation. The EIR should focus on potentially significant impacts, and need not discuss items determined to be insignificant by the Initial Study, or items not raised in response to the Notice of Preparation. For projects of unusual scope or complexity, County staff may hold a community scoping meeting.
- C. LETTER TO APPLICANT:** Prior to the preparation and distribution of the Notice of Preparation, the County shall send to the applicant a letter giving notice of the need for an EIR. Within fifteen (15) calendar days the applicant shall notify the County in writing of his/her agreement to proceed with an EIR. Failure of the applicant to respond in writing within this time period shall result in the scheduling of the project for hearing with a recommendation of **Disapproval without prejudice**.

In the letter to the applicant, the County shall include information regarding appeal procedure, fees for EIR administration, the scope of the EIR coverage (with the Initial Study attached), and directions to the applicant on how to proceed. These directions shall include: description of the County's consultant selection process, and directions regarding the County/applicant/consultant three-party contract.

- D. APPEAL:** If the applicant wishes to appeal the County's finding that an EIR is required, the applicant shall file an appeal within 10 calendar days of the date of mailing the letter. The applicant shall submit, along with the appropriate filing fee, a letter specifying the reasons why an EIR should not be required. The appeal shall be filed with the Planning Division of Development Services. Action on these appeals shall be heard by the decision-making body for the project.
- E. NOTICE OF PREPARATION (§15082):** After determining that an EIR is required, and upon written confirmation of acceptance by the applicant of the need to prepare an EIR, the County shall prepare and distribute a Notice of Preparation (NOP) for an EIR. The NOP shall consist of the Notice of Preparation form and include a copy of the Initial Study. If any State agency is affected the Notice shall be sent to the State Clearinghouse in the Office of Planning and Research for distribution.

Response to Notice of Preparation. Each Responsible Agency shall provide a response within 30 calendar days after receiving the Notice of Preparation. If a Responsible Agency fails to reply within 30 calendar days with either a response or a request for additional time, the County may assume that the Responsible Agency has no response to make.

F. CONSULTANT SELECTION PROCEDURE:

Once it has been determined that an EIR is required in accordance with the process described above the consultant selection process can begin. The County will select approximately five (5) consultants from the approved list of EIR consultants. It should be noted that the County has many local consultants who are well qualified to be used as prime and subconsultants for EIRs. It is the desire of the County to utilize local consultants when possible and feasible.

The County will start at the top of the approved list and proceed down the list selecting the next consultants in line. The approved consultant list will contain consultants listed in random order re-established each time the list is updated. As part of the consultant selection process the applicant will be asked to review and approve the consultants chosen and to verify that there is no conflict of interest with the applicant.

The applicant can request that another consultant on the approved list be substituted for one or more of the consultants initially selected by the County. The list will be updated twice a year to add consultants and to remove those consultants who no longer provide environmental services.

After the selection of five consultants the County shall prepare a letter of interest with a brief scope of work requesting that each consultant express their interest in submitting a proposal. Upon determination that at least a group of five consultants desire to propose, the County shall set and hold a pre-proposal meeting with interested consultants and the applicant. Prior to or at the meeting the County will provide the consultants with a detailed project description and supporting material and maps, advise them of the areas of concern, and specify the extent of analysis desired. The consultants will have the opportunity to ask questions of the County staff and the applicant at the pre-proposal meeting. Any questions that do arise after the close of the pre-proposal meeting must be directed through County staff. If the questions affect the final content of the request for proposal or the scope of work, County staff will inform all consultants by phone.

The preparation of the consultant proposal shall conform to the format and content specified in the County's Request for Proposal. It should be noted that it is the intent of the County to ask for the applicant's review of all proposals and the applicant's review and ranking of the consultants. The County will consider the applicant's recommendations; however, the final selection of the consultant shall be made by the County. Prior to executing any contract, the consultant retained by the County shall file a statement of economic interest with the County Clerk, and demonstrate possession of liability insurance and statutory workers compensation coverage acceptable to the County.

If consultants are retained for the preparation of environmental documents and the project is not initiated by the County, the applicant shall be responsible for the expenses involved in the preparation of the environmental documents. The selection of a consultant and execution of a contract shall be completed in accordance with the requirements of state law.

- G. FEES.** To begin the EIR preparation process the applicant shall submit to the Planning Division:
 - 1. A letter to the County, accepting the County's decision requiring an EIR;
 - 2. Payment of the fees established by Sections 3-43 and 3-44 or the Butte County Code.

- H. EXECUTION OF CONTRACT:** The contract for consultant services shall be a tri-party agreement which includes the County, the applicant, and the consultant. The contract shall reference the scope of work, include the preparation of the administrative draft, draft EIR, and Final EIR, attendance at public hearings, preparation of the response to comments, and reproduction costs. The selection of a consultant and execution of a contract shall be completed within 45 calendar days from date application has been determined to be complete.

- I. PREPARATION OF ADMINISTRATIVE DRAFT EIR (§15084):** The Administrative Draft of the EIR is considered a working document to be circulated among County staff and any responsible agency, if appropriate. The consultant shall submit a minimum of five (5) copies of the Administrative Draft EIR for staff and applicant review. The purpose of staff review is to evaluate the EIR for adequacy and accuracy prior to public circulation. Generally, review of the administrative draft EIR is concluded within a few weeks, after which comments are provided to the consultant, who prepares the draft EIR for publication and distribution.

- J. NOTICE OF COMPLETION OF A DRAFT EIR (§15085):** As soon as the draft EIR is completed and ready for public circulation, a Notice of Completion shall be filed with the Governor's Office of Planning and Research (OPR), 1400 10th Street, Room 121, Sacramento, CA 95814.

Receipt of this notice by OPR will initiate the mandatory 45 calendar day review period for draft EIRs. The State Clearinghouse may set shorter review periods when requested by the County due to exceptional circumstances.

K. PUBLIC REVIEW OF DRAFT EIRs (§15087): At the time the Notice of Completion is filed with OPR, the County shall provide notice of the availability of a draft EIR by means of a public notice in a local newspaper. Additional notice shall be provided by direct mailing to property owners within 300' of the site. The public notice shall include the name of the staff person to contact, length of the review period, and deadline for receipt of comments. The public notice shall inform the public of the presence of hazardous wastes. Copies of the draft EIR will be made available at all County libraries, the public counter at the Department of Development Services, Planning Division, and County Administration Offices. Copies of the draft EIR will be made available for purchase at local printing/copying companies. The public review period for a draft EIR shall not be less than 30 calendar days (45 calendar days when the document is submitted to the State Clearinghouse). The State Clearinghouse is authorized to allow a shorter review period for submitted draft EIRs of 30 calendar days (PRC §21091).

L. PUBLIC HEARING ON DRAFT EIR: A public hearing held before the approving body shall be conducted to solicit additional comments on the draft EIR. Notice of the hearing shall be provided by means provided in subsection K, above, and/or by other additional means as determined by the Director of Development Services, or his designee. The public hearing shall be scheduled during the review period, prior to the last week of the 45 day review period. For clarity and accuracy of the record, written comments are encouraged in conjunction with, or in lieu of, oral testimony. The hearing body may extend the comment period and continue the public hearing, if additional time is warranted.

M. EVALUATION OF RESPONSES TO COMMENTS (§15088): After the review period for the draft EIR closes, staff will assemble all written comments and summary minutes of comments made at the public hearing(s) and transmit this package to the consultant for preparation of the "Response to the Comments." Staff will work closely with the consultant to determine:

- a. Which comments address environmental impacts and mitigation(s). These comments shall be responded to by the consultant/staff;
- b. Which comments address the merits of the project (as distinguished from environmental impacts of the project) and do not require a response, but should be noted for the record;
- c. Which comments are beyond the scope of environmental review (such as legal interpretations); and
- d. Which comments on impacts are too speculative for evaluation.

Responses shall be provided for all comments. At least ten (10) calendar days before certifying the EIR, the response to comments document must be provided to all agencies or individuals who request response to their comments.

N. PREPARATION OF THE FINAL EIR (§15089): The final EIR will consist of the draft EIR unchanged, copies of comments received, the response to comments and a list of persons and organizations who made comments.

O. CERTIFICATION OF THE FINAL EIR AND TIME LIMITS: The approving body shall certify the final EIR for private projects within one year of accepting the application for the project as complete.

Upon consent of the applicant and the County, the one-year limit may be extended a maximum of an additional 90 calendar days.

Delays by the applicant in providing necessary information to complete the final EIR shall suspend these time periods. In certifying the final EIR the approving body shall find that the final EIR was prepared in compliance with CEQA, was reviewed and considered prior to project approval, and reflects the independent judgment of the County.

- P. FINDINGS (§15091):** The County shall not approve or carry out a project for which a certified EIR identifies one or more significant environmental effects unless written findings for each of the significant effects, accompanied by a brief explanation of the rationale for each finding are made. Findings must be supported by substantial evidence in the record of project review. The possible findings are:
1. Changes have been required, or incorporated into, the project that avoid or substantially lessen the significant environmental effects as identified in the certified final EIR. Necessary changes are generally identified after preparing the Initial Study.
 2. Changes that would avoid or substantially lessen the significant environmental effects are within the jurisdiction of another public agency or have already been adopted by another agency.
 3. Specific economic, social or other considerations make the identified mitigation measures or project alternatives infeasible.
- Q. APPROVAL:** After considering the final EIR and certifying this document as adequate, the hearing body shall not approve a project for which an EIR was prepared unless the project as approved will not have a significant effect on the environment, or all avoidable significant effects on the environment have been eliminated or substantially lessened; or any remaining significant effects on the environment are determined to be unavoidable and acceptable based on the findings described above.
- R. STATEMENT OF OVERRIDING CONSIDERATIONS (§15093):** If the benefits of a proposed project outweigh the unavoidable adverse effects, such effects may be considered "acceptable." The County shall take into consideration economic, legal, social and technological benefits for consideration when determining if the benefits outweigh the significant effects. If the County approves a project that allows the occurrence of significant effects, it shall adopt a Statement of Overriding Considerations as part of the project approval that states specific reasons to support its action based on the certified final EIR and/or other information in the record. This Statement of Overriding Considerations shall be in writing. The consultant who prepared the draft and final EIR shall be responsible for drafting the findings, subject to review and approval by the decision-making body.
- S. NOTICE OF DETERMINATION:** A Notice must be filed within five (5) working days of project approval when an EIR has been prepared and certified for the project. The Notice shall be posted with the County Clerk within twenty-four (24) hours of receipt from the lead agency and remain posted for at least 30 days. The County shall retain the notice for not less than nine months. If the project requires discretionary approval from a state agency, the Notice of Determination shall also be filed with the Office of Planning and Research.

IX. MITIGATION MONITORING AND/OR REPORTING PROGRAM

Mitigation measures are specific requirements which will minimize, avoid, rectify, reduce, eliminate, or compensate for significant environmental effects. A monitoring and reporting program's effectiveness depends in large part upon the quality of the mitigation measures themselves. Poorly drafted measures are not only difficult to implement, they are difficult to report on and monitor.

Definitions:

Monitoring: the observation and oversight of mitigation activities at a project site.

Reporting: the communication of the monitoring results to agencies and the public.

Paper Mitigation: refers to program-level (or planned-level) mitigations (versus development-level mitigations). Program-level mitigations require review and approval of plans, designs, programs, etc., usually at the pre-construction stage prior to final map approval.

A. PROCESSING OF MITIGATION MONITORING AND/OR REPORTING PROGRAM: ROLES AND RESPONSIBILITIES

Administrative Responsibilities

It shall be the overall responsibility of the Director of Development Services, or the Director's designee, to perform the duties of Mitigation Coordinator. The Director shall assign the responsibilities of the Monitoring and/or Reporting Program to the Environmental Coordinator or other person(s) on staff or hired to implement the program.

Monitoring Responsibility

The Environmental Coordinator (EC) shall be responsible for:

- a) Coordinating the monitoring tasks and verification program;
- b) Ensuring that the project proponent prepares a compliance schedule;
- c) Coordinating monitoring by various County departments and other agencies;
- d) Processing and filing compliance reports and verification reports; and
- e) Preparing an annual environmental monitoring report.

The Environmental Coordinator shall submit regular progress and verification reports to the Director of Development Services. The Environmental Coordinator shall prepare an annual environmental monitoring report summarizing the results of the County's Mitigation Monitoring and Reporting Program. This report shall be submitted to the Director. The report will include information on deficiencies, corrective measures taken, and suggestions for more effective future mitigation measures.

Selection of Monitor

The Director of Development Services or the Director's designee shall be responsible for selecting the person(s) or firm(s) hired by the County, in consultation with the project developer, to monitor the Mitigation and Reporting Program for each project. In all cases, the person(s) or firm(s)

responsible for monitoring shall have sufficient expertise to determine whether or not the mitigation measure has been accomplished.

Enforcement Responsibility

The Environmental Coordinator is authorized to enforce compliance with the Monitoring Program. When compliance is lacking or incomplete, the Environmental Coordinator is empowered to either stop work, temporarily stop work, or allow work to continue while compliance is being achieved.

Exemptions - Limitations

Any deviation from the adopted mitigation measures can only be amended or deleted by the approving body. All mitigation measures shall be met unless the circumstances or conditions that required the mitigation no longer exist.

B. PREPARATION OF MONITORING AND/OR REPORTING PROGRAM

A Mitigation Monitoring and/or Reporting Program shall be prepared by the EIR consultant for every project for which an EIR was prepared where mitigation measures were adopted by the approving body. The Program shall contain the following:

1. A statement that the requirements of the adopted Program *run* with the real property on which the project is located. Successive owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted Program.
2. A statement which specifies the responsibilities of the applicant and the Environmental Coordinator, or his or her designee, as well as any professional expertise on completion or evaluation of any part of the Program.
3. The time requirements, schedule, phases or tasks for each mitigation measure that will, upon completion, result in issuance of a Program Completion letter from the Environmental Coordinator.

The Mitigation Monitoring and Reporting Program shall be written to maintain consistency with the project as approved. It shall be the responsibility of the Environmental Coordinator to determine that the proposed Mitigation Monitoring Program complies with County requirements.

Program Completion Letter

Determination. It shall be the responsibility of the Environmental Coordinator to determine compliance with each of the required mitigation measures. Once all of the mitigation measures have been met, the EC will prepare and mail a letter to the applicant indicating full compliance with the Mitigation Monitoring and Reporting Program for the project or phase. Should there be an on-going mitigation measure imposed, the EC shall prepare and mail a letter to the applicant upon completion of all mitigation measures and indicate the on-going need of the mitigation measure and the necessary time frame for follow-up.