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.

X	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:	Date:
Printed Name: Mike Crump Title: County of Butte Director of Public Works	

4.2 SUMMARY OF MITIGATION MEASURES

Air Quality:

MM 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 BAMM 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).

Timing & Implementation: Contractor to prepare Pollution Control Plan for Public Works Department approval prior to notice to proceed. Implement plan actions during and post construction.

Enforcement & Monitoring: Butte County Department of Public Works and contractor through ongoing site inspections

Air Quality:

MM 3.3.2 The contractor shall implement the following measures where applicable to reduce NOx emissions from construction equipment and ensure a level of reasonable control:

- 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.

Timing & Implementation: Contractor to prepare NOx reduction plan prior to commencement of grading activities and implement plan actions during construction

Enforcement & Monitoring: Butte County Department of Public Works and contractor through ongoing site inspections

Biological Resources:

MM 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.

Timing & Implementation: Prior to construction activities, the Public Works Department shall ensure that all necessary field surveys are conducted. If no nesting raptors are identified during the field surveys, construction activities may proceed unconstrained, relative to this mitigation measure.

Enforcement & Monitoring: Public Works Department staff and a qualified biologist or ornithologist, if necessary, shall monitor construction activities to ensure implementation of the above measures.

MM 3.4.2 All jurisdictional waters, which 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. If necessary, a Clean Water Act §404 permit will be obtained from the USACE 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 county shall obtain necessary certification/approval from the RWQCB pursuant to §401 of the Clean Water Act.
- Per §1600 of the state Fish and Game Code, the applicant shall enter into consultation with the DFG. If necessary, a Streambed Alteration Agreement will be obtained before in-stream construction activities commence. If required, the agreement would contain site-specific minimization and mitigation measures identified through consultation with the DFG.

Timing & Implementation: Consultation agreements and permitting to occur prior to commencement of construction activities. Avoidance will occur during project construction. If identified through consultation with the regulatory agencies, mitigation will be conducted prior to project completion.

Enforcement & Monitoring: Butte County Department of Public Works, DFG, USACE and the RWQCB.

Cultural Resources:

MM 3.5.1 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.

Timing & Implementation: Prior to final construction plan approval and during work on site.
Enforcement & Monitoring: Butte County Department of Public Works, supervising contractor

Cultural Resources:

MM 3.5.2 A note shall be placed on final plans stating:

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.

Timing & Implementation: Prior to final construction plan approval and during work on site.
Enforcement & Monitoring: Butte County Department of Public Works, supervising contractor

Geology and Soils:

MM 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.

Timing &Implementation: Prior to, during, and after construction
Enforcement & Monitoring: Butte County Department of Public Works, Contractor

Additional Mitigation:

MM 3.3.1 would mitigate potential impacts generated by fugitive dust.

MM 3.4.2 requires project approval from the USACE, RWQCB and DFG pursuant to §404 of the Clean Water Act, §401 of the Clean Water Act and §1600 of the state Fish and Game Code respectively.

Applicable Mitigation

MM 3.3.1 ensures development of an approved pollution control plan, including all applicable BAMM, per BCAQMD Rules 200 and 205 and Chapter 13 of the County Code.

MM 3.3.2 ensures the practicable reduction of NOx during construction activities.

MM 3.4.2 requires the project to demonstrate compliance with the Clean Water Act through consultation with, and adherence to the applicable performance standards of, the RWQCB.

MM 3.6.1 requires an approved pollution control plan, which would include all applicable storm water pollution and erosion control BMPs required during construction.

Hydrology and Water Quality:

Applicable Mitigation

MM 3.3.1 ensures development of an approved pollution control plan, including all applicable BAMM, per BCAQMD Rules 200 and 205 and Chapter 13 of the County Code.

MM 3.4.2 requires the proponent to demonstrate compliance with the Clean Water Act through consultation with the USACE and RWQCB. The project shall, if necessary, obtain a §404 permit from the USACE and §401 water quality certification from the RWQCB. This measure also requires compliance with §1600 of the state Fish and Game Code through consultation with the DFG. These agencies have established performance standards that ensure less than significant potential impacts to water quality/hydrology.

MM 3.6.1 requires an approved pollution control plan, which would include all applicable storm water pollution and erosion control BMPs required during construction.

Utilities and Service Systems:

Applicable Mitigation

MM 3.4.2 requires the proponent to demonstrate compliance with the Clean Water Act through consultation with the USACE and RWQCB. The project shall, if necessary, obtain a §404 permit from the USACE and §401 water quality certification from the RWQCB. This measure also requires compliance with §1600 of the state Fish and Game Code through consultation with the DFG. These agencies have established performance standards that ensure less than significant potential impacts to water quality/hydrology.

Mandatory Findings of Significance:

Applicable Mitigation

MM 3.3.1 and **MM 3.3.2,** would reduce potential air quality degradation, including fugitive dust and NOx emissions, to levels considered less than significant.

MM 3.4.1 would reduce potential impacts to special-status birds in the project area. This measure would ensure less than significant potential impacts to special-status birds, migratory corridors and nursery sites.

MM 3.3.1, MM 3.4.2, and **MM 3.6.1** will ensure less than significant water quality, drainage, erosion and/or siltation impacts. These measures would ensure adherence to Chapter 13 of the County Code, BCAQMD Rules 200 and 205, §404 and §401 of the Clean Water Act and §1600 of the state Fish and Game Code. The proposed project will be required to adhere to all applicable BAMM identified in the required pollution control plan. Additionally, the Public Works Department will be responsible for the preparation of final erosion control plans and specifications for post-construction conditions to be implemented by the construction contractor.

MM 3.5.1 would reduce potential impacts to undocumented cultural resources to levels that are less than significant. **MM 3.5.2** would reduce potential impacts to undocumented human remains to levels that are less than significant.

MM 3.6.1 would reduce potential soil erosion, storm water pollution and topsoil impacts to levels that are less than significant. This measure will also ensure incorporation of all applicable BMPs to reduce potential impacts from the accidental release of hazardous materials in and around the project area to less than significant levels. Similarly, **MM 3.3.1, MM 3.3.2,** and **MM 3.6.1** would reduce potential impacts from criteria pollutant emissions and the accidental release of hazardous materials in and around the vicinity of schools, to levels that are less than significant.