



MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM

CITY OF CHICO PUBLIC WORKS - ENGINEERING

Based upon the analysis and findings contained within the attached Initial Study, a Mitigated Negative Declaration is hereby proposed by the City of Chico Public Works - Engineering Department and adopted by the City of Chico Community Development Department for the following project:

PROJECT NAME: Big Chico Creek Erosion Repair Project (Capital Project #50232)

APPLICANT(S) NAME: City of Chico Public Works – Engineering Department

PROJECT LOCATION: The project site is located on Rose Avenue over Big Chico Creek, Warner Street over Big Chico Creek, and at the intersection of Manzanita Avenue and Vallombrosa Avenue

PROJECT DESCRIPTION: The City proposes to conduct erosion repair and bank stabilization at two bridge crossings over Big Chico Creek, Rose Avenue and Warner Street, and a third erosion repair site near the intersection of Manzanita and Vallombrosa in the City of Chico. Heavy flows from 2023 winter storms have caused scouring along the banks from the abutments at Rose Avenue and Warner Street Bridges. At the Manzanita and Vallombrosa erosion repair site, the west bank of the creek has significant erosion at the base, creating a “cave” that is exposed during normal flows. Rock slope protection (RSP) will be placed along the areas of scour at all three locations to prevent further damage and reinforce the banks and structures to better withstand future storm events.

FINDING: The City of Chico, as the Lead Agency, has reviewed the proposed project and on the basis of the whole record before the agency, has determined that there is no substantial evidence that the project, with implementation of the following mitigation measures, will have a significant effect on the environment. This Mitigated Negative Declaration reflects the Lead Agency’s independent judgment and analysis. An Environmental Impact Report is not required pursuant to the California Environmental Quality Act (CEQA).

A. AESTHETICS

MITIGATION: See Mitigation BIO-1, BIO-2, and BIO-24 (Biological Resources)

D. BIOLOGICAL RESOURCES MITIGATION MEASURES

MITIGATION BIO-1: All construction personnel will be required to attend an environmental awareness training prior to working on the Project. The training will include an overview of sensitive habitats and special-status species, including but not limited to Big Chico Creek, riparian vegetation, valley elderberry longhorn beetle, CCV steelhead, and CVSR Chinook salmon. The training will include the protective measures that must be complied with.

MITIGATION BIO-2: Prior to the start of construction activities, the Project limits in proximity to the sensitive habitats (Big Chico Creek and riparian corridor) and elderberry shrubs will be marked with high visibility Environmentally Sensitive Area (ESA) fencing or staking to ensure construction will not further encroach into sensitive resources.

MITIGATION BIO-3: Best Management Practices will be incorporated during construction to minimize impacts on the environment including erosion and the release of pollutants (e.g. oils, fuels):

- Exposed soils and material stockpiles will be stabilized, through watering or other measures, to prevent the movement of dust at the Project site caused by wind and construction activities such as traffic and grading activities;
- All construction roadway areas will be properly protected to prevent excess erosion, sedimentation, and water pollution;
- All vehicle and equipment fueling/maintenance would be conducted outside of any surface waters;
- Equipment used in and around jurisdictional waters must be in good working order and free of dripping or leaking contaminants;
- Raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to aquatic life will be prevented from contaminating the soil or entering jurisdictional waters;
- All erosion control measures and storm water control measures will be properly maintained throughout construction;
- All temporarily disturbed areas will be re-graded to pre-construction contours;
- All disturbed areas will be revegetated, either through hydroseeding or other means, with native or approved non-invasive exotic species;
- All construction materials will be hauled off-site after completion of construction;
- Upon completion of construction activities, any temporary barriers to surface water flow will be removed to allow flow to resume.

MITIGATION BIO-4: All work will take place outside of areas with flowing or standing water. A temporary water diversion will be installed prior to any in-water work in the channel. The diversion will be designed to accommodate existing and anticipated flows and will be constructed from clean materials in such a way that prevents excessive sedimentation. All materials must be removed from the channel upon completion of in-water work in the channel.

MITIGATION BIO-5: Poured concrete shall be excluded from the channel for a period of 30 days after it is poured. Commercial sealants may be applied to the poured concrete surface where difficulty in excluding water flow for the 30-day period may occur.

MITIGATION BIO-6: When feasible, refueling or maintenance of equipment will occur outside of Big Chico Creek and the associated riparian zone. All onsite refueling and maintenance must occur over plastic sheeting, drip pans, or other secondary containment measures to capture accidental spills before they can contaminate the soil. Secondary containment consisting of plastic sheeting or other impermeable sheeting must be installed underneath all stationary equipment to prevent petroleum products or other chemicals from contaminating the soil, riparian corridor or Big Chico Creek. Secondary containment must have a raised edge (e.g. sheeting wrapped around wattles).

MITIGATION BIO-7: A chemical spill kit must be kept onsite at all times during work and must be easily accessible for use in the event of a spill.

MITIGATION BIO-8: Vegetation removal will be limited to the trees/shrubs marked on the plans for removal (Figure 5. Project Impacts). Trees will be preferentially trimmed rather than removed and trimming should not exceed 30% of the total canopy of each tree.

MITIGATION BIO-9: Prior to vegetation removal or initial ground disturbance during the nesting bird season (February 1st – September 30th) a pre-construction nesting bird survey must be conducted by a Project biologist prior to the start of work. The nesting bird survey must include the Action Area plus a 300-foot buffer. Within one week of the nesting bird survey, all vegetated areas surveyed, that are designated for removal, must be cleared.

If an active nest is discovered during construction, the contractor must immediately stop work until the appropriate no-work buffer is established, to be determined by a Project biologist. Other avoidance and minimization measures, such as visual and sound barriers, may be considered to avoid take of an active nest but must be approved by a Project biologist prior to implementation. A Project biologist must monitor the initial implementation of alternative avoidance strategies. If the Project biologist determines that avoidance strategies are insufficient to avoid take of active nests, all Project activities shall cease, and work will not resume until the Project biologists determines that the young have fledged.

If a Swainson's hawk nest is observed during the pre-construction survey CDFW will be contacted for further guidance. The contractor is prohibited from conducting work that could result in take of an active nest.

MITIGATION BIO-10: Prior to arrival at the Project site and prior to leaving the Project site, construction equipment that may contain invasive plants and/or seeds will be cleaned to reduce the spread of noxious weeds.

MITIGATION BIO-11: All food-related trash must be disposed into closed containers and must be removed from the Action Area daily. Construction personnel must not feed or otherwise attract wildlife to the Action Area.

MITIGATION BIO-12: If any wildlife is encountered during the course of construction, said wildlife shall be allowed to leave the construction area unharmed.

The following measures are specifically designed to avoid impacts to VELB.

MITIGATION BIO-13: Prior to construction, the Project biologist will conduct a survey of the Action Area to ensure that no new shrubs, with stems 1 inch or greater, have appeared since the original survey. If new shrubs, with stems 1 inch or greater, are discovered that may be impacted by the Project coordination with USFWS will occur.

MITIGATION BIO-14: Herbicides, insecticides, fertilizers, or other chemicals that might harm the VELB or VELB's host plant will not be used within 100 feet of elderberry shrubs. If required, any chemicals will be applied using a backpack sprayer or a similar direct application method.

MITIGATION BIO-15: To prevent fugitive dust from drifting into adjacent habitat, all clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, demolition activities, or other dust generating activities will be effectively controlled for fugitive dust emissions utilizing application of water or by presoaking.

MITIGATION BIO-16: Project activities will be timed to fall outside of the VELB flight season (March – June).

MITIGATION BIO-17: Elderberry stems ≥ 1 inch in diameter may not be trimmed between March and October.

MITIGATION BIO-18: A qualified biologist will monitor the Action Area at Project during vegetation removal and installation of RSP to assure that all avoidance and minimization measures are implemented.

MITIGATION BIO-23: Prior to the start of construction, the City will propagate elderberry shrubs within an offsite mitigation site along Big Chico Creek with equivalent habitat, and/or purchase VELB mitigation credits from a USFWS-approved mitigation bank in accordance with the final Biological Opinion issued for the Project. If VELB mitigation credits are not available at the time of construction, the City will develop a habitat enhancement plan in accordance with the Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (USFWS 2017), to appropriately mitigate for the Project's permanent impacts to VELB habitat in coordination with USFWS.

The following measures are specifically designed to avoid impacts to CCV Steelhead and CVSR Chinook Salmon.

MITIGATION BIO-19: In-water work will be limited to July 15th to September 30th to minimize potential for direct take of CCV steelhead and CVSR Chinook salmon.

MITIGATION BIO-20: A temporary water diversion and fish capture/relocation plan must be submitted to NOAA Fisheries and CDFW prior to the start of project activities in accordance with regulatory agency permitting requirements.

MITIGATION BIO-21: Screens on pumps used for dewatering efforts must follow the NMFS salmonid-screening specifications (CDFW 2010):

- Porosity: The screen surface shall have a minimum open area of 27 percent. We recommend the maximum possible open area consistent with the availability of appropriate material, and structural design considerations. The use of open areas less than 40 percent shall include consideration of increasing the screen surface area, to reduce slot velocities, assisting in both fish protection and screen cleaning.
- Round Openings: Round openings in the screening shall not exceed 2.38mm (3/32in).

- Square Openings: Square openings in screening shall not exceed 2.38mm (3/32in) measured diagonally.
- Slotted Openings: Slotted openings shall not exceed 1.75mm (0.07in).

MITIGATION BIO-22: Erosion control measures shall be in place at all times during construction. Construction shall not start until temporary control materials and devices are in place downslope or downstream of the work site within the riparian area:

- Materials will not contain plastic netting.
- After Project completion, and before close of seasonal work window, all exposed soils shall be stabilized with erosion control measures such as mulch, seeding, and or placement of erosion control blankets.
- Precautions to minimize turbidity/siltation shall be taken into account during Project planning and shall be implemented at the time of construction. This may require placing silt fencing, well-anchored sandbag or sheet pile cofferdams, temporary water bladder dams, coir logs, coir rolls, straw bale dikes, or other siltation barriers so that silt and/or other deleterious materials are not allowed to enter flowing water.

In addition to the impacts listed above to VELB, the Project will result in temporary and permanent impacts to the Big Chico Creek floodplain, including CCV steelhead and CVSR Chinook salmon critical habitat. The following measure is included to offset Project impacts to salmonid critical habitat.

MITIGATION BIO-24: To offset the loss of riparian trees and aquatic resources, the City will either purchase mitigation credits from a mitigation bank (if available) or fund an offsite riparian restoration project. The mitigation ratios will be consistent with the requirements of the applicable regulatory permitting agencies.

E. CULTURAL RESOURCES MITIGATION MEASURES

MITIGATION CR-1: If non-human bones, pottery fragments, or other potential cultural resources are unearthed during construction, the Contractor shall immediately cease work within 25 feet of the resources and notify City of Chico Public Works Engineering at (530) 879-6900. The supervising contractor shall be responsible for reporting any such findings to the Engineer. No work may occur within the 25-foot buffer until a qualified archaeologist has conducted onsite meetings with the Contractor and determined mitigation measures.

MITIGATION CR-2: If human remains are unearthed during construction, the Contractor shall immediately cease work within 100 feet of the remains and notify City of Chico Public Works Engineering at (530) 879-6900, pursuant to Health and Safety Code 7050.5. The supervising contractor shall be responsible for reporting any such findings to the Engineer. No work may occur within the 100-foot buffer until the City has made the necessary findings as to the origins and dispositions of the remains pursuant to the Public Resources Code 5097.98.

G. GEOLOGY/SOILS MITIGATION MEASURES:

MITIGATION See BIO-23 (Biological Resources) and CR-1 (Cultural Resources)

M. NOISE MITIGATION MEASURES:

MITIGATION M.1. (Noise): To avoid substantial construction-period noise impacts to nearby sensitive receptors, the best practices listed below will be implemented during Project construction.

- Use of heavy equipment shall be limited to hours allowed by the City: 7:00 a.m. to 9:00 p.m. Monday to Saturday, and 10:00 a.m. to 6:00 p.m. on Sunday.
- Stationary equipment (e.g., generators, compressors, cement mixers, idling trucks) shall be located as far as possible from noise-sensitive land uses.
- Construction equipment powered by gasoline or diesel engines shall be required to have sound control devices that are at least as effective as those originally provided by the manufacturer; all equipment shall be operated and maintained to minimize noise generation.
- Excessive noise shall be prevented by shutting down idle vehicles or equipment.
- Noise-reducing enclosures shall be used around noise-generating equipment.
- Adjacent residents shall be notified in advance of construction work.

R. TRIBAL CULTURAL RESOURCES MITIGATION MEASURES:

MITIGATION See CR-2 (Cultural Resources)

I have reviewed the Initial Study prepared for the Big Chico Creek Erosion Repair Project and the mitigation measures identified therein. I hereby incorporate and include all mitigation measures into the project.

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Date

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