



State of California - Department of Fish and Wildlife
2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

RECEIPT NUMBER:
 04 — 01/20/2022 — 003
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY City of Chico, Public Works Department	LEAD AGENCY EMAIL	DATE 01/20/2022
COUNTY/STATE AGENCY OF FILING Butte	DOCUMENT NUMBER	

PROJECT TITLE

Upper Bidwell Park Road Sediment Reduction Project (Capital Project #50303)

PROJECT APPLICANT NAME City of Chico	PROJECT APPLICANT EMAIL	PHONE NUMBER (530) 879-6806
PROJECT APPLICANT ADDRESS PO BOX 3420	CITY Chico	STATE CA
		ZIP CODE 95927

PROJECT APPLICANT (Check appropriate box)

- Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

- | | | | |
|---|------------|----|----------|
| <input type="checkbox"/> Environmental Impact Report (EIR) | \$3,539.25 | \$ | 0.00 |
| <input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,548.00 | \$ | 2,548.00 |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,203.25 | \$ | 0.00 |
|
 | | | |
| <input type="checkbox"/> Exempt from fee | | | |
| <input type="checkbox"/> Notice of Exemption (attach) | | | |
| <input type="checkbox"/> CDFW No Effect Determination (attach) | | | |
| <input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy) | | | |
| <hr/> | | | |
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | 0.00 |
| <input checked="" type="checkbox"/> County documentary handling fee | | \$ | 50.00 |
| <input type="checkbox"/> Other | | \$ | |

PAYMENT METHOD:

- Cash
 Credit
 Check
 Other

TOTAL RECEIVED \$ 2,598.00

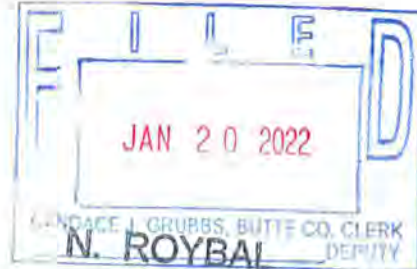
SIGNATURE X N. ROYBAL	AGENCY OF FILING PRINTED NAME AND TITLE N. Roybal, Butte County Deputy Clerk-Recorder, Sr.
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DECLARATION OF FEES DUE
(California Fish and Game Code Section 711.4)

FOR CLERK USE ONLY

NAME AND ADDRESS OF LEAD AGENCY/APPLICANT:

City of Chico
Park Division
P. O. Box 3420
Chico, CA 95927
(530) 896-7800



Project: **Upper Bidwell Park Road Sediment Reduction Project.**
Chico, CA 92926

FILING NO.

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1. **NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION**
 A. **Statutorily or Categorically Exempt**
\$50.00 (Fifty Dollars) Butte County Clerk's Filing Fee

2. **NOTICE OF DETERMINATION - FEE REQUIRED**
 A. **Mitigated Negative Declaration**
\$2,548.00 State Filing Fee
\$50.00 Butte County Clerk's Filing Fee

 B. **Environmental Impact Report**
\$3,445.25 State Filing Fee
\$50.00 Butte County Clerk's Filing Fee

3. **OTHER (Specify) General Rule Exemption**
\$50.00 Butte County Clerk's Filing Fee

4. **OTHER (Specify) _____**
\$50.00 Butte County Clerk's Filing Fee

THREE COPIES OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS FILED WITH THE BUTTE COUNTY CLERK'S OFFICE.

ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING ANY ENVIRONMENTAL DOCUMENTS WITH THE BUTTE COUNTY CLERK'S OFFICE.

THREE COPIES OF ALL NECESSARY DOCUMENTS ARE REQUIRED FOR FILING PURPOSES.

THE \$50.00 HANDLING FEE IS REQUIRED PER FILING IN ADDITION TO THE FILING FEE SPECIFIED IN FISH AND GAME CODE SECTION 711.4(d).

MAKE CHECKS PAYABLE TO COUNTY OF BUTTE.

NOTICE OF DETERMINATION

TO: [X] Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

For Clerk Use Only

[X] County Clerk
County of Butte
155 Nelson Ave
Oroville, CA 95965

FROM: City of Chico,
Public Works Department O&M
P. O. Box 3420
Chico, CA 95927
(530) 896-7800

DATE RECEIVED FOR FILING

Posted: _____ through _____
(date) (date)

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code

Project Title: Upper Bidwell Park Road Sediment Reduction Project (Capital Project # 50303)

State Clearinghouse Number: SCH #2021100028

Project Applicant and Lead Agency Contact: City of Chico, Erik Gustafson, Director of Public Works – Operations & Maintenance (530) 896-7800

Project Location: The Project is located within an un-sectioned portion of Township 22 North, Range 2 East, of the USGS Richardson Springs, California (1948/1978), 7.5 Series Quad, and un-sectioned portion, plus Section 35 of Township 23 North, Range 2 East, of the USGS Paradise West, California (1948/1978), 7.5 Series Quad located in Upper Bidwell Park. (Latitude 39.771440, Longitude -121.766290).

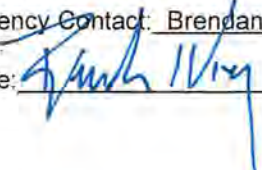
Description of Project: The proposed project will implement sediment control practices through reduction of road erosion and sediment delivery from 43 potential erosion sites on Upper Park Road in Upper Bidwell Park located within the Big Chico Creek (BCC) Watershed. To reduce salmonoid habitat degradation, and sediment delivery to BCC and ultimately the Sacramento River basin, this project will upgrade and storm proof portions of Upper Park Road within the BCC sub-basin. The action plan includes treating 43 features on the 3.42 miles of road for erosion control and sediment prevention. Individual treatment features include 40 stream crossings, 2 ditch relief culverts, and 1 spring, as well as road surface drainage and associated erosion treatments, such as rolling dips. The Project will require a total of 37 stream improvements by upgrading 22 stream crossings with culvert replacements, and 15 stream crossings improved with armored fill installations. Rolling dips, water bars, outsloping and other typical road drainage treatments will also be installed.

This is to advise that the City of Chico, as Lead Agency, approved the above described project on 11/24/2020 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was adopted for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made conditions of the approval for the project.
4. A mitigation reporting or monitoring plan was adopted for the project.
5. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Mitigated Negative Declaration is available for public review at the City's website: <https://chico.ca.us/post/upper-bidwell-park-road-sediment-reduction-project>

Lead Agency Contact: Brendan Vieg Area Code/Telephone: (530) 879-6806

Signature:  Date: 1/11/22 Title: Community Development Director



MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM

CITY OF CHICO PUBLIC WORKS – OPERATIONS & MAINTENANCE

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 – Operations and Maintenance Park Division and adopted by the City of Chico Community Development Department for the following project:

PROJECT NAME: Upper Bidwell Park Road Sediment Reduction Project (Capital Project #50303)

APPLICANT(S) NAME: City of Chico Public Works – Park Division (Erik Gustafson, Director of Public Works – Operations & Maintenance)

PROJECT LOCATION: The proposed project is located within an un-sectioned portion of Township 22 North, Range 2 East, of the USGS Richardson Springs, California (1948/1978), 7.5 Series Quad, and un-sectioned portion, plus Section 35 of Township 23 North, Range 2 East, of the USGS Paradise West, California (1948/1978), 7.5 Series Quad located in Upper Bidwell Park. (Latitude 39.771440, Longitude -121.766290).

PROJECT DESCRIPTION: The purpose of this project is to implement sediment control practices through reduction of road erosion and sediment delivery from 43 potential erosion sites on Upper Park Road in Upper Bidwell Park located within the Big Chico Creek (BCC) Watershed. To reduce salmonid habitat degradation, and sediment delivery to BCC and ultimately the Sacramento River basin, this project will upgrade and stormproof portions of Upper Park Road within the BCC sub-basin. The Project will implement treatments designated as high or moderate immediacy on this largely unpaved forest road and as identified in the sediment source assessment conducted in 2017 by the City's geologic consultant, Pacific Watershed Associates (PWA).

PWA's action plan recommends treating all 43 features on the 3.42 miles of road for erosion control and prevention. Individual treatment features include 40 stream crossings, 2 ditch relief culverts, and 1 spring, as well as road surface drainage and associated erosion treatments, such as rolling dips and water bars. The Project will require a total of 37 stream improvements by upgrading 22 stream crossings with culvert replacements, and 15 stream crossings improved with armored fill installations. It is estimated that this Project will reduce and eliminate the potential threat of 3,572 cubic yards of sediment delivery to Big Chico Creek. The construction work will take place in the Summer/Fall of 2022, outside of the wet weather season. Actual construction is anticipated to take approximately 4 months, weather permitting.

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 mitigation measures provided in the Mitigation Monitoring and Reporting Program in **Attachment 1**, 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).

I have reviewed the Initial Study prepared for the Bruce Road Reconstruction Project and the mitigation measures identified therein. I hereby incorporate and include all mitigation measures into the project.

Project

Applicant:



Erik Gustafson – City of Chico
Director of Public Works – Operations & Maintenance

1-11-22

Date

Prepared by:




Linda Herman – City of Chico
Park & Natural Resources Manager

1/11/22

Date

Adopted by:



Brendan Vieg – City of Chico
Community Development Director

1/11/22

Date

**ATTACHMENT 1
UPPER BIDWELL PARK ROAD SEDIMENT REDUCTION PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

TIMING

RESPONSIBLE PARTY

D. BIOLOGY

MITIGATION D.1. (Biology - Valley Elderberry Longhorn Beetle)

A.	All elderberry shrubs shall be avoided during construction activities by establishing a no disturbance buffer around any elderberry shrubs containing stems measuring 1-inch or greater at ground level.	During construction	City and contractors
B.	ESA fencing or other appropriate barriers shall be established around elderberry shrubs prior to the start of construction activities.	Prior and during construction	City and contractors
C.	Signs shall be established around the buffer with the following language: "This is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines and imprisonment."	Prior and during construction	City and contractors
D.	Prior to commencement of construction, contractors and work crews that are onsite for more than 30 minutes, shall go through a Worker Environmental Awareness Training (WEAT) regarding avoidance of elderberry shrubs and the possible penalties for not complying with these requirements. The training can be given by a qualified biologist or the Foreman, if the Foreman has been trained by the qualified biologist to conduct the WEAT. Written documentation of the completion of WEAT shall be provided to the City and include a sign in sheet with all participants signatures.	Prior to construction	City and contractors
E.	The Project shall not result in effects to elderberry shrubs which include trimming, damaging, removal or modification to elderberry shrubs. If effects to shrubs measuring 1-inch or greater at ground level are inevitable, then consultation with the USFWS and mitigation for effects to elderberry shrubs shall take place prior to effects occurring.	During construction	City and contractors
F.	No insecticide, herbicide, fertilizers, or other chemicals that might harm the beetle or its host plant should be used in the buffer areas (buffer areas to be established by a professional biologist), or within 100 feet of any elderberry shrub with one or more stems measuring 1.0 inch or greater in diameter at ground level.	During construction	City and contractors

MITIGATION D.2. (Biology - Western Pond Turtles)

A.	Before initiating any ground disturbances, restrictive silt fencing will be installed in strategic locations to prevent wildlife (i.e., reptiles, mammals, birds, etc.) from entering the construction site from the adjacent aquatic settings and to prevent construction equipment and personnel from entering sensitive habitat from the construction site.	Prior to construction	City and contractors
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MITIGATION D.3 (Biology – Protected Wetlands).

A.	The City will obtain and comply with final permits and implement any compensatory mitigation that may be required by the USACE, CVRWQCB and CDFW, or copies of relevant correspondence documenting that no permit is required, as applicable. The City will obtain final copies of the required permits and compensatory mitigation or letters documenting relief thereof, prior to commencing construction at the site.	Prior to construction	City and contractors
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MITIGATION D.4 (Biology - Hawks, Owls, Kites and Migratory Birds)

A.	Vegetation removal should be conducted during the non-breeding season (September 1-January 31). If vegetation removal or construction activities occur during the avian breeding season (February 1 – August 31), then a migratory bird and raptor survey shall be conducted by a qualified biologist to identify any active nests (i.e., nests that contain egg(s) or young) within the project area. A qualified biologist shall:		City and contractors
	1. Conduct a survey for all special-status bird species and birds protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGF) within seven (7) days prior to vegetation removal or construction activities. The survey shall cover the area within the BSA and 250 feet outside of the BSA where accessible.	Prior to construction	City and contractors
	2. If an active nest is found, then the biologist will map the nest location and establish an appropriate species protection buffer around the active nest(s) as determined by the biologist. Construction and vegetation removal activity shall be prohibited within the buffer until the young have fledged (i.e., fly) or the nest fails. Nests shall be monitored once per week and written findings reported to the City (e-mail OK).	Prior to construction	City and contractors
	3. Conduct an additional migratory bird and raptor survey if vegetation removal and/or construction will be required to stop for more than 15 days. The survey shall be conducted within seven (7) days prior to the continuation of activities.	Prior to construction	City and contractors

MITIGATION D.4 (Biology – Valley Foothill Riparian and Valley Oak Woodland)

A.	Project design shall avoid oak trees and riparian habitat, including the critical root zone (CRZ), to the maximum extent feasible.	Prior to construction	City and contractors
B.	When working within proximity to trees identified for preservation, activities shall comply with the following tree preservation Best Management Practices, which shall be included in the tree removal and construction contracts for the project:		City and contractors
	1. Pruning of branches that are in the path of any access roads or work areas on the site shall be conducted to the minimum height requirements of the construction equipment prior to the start of construction activities to prevent breaking of or damage to the branches. The pruning of branches shall be conducted per current ANSI A300 pruning standards and under the supervision of a Certified Arborist or Registered Professional Forester or Registered Professional Forester.	During construction	City and contractors
	2. If excavation work is conducted within the Critical Root Zone of a tree proposed for preservation, a Certified Arborist or Registered Professional Forester shall be on-site to monitor the excavation activities. The CRZ typically corresponds to the dripline of the tree or a radius equal in feet to the number of inches of the tree's diameter at breast height (DBH), whichever is greater.	During construction	City and contractors
	3. The practice of "directional root pruning" shall be used to prune roots in conflict with planned improvements. Directional root pruning is accomplished by pruning main roots back to lateral roots, similar in concept to pruning limbs in the canopy. The techniques are defined more thoroughly below.	During construction	City and contractors
	a. Avoid grubbing of vegetation using equipment that breaks the ground surface near trees that are to remain.	During construction	City and contractors
	b. If possible, instead of excavating an open trench for pipe or conduit installation, tunnel under the root system or excavate using hydraulic or pneumatic equipment.	During construction	City and contractors

**ATTACHMENT 1
UPPER BIDWELL PARK ROAD SEDIMENT REDUCTION PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

		TIMING	RESPONSIBLE PARTY
	c. All root pruning shall be done using hand tools, or other methodology approved by a Certified Arborist or Registered Professional Forester, in order to make clean cuts and prevent the ripping or tearing of roots.	During construction	City and contractors
	d. Roots are not to be stub pruned or ground, unless the tree is slated for removal.	During construction	City and contractors
	e. Roots less than two (2) inches in diameter are to be clean cut to a parent root or another lateral root outside of the work area.	During construction	City and contractors
	f. Roots two (2) inches in diameter and larger shall not be cut without the specific approval of the Certified Arborist or Registered Professional Forester. Where roots greater than two (2) inches in diameter must be cut, they are to be clean cut to a parent root or another lateral root outside of the work area.	During construction	City and contractors
	g. Roots two (2) inches in diameter and larger exposed to the air are to be kept covered and moist at all times during construction operations.	During construction	City and contractors
	h. Root pruning shall be done by a Certified Arborist or Registered Professional Forester, Certified Tree Workers under the general guidance of the Certified Arborist or Registered Professional Forester or the contractor under the direct supervision of the Certified Arborist or Registered Professional Forester.	During construction	City and contractors
	4. Compaction prevention measures shall be employed if any work is conducted within the CRZ, unless otherwise authorized by City of Chico Public Works Department. Typical compaction prevention measures include:		City and contractors
	a. Avoid parking or driving vehicles or heavy equipment in the CRZ.	Prior and during construction	City and contractors
	b. Avoid storage of equipment or materials in the CRZ.	Prior and during construction	City and contractors
	c. If driving in the CRZ is unavoidable, deflate tires slightly to redistribute the weight over a larger area.	Prior and during construction	City and contractors
	d. Construct temporary 'crossings' within the CRZ by placing up to 6" of mulch and/or placing plywood.	Prior and during construction	City and contractors
	5. Grading activities shall be avoided within the CRZ. Grading activities conducted outside of the CRZ shall be designed to prevent significantly altering the drainage within the CRZ. If grading changes cannot be avoided within the CRZ, the grade change shall be limited to 4 inches of cut or fill, where feasible, and a Certified Arborist or Registered Professional Forester shall be consulted to determine if additional mitigation measures are needed to maintain aeration within the root zone.	During construction	City and contractors
	6. If drought conditions exist during the construction period, watering of the protected oak trees may be necessary to maintain proper soil moisture conditions. A Certified Arborist or Registered Professional Forester or qualified Landscaper shall be consulted for specific guidance if drought conditions occur at the time of construction.	During construction	City and contractors
C.	Prior to construction, all individual trees and groups of trees, including the CRZ, shall be identified for protection utilizing methodology approved by the City of Chico Public Works Department. Protection methodology could include highly visible plastic mesh fencing, flagging, notes on construction plans, or City approved equivalent measures.	Prior to construction	City and contractors
D.	Attempts will be made during construction to minimize impacts to existing trees to the greatest extent possible. However, 44 trees, ranging from 1-inch DBH to 30 inches DBH, have been identified for potential removal. 23 of the trees are non-native or have a DBH of less than 6".	During construction	City and contractors
E.	The impacts to any native riparian trees will be mitigated by replanting trees as stipulated in the City's CDFW LSAA permit application. Per CDFW comments during the comment period, mitigation for removal of oak trees with a DBH of 6" or greater will be replanting trees at a 3:1 ratio.	During and after construction	City and contractors
F.	Non-riparian native trees will be mitigated utilizing the methodology and replanting ratios outlined in the City of Chico's Tree Preservation Regulations in Chico Municipal Code (CMC) Chapter 16.66. Any trees greater than 18" in DBH and defined as "trees" in CMC 16.66 to be removed will be replanted with one (1) new 15-gallon tree for every 6 inches in DBH removed. The list of trees to be removed per the LSAA application and CMC Chapter 16.66, and the intended replanting ratios are depicted in Appendix A. All replacement trees shall be of similar species, unless otherwise approved by the City's Urban Forest Manager, and replanted in proximity to the project area or other suitable locations within Upper Bidwell Park. Using the above LSAA, CMC 16.66 methodology and the 3:1 ratio for Oaks, 44 trees will be replanted to mitigate for the 13 trees that meet the above criteria. All trees planted will be monitored for a minimum of 5 years to ensure an 80% survival rate.	During and after construction	City and contractors
MITIGATION D.5 (Biology – Local Ordinances)			
	See Mitigation Measure D.4 (Biology – Valley Foothill Riparian and Valley Oak Woodland) above.		
BASED ON COMMENTS RECEIVED BY THE CA DEPARTMENT OF FISH AND WILDLIFE DURING THE COMMENT PERIOD, THE FOLLOWING BIOLOGICAL MITIGATION MEASURES ARE ADDED TO THIS FINAL MMRP:			
MITIGATION D.6 (Biology – Swainson's Hawk)			
A.	A qualified biologist shall conduct survey of the project area for Swainson's hawk prior to the commencement of construction activities. Surveys shall be conducted within a minimum 1/2-mile radius around the Project area.	Prior to Construction	City and contractors
B.	Results of the protocol-level surveys shall be submitted to CDFW a minimum of 10 days prior to the start of construction. Based on the survey results additional mitigation may be required and the City will consult with CDGW for the appropriate mitigation measures..	Prior to Construction	City and contractors

ATTACHMENT 1 UPPER BIDWELL PARK ROAD SEDIMENT REDUCTION PROJECT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)		TIMING	RESPONSIBLE PARTY
MITIGATION D.7 (Biology – Black Rail)			
A.	<u>Habitat Assessment.</u> A qualified biologist with education and experience shall conduct a habitat assessment for potentially suitable habitat for Black Rail prior to construction. If the habitat assessment reveals suitable habitat, then a qualified biologist shall do a presence/absence survey during the peak activity periods. If black rail habitat is present, the following measures will be taken:	Prior to Construction	City and contractors
B.	If black rail habitat is detected, the City will consult with CDFW to determine the appropriate mitigation measures to lessen the impacts to the species to a less than significant level.		
MITIGATION D.8 (Biology – Ringtail)			
A.	<u>Habitat Assessment.</u> A qualified biologist with education and experience shall conduct a habitat assessment for potentially suitable habitat for Ringtail mammals prior to construction. If the habitat assessment reveals suitable ringtail habitat, then a qualified biologist shall do a presence/absence survey during the peak activity periods. If ringtail are present, the following measures will be taken:	Prior to Construction	City and contractors
	1 Construction is anticipated to take place from July – October. During the first month of the project, the ringtail young may still be in the nest. Therefore, a survey will be conducted not more than 30 nor less than 14 days prior to construction mobilization for ringtail nests. If an occupied nest is located, a buffer area will be implemented in consultation with CDFW until the young leave the nest. Tree snags determined to be suitable ringtail habitat will remain in place. Trees slated for removal that contain suitable denning cavities will not be hauled offsite and will be placed within the project area.		
MITIGATION D.9 (Biology –Day Roosting Bat)			
A.	<u>Habitat Assessment.</u> A qualified biologist with education and experience in bat biology and identification, shall conduct a habitat assessment for potentially suitable bat habitat within six months of Project activities. If the habitat assessment reveals suitable bat habitat, then a qualified bat biologist shall do a presence/absence survey during the peak activity periods. If bats are present, the following measures will be taken:	Prior to Construction	City and contractors
1	<u>Bat Avoidance Plan.</u> A qualified biologist will prepare a bat avoidance plan that will identify: 1) the location of the-roosting sites; 2) the number of bats present at the time of assessment (count or estimate); 3) species of bats present; 4) the type of roost (e.g. day/night, maternity, hibernaculum, bachelor); and 5) species specific measures to-avoid and minimize impacts to bats. The bat avoidance plan shall evaluate the length of time of disturbance, equipment noise, and type of habitat present at the project.	Prior to Construction	City and contractors
2	<u>No Disturbance Buffer.</u> If during the habitat assessment the qualified bat biologist identifies a bat roost within the Project boundary that is not proposed for removal, then a no disturbance buffer shall be established around the roost in consultation with CDFW. The width of the buffer should be determined by the qualified bat biologist based on the bat species, specific site conditions, and level of disturbance. The buffer should be maintained until the qualified bat biologist determines that the roost is no longer occupied.	During construction	City and contractors
3	<u>Replacement Structures.</u> If the bat roost cannot be avoided, replacement roost structures (bat houses or other structures) shall be designed to accommodate the bat species they are intended for. Replacement roost structures shall be in place for a minimum of one full year prior to implementing the project. The replacement structures should be monitored to document bat use. Ideally, the project would not be implemented unless and until replacement roost structures on site are documented to be acceptable and used by the bat species of interest.	After Construction	City and contractors
4	<u>Roost Removal Timing.</u> The project that results in the loss or modification of the original roost structure should be implemented outside hibernation and maternity seasons, Nov 1 – Feb 1 and April 1 – August 31 respectively.	During construction	City and contractors
5	<u>Bat Exclusion.</u> If an active bat roost is found in a tree that must be removed, the qualified bat biologist should prepare a Bat Exclusion Plan for the passive exclusion of the bats from the roost. Exclusion shall be scheduled either (1) between March 1 and March 31, prior to parturition of pups; or (2) between September 1 and October 31 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours). The qualified bat biologist shall confirm the absence of	During construction	City and contractors
6	<u>Tree Removal.</u> Tree removal shall be scheduled either (1) between approximately March 1 March 31, prior to parturition of pups; or (2) between September 1 and October 31 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours). Removal of trees containing suitable bat habitat should be conducted under the supervision of a qualified bat biologist.	During construction	City and contractors
MITIGATION D.10 (Biology –Rare Plant Survey)			
A.	Following CDFW's, " Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (3/18)", protocol-level surveys for the following species should be performed by a qualified botanist to determine their absence or presence within the project site: <ul style="list-style-type: none"> * California satintail (<i>Imperata brevifolia</i>) * Colusa layia (<i>Layia septentrionalis</i>) * Humboldt lily (<i>Lilium humboldtii</i> ssp. <i>humboldtii</i>) * Bidwell's knotweed (<i>Polygonum bidwelliae</i>) * California beaked-rush (<i>Rhynchospora californica</i>) * Brownish beaked-rush (<i>Rhynchospora capitellata</i>) * Butte County checkerbloom (<i>Sidalcea robusta</i>) * Woolly rose-mallow (<i>Hibiscus lasiocarpus</i> var. <i>occidentalis</i>) 	Prior to Construction	City and contractors
B.	If any of the above species, or any NPPA or CESA-listed species, are identified with the vicinity of the Project. The City will consult with CDFW for the appropriate mitigation measures to be implemented to lessen the impact on these species to a less than significant level.		

**ATTACHMENT 1
UPPER BIDWELL PARK ROAD SEDIMENT REDUCTION PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

TIMING

RESPONSIBLE PARTY

MITIGATION D.11 (Biology –Western Spadefoot)

A. To confirm the absence or presence of western spadefoots from the project a qualified biologist should conduct a minimum of 3 nighttime acoustic surveys during the breeding surveys. The timing of surveys is critically important, being associated with weather, season, and time of night. To detect breeding vocalizations, surveys should be conducted between late February and the end of March, depending on rainfall. Results of the surveys should be compiled into a report and submitted to CDFW. If Western spadefoot habitat is detected, the City will consult with CDFW to determine the appropriate mitigation measures to lessen the impacts to the species to a less than significant level.

Prior to Construction

City and contractors

If a western spadefoot is observed in the project limits during construction, all work will be stopped, and the western spadefoot will:

1. Be allowed to leave on its own volition, or
2. Be moved by the project biologist in the direction it was heading, at a safe distance from the construction activities, and at a safe location.

During construction

City and contractors

MITIGATION D.12 (Biology –Foothill Yellow-legged Frog)

A. To mitigate potential project impacts on Foothill Yellow-Legged Frog (FYLF), a protocol level survey shall be conducted by a qualified biologist for FYLF. If FYLF are present, the City will consult with CDFW and obtain/abide by an Incidental Take Permit (ITP) (Fish & G. Code, §§ 2080.1) prior to starting construction activities.

Prior to Construction

City and contractors

E. CULTURAL/TRIBAL RESOURCES

MITIGATION E1 and E.5 (On-Call Tribal Monitor):

A. Based on the results of the records search, field survey, and assessment of potential direct or indirect Project impacts, the excavation of the natural drainages, and heavy vegetation in the project area, the City's contractor shall provide for the presence of a Mechoopda Indian Tribal Monitor on an "on-call basis" during all earth moving and ground disturbing activities. The City shall provide the contractor's contact information for the purpose of providing direct information to the Tribal Monitor regarding project scheduling and safety protocol, as well as project scope, location of construction areas, and nature of work to be performed.

During construction

City and contractors

MITIGATION E.3 and E.4. (Inadvertent Discovery):

A. If during ground disturbing activities, any potentially prehistoric, protohistoric, and/or historic cultural resources are encountered, the supervising contractor shall cease all work within 10 feet of the find (100 feet for human remains) and notify the City. A professional archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology and being familiar with the archaeological record of Butte County, shall be retained to evaluate the significance of the find. City staff shall notify all local tribes on the consultation list maintained by the State of California Native American Heritage Commission, to provide local tribes the opportunity to monitor evaluation of the site.

During construction

City and contractors

B. If human remains are uncovered, the project team shall notify the Butte County Coroner pursuant to Section 7050.5 of California's Health and Safety Code. If the Butte County Coroner determines that the discovered remains are those of Native American ancestry, then the Native American Heritage Commission must be notified by telephone within 24 hours. Sections 5097.94 and 5097.98 of the Public Resources Code describe the procedures to be followed after the notification of the Native American Heritage Commission.

During construction

City and contractors

C. Site work shall not resume until the archaeologist conducts sufficient research, testing and analysis of the archaeological evidence to make a determination that the resource is either not cultural in origin or not potentially significant. If a potentially significant resource is encountered, the archaeologist shall prepare a mitigation plan for review and approval by the City, including recommendations for total data recovery, Tribal monitoring, disposition protocol, or avoidance, if applicable. All measures determined by the City to be appropriate shall be implemented pursuant to the terms of the archaeologist's report. The preceding requirement shall be incorporated into construction contracts and documents to ensure contractor knowledge and responsibility for the proper implementation.

During construction

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