

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: (Public Agency): City of Chino
13220 Central Ave.
Chino, CA 91710

County Clerk
County of: San Bernardino
222 West Hospitality Lane
San Bernardino, CA 92415

(Address)

Project Title: Pine Avenue Roadway Repair at Chino Creek

Project Applicant: City of Chino

Project Location - Specific:

655 Pine Avenue (within roadway right-of-way)

Project Location - City: Chino Project Location - County: San Bernardino

Description of Nature, Purpose and Beneficiaries of Project:

Remove washed-out roadway debris and reconstruct the minimal amount of damaged roadway along Pine Avenue required to protect existing underground sewer and gas utilities from storm water scour and potential leak or rupture into Chino Creek and Prado Basin.

Name of Public Agency Approving Project: City of Chino

Name of Person or Agency Carrying Out Project: City of Chino

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Recently obtained scour data revealed that the Chino Creek scour depth of a 50-year storm is 21' below the streambed. An existing 10" sewer force main remains at approximately 8' 8" below the exposed stream invert. The repairs are intended to avoid potential storm damage to utilities and downstream properties, which include sensitive biological habitat and species.

Lead Agency
Contact Person: Maria Fraser Area Code/Telephone/Extension: 909-334-3310

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:  Date: 10/01/2021 Title: CIP Engineering Manager

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____



4225 East Conant Street
Long Beach, CA 90808

(562) 590-6500
www.moffattnichol.com

TECHNICAL MEMORANDUM

To: Maria Fraser, CIP Engineering Manager (City of Chino)
From: Stephanie Oslick (Moffatt & Nichol)
Prepared by: Stephanie Oslick (Moffatt & Nichol) and Eric Turner (Moffatt & Nichol)
Date: October 1, 2021
Subject: Pine Avenue Roadway Repair at Chino Creek –CEQA Statutory Exemption Review
Cc: Amer Jakher (City of Chino); Lisa Naslund (IDC Engineers for City of Chino)

The City of Chino, acting as Lead Agency under the California Environmental Quality Act (CEQA), has determined the Pine Avenue Roadway Repair at Chino Creek Project (“Project”) is statutorily exempt from further documentation under CEQA. The Project has been deemed an Emergency Project in accordance with Article 18 of the CEQA Guidelines, Section 15269 Emergency Projects under one or more of the following subsections: (b) Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare; (c) Specific actions necessary to prevent or mitigate an emergency; and (d) Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring (a complete description of the Statute and Guidelines can be accessed here: https://www.califaep.org/statute_and_guidelines.php).

A segment of Pine Avenue and two culverts at Chino Creek located between Fairfield Ranch Road/Pomona Rincon Road and El Prado Road were washed-out during high storm flows in 2017. One 96" culvert remains, the other was completely washed-out and was removed. An existing 10" sewer force main remains at approximately 8' 8" below the exposed stream invert. Recently, results of the hydrology and hydraulic report for the adjacent Pine Avenue Extension project revealed that the Chino Creek scour depth of a 50-year storm is 21' below the streambed. Vertical realignment or relocation of the sewer main will be a part of the adjacent Pine Avenue Extension project, which is expected to be ready for construction by fall of 2022. In the meantime, scour and undermining may occur damaging the pipe and causing sewer to spill into Chino Creek and Prado Basin. This new information represents a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, property and sensitive habitat and resources of Chino Creek and the Prado Basin. Repairs will take place over approximately one month and are anticipated to begin in October/November of 2021.

Although statutorily exempt from CEQA, the City has completed a due diligence environmental review of the Project to minimize and avoid the potential for adverse impacts as follows:

- No active, designated or mapped hazardous material sites are located near the Project site pursuant to review of the Regional Water Quality Control Board (RWQCB) GeoTracker database (<https://geotracker.waterboards.ca.gov>).
- Based on the relatively low-intensity and short duration of proposed Project activities, which entail repairing an existing damaged facility, no other foreseeable projects have been identified that are anticipated to contribute to a cumulatively significant environmental impact.
- The Project would take place within jurisdictional Waters of the United States and Waters of the State under the purview of the United States Army Corps of Engineers (USACE), RWQCB, and California Department of Fish and Wildlife (CDFW). The Project is also adjacent to occupied least Bell's vireo (LBVI) and southwestern willow flycatcher (SWWF) habitat, both federal and state listed endangered bird species. Pursuant to a City meeting held with United States Fish and Wildlife Service (USFWS) and CDFW on 09/15/2021 and another meeting held with USACE and RWQCB on 09/22/2021, the Project footprint has been reduced further within the existing damaged roadbed than originally designed and timing of the emergency repairs are scheduled outside of nesting bird season. The project footprint and repairs have been reduced to provide the minimal protection needed for the utilities. The City will be submitting the appropriate applications/notifications consistent with regulatory requirements. No adverse impacts are anticipated and protection of the sewer line remains high priority.
- No officially designated scenic highways are within proximity to the proposed Project pursuant to review of the Caltrans California Scenic Highway Mapping System (<https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>). Nearby Highway 71 is eligible for listing but will not be impacted.
- Based on findings of draft cultural resources evaluations prepared for the adjacent Pine Avenue Extension project, the Project site is not a historic resource and the Project area is disturbed with modern development, grading activities, and has been subjected to seasonal alluvial flooding; therefore, the potential for uncovering intact cultural resources in the Project area is considered low. In addition, the Project does not propose deep excavations that could potentially uncover a buried resource, only removal of existing damaged roadway base and concrete that will be replaced.



State of California - Department of Fish and Wildlife
2021 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (REV. 01/01/21) Previously DFG 753.5a

Print **StartOver** **Save**

RECEIPT NUMBER:
 36 — 10052021 — 605
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

| | | |
|---|-------------------|-------------------------|
| LEAD AGENCY City of Chino | LEAD AGENCY EMAIL | DATE 10052021 |
| COUNTY/STATE AGENCY OF FILING San Bernardino | DOCUMENT NUMBER | |

PROJECT TITLE

Pine Avenue Roadway Repair at Chino Creek

| | | |
|--|------------------------------|--------------------------------------|
| PROJECT APPLICANT NAME City of Chino | PROJECT APPLICANT EMAIL | PHONE NUMBER (909)334-3310 |
| PROJECT APPLICANT ADDRESS 13220 Central Ave. | CITY City of Chino | STATE CA |
| | | ZIP CODE 91710 |

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) | \$3,445.25 | \$ | <u>0.00</u> |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,480.25 | \$ | <u>0.00</u> |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,171.25 | \$ | <u>0.00</u> |

- Exempt from fee
 Notice of Exemption (attach)
 CDFW No Effect Determination (attach)
 Fee previously paid (attach previously issued cash receipt copy)

- | | | | |
|---|----------|----|-------------------|
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | <u>0.00</u> |
| <input checked="" type="checkbox"/> County documentary handling fee | | \$ | <u>50.00</u> |
| <input type="checkbox"/> Other | | \$ | <u> </u> |

PAYMENT METHOD:

- Cash
 Credit
 Check
 Other
 TOTAL RECEIVED
 \$ 50.00

| | |
|-----------------------|--|
| SIGNATURE X | AGENCY OF FILING PRINTED NAME AND TITLE JESSICA RUIZ, DEPUTY CLERK |
|-----------------------|--|