



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: Notre Dame Boulevard Bridge Project (Capital Project #50453)

APPLICANT(S) NAME: City of Chico Public Works – Engineering Department (Leigh Ann Sutton, Director of Public Works – Engineering)

PROJECT LOCATION: The Project is located between two disjunct sections of Notre Dame Blvd, in eastern section of the City of Chico, Butte County, California, latitude 39.734879, longitude - 121.795435, within the United States Geological Survey (USGS) “Chico” quadrangle, Section 30, Township 22N, Range 2E. Little Chico Creek, an intermittent drainage, flows east to west through the Project boundary.

PROJECT DESCRIPTION: The Project will construct a new bridge to connect the existing sections of Notre Dame Boulevard over Little Chico Creek. The new structure will accommodate two 12-foot travel lanes separated by a six-foot-wide center median, eight-foot bike lanes, a five-foot sidewalk on the west side and an eight-foot multi-use path on the east side. The new bridge is anticipated to be a multi-span structure, approximately 100 feet long and 56 feet wide. The structure type is expected to be a three-span, cast-in-place, reinforced concrete bridge with 30-degree skew, a 2.0% Cambered 20-inch-thick concrete deck, and will include rock slope protection at the banks under and adjacent to the bridge. In addition to the bridge, the existing bike path on the south side of the creek will be re-routed to a new bridge undercrossing and connect to the multi-use path crossing the bridge. Construction of the bridge will involve excavation for and construction of concrete abutments and piers, founded on either spread footings or deep foundation. Other temporary work within Little Chico Creek includes falsework erection and removal, and installation of scour countermeasures at the support locations. Little Chico Creek is a seasonal creek and construction is anticipated to proceed without the need for a temporary water diversion system. Construction of the roadway approaches will involve the removal and realignment of a portion of the existing bike path on the south bank. The approach roadway will tie into the existing curb, gutter, and sidewalk on the north and south portions of Notre Dame Boulevard. Approach roadway work will include both median and parkway

landscape per city standards as well as street lighting and public utility extensions crossing the creek.

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).

C. AIR QUALITY MITIGATION MEASURES

MITIGATION C.1. (Air Quality):

The following measures, when implemented, will avoid and minimize impacts/emissions of criteria pollutants:

- The Project proponent shall ensure that all on-road vehicles used during construction have 2010 model year engines or newer.
- The Project proponent shall ensure that all off-road diesel-powered equipment used during construction is equipped with engines that meet the California Air Resources board Tier 4 final emission standards.

MITIGATION MONITORING C.1: The supervising contractor shall be responsible for ensuring that the vehicles utilized during construction meet, or exceed, the criteria described in Mitigation Measure C.1.

D. BIOLOGICAL RESOURCES MITIGATION MEASURES

MITIGATION D.1. (Biological Resources):

The following measures, when implemented, will avoid and minimize impacts to anadromous fishes, their critical habitat, and essential fish habitat (EFH):

- Construction activities within Little Chico Creek shall be limited to a work window of June 1 to October 15, or during a period when there is no flow within the biological survey area (BSA).
- Disturbance to the channel and banks of Little Chico Creek and/or removal of vegetation will be kept to the minimum necessary to complete Project activities.
- Portions of the bank of Little Chico Creek disturbed by construction activities will be restored to a pre-construction condition.
- An erosion control plan that incorporates erosion control Best Management Practices (BMPs) shall be created and implemented prior to the wet season (November 1 – April 15) in order to avoid sediment from entering into Waters of the United States (WOTUS).
- All fueling and/or equipment maintenance shall occur 50 feet from all water bodies and riparian areas. Any chemical spill within the active channel of the Little Chico Creek will

be reported to National Marine Fisheries Service (NMFS), California Department of Fish and Wildlife (CDFW), and other appropriate resource agencies within 48 hours.

- A spill prevention plan (SPP) and storm water pollution prevention plan (SWPPP) shall be developed and implemented by the contractor. Spill prevention measures will include stockpiling absorbent booms, staging hazardous materials at least 50 feet away from WOTUS, and maintaining and checking construction equipment to prevent fuel and lubrication leaks. SWPPP measures will utilize applicable BMPs such as use of silt fences, straw bales, and other methods necessary to minimize storm water discharge associated with construction activities.
- The contractor should have absorbent booms available within 50 feet of the live channel during all in-channel work to be further prepared for quick containment of any spills within or adjacent to Little Chico Creek.
- Additionally, prior to any vegetation- or ground-disturbing activities associated with the construction of the bridge over Little Chico Creek, the applicant shall compensate for impacts to California Central Valley (CCV) steelhead critical habitat and Chinook salmon EFH as determined through consultation with NMFS. The applicant shall purchase salmonid habitat preservation and creation credits at an approved mitigation bank as defined by the NMFS Biological Opinion.

MITIGATION MONITORING D.1.: Public Works staff shall document the final purchase of required mitigation credits, or other method of compensatory mitigation documenting relief thereof, prior to commencement of construction activities. Public Works staff and contractor shall ensure avoidance and minimization measures are implemented through ongoing site inspections and monitoring.

MITIGATION D.2. (Biological Resources):

Prior to any ground-disturbing activities, the applicant shall determine if the elderberry shrub will need to be removed or if design and construction activities can avoid direct impacts. If the final design requires removal of the elderberry shrub, the applicant shall compensate for direct impacts to approximately 0.05 acres of riparian habitat that may support VELB. The final amounts of impacts and mitigation will be determined through the federal Endangered Species Act section 7 consultation process. The applicant shall purchase credits at an approved mitigation bank as defined by the United States Fish and Wildlife Service (USFWS) Biological Opinion.

If direct impacts to elderberry bushes can be avoided, the following measures, when implemented, will avoid and minimize impacts to valley elderberry longhorn beetle (VELB):

- Fencing. All areas to be avoided during construction activities will be fenced and/or flagged as close to construction limits as feasible.
- Avoidance area. Activities that may damage or kill an elderberry shrub (e.g., trenching, paving, etc.) may need an avoidance area of at least 6 meters (20 feet) from the drip-line, depending on the type of activity.
- Worker education. A qualified biologist will provide training for all contractors, work crews, and any onsite personnel on the status of the VELB, its host plant and habitat, the

need to avoid damaging the elderberry shrubs, and the possible penalties for noncompliance.

- Construction monitoring. A qualified biologist will monitor the work area at project-appropriate intervals to assure that all avoidance and minimization measures are implemented. The amount and duration of monitoring will depend on Project specifics and should be discussed with the USFWS.
- Timing. As much as feasible, all activities that could occur within 50 meters (165 feet) of an elderberry shrub, will be conducted outside of the flight season of the VELB (March - July).
- Trimming. Trimming may remove or destroy VELB eggs and/or larvae and may reduce the health and vigor of the elderberry shrub. In order to avoid and minimize adverse effects to VELB when trimming, trimming will occur between November and February and will avoid the removal of any branches or stems that are ≥ 1 inch in diameter.
- Mowing. Mechanical weed removal within the drip-line of the shrub will be limited to the season when adults are not active (August - February) and will avoid damaging the elderberry.

MITIGATION MONITORING D.2.: Public Works staff shall document the final purchase of required mitigation credits, or other methods of mitigation documenting relief thereof, prior to commencement of construction activities. Public Works staff and contractor shall ensure avoidance and minimization measures are implemented through ongoing site inspections and monitoring.

MITIGATION D.3. (Biological Resources):

No later than 48 hours prior to any ground disturbance, pre-construction surveys will be conducted by a qualified biologist within the Project limits for western pond turtle and western spadefoot. If a pond turtle or western spadefoot is observed in the Project limits during construction, all work will be stopped, and the turtle or 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 grading activities, and at a safe location.

The biologist will report observations and relocations to the City.

MITIGATION MONITORING D.3.: Public Works staff will require final copies of the pre-construction surveys for western pond turtle and western spadefoot, prior to issuance of any grading or other permits that will result in disturbances to the site. Should the species occur on the Project site a qualified biologist shall be retained on-site during ground-disturbance.

MITIGATION D.4. (Biological Resources):

To minimize impacts to pallid bats, mature trees identified for removal shall be removed between September 16 and March 15, outside of the bat maternity season. Trees shall be removed at dusk to minimize impacts to roosting bats that may be utilizing the mature trees.

MITIGATION MONITORING D.4.: Public Works staff will ensure that tree removal is conducted during the appropriate time of year and after dusk.

MITIGATION D.5. (Biological Resources):

If vegetation removal or initial ground disturbances occur during the avian breeding season (February 1 – August 31) the applicant shall hire a qualified biologist to conduct a nesting migratory bird and raptor survey to identify any active nests within 50 feet of the BSA. A qualified biologist shall:

- Conduct a pre-construction survey for nesting migratory birds and raptors within 7 days prior to the initiation of Project activities, and map all active nests located within 50 feet of proposed construction areas.
- Develop buffer zones around active nests as recommended by a qualified biologist. Construction activity shall be prohibited within the buffer zones until the young have fledged or the nest fails.
- If construction activities stop for more than 15 days, then another migratory bird and raptor survey shall be conducted within seven (7) days prior to the continuation of construction activities.

MITIGATION MONITORING D.5.: If Project activities are proposed to be conducted during the avian breeding season, Public Works staff will require final copies of the required surveys documenting relief thereof, prior to disturbances to the site. If active nests are encountered, the qualified biologist shall determine appropriate species protections buffers around active nests based on the species tolerance of disturbance, species type, nest location, and activities that will be conducted near the nest. Construction activities shall be prohibited within the buffer zones until the young have fledged or the nest fails. Active nests shall be monitored once per week, or as necessary, and a report submitted to the City of Chico Public Works Department weekly or as necessary.

MITIGATION D.6. (Biological Resources):

Prior to commencing construction, the City shall have available the final copies of the permits and authorizations required by the United State Army Corps of Engineers (USACE), USFWS, NMFS, California Regional Water Quality Control Board, CDFW, and the Central Valley Flood Protection Board or copies of relevant correspondence documenting that no permit is required, as applicable.

Approximately 0.02 acres of permanent impacts and 0.09 acres of temporary impacts to other waters are anticipated. Impacts to jurisdictional Waters of the U.S. and the State will be compensated through the CWA §404 and §401 permitting process and mitigation requirements.

MITIGATION MONITORING D.6.: Public Works staff will require final copies of the required permits or letters documenting relief thereof, prior to the commencement of construction.

MITIGATION D.7. (Biological Resources):

In order to mitigate the removal of riparian vegetation one of the two following options shall be implemented:

1. At least 90 days prior to commencing project activities, the Project proponent shall provide to CDFW for review and approval a Mitigation Plan to mitigate for the permanent loss of riparian and streambed habitat. The Mitigation Plan shall outline how the Project proponent will mitigate for the permanent loss of riparian and streambed habitat at a 3:1 ratio of created, enhanced, or restored riparian habitat along Little Chico Creek or 6:1 ratio of habitat outside the Little Chico Creek watershed. A combination of the three methods may be utilized if deemed appropriate by CDFW. For the purposes of the restoration plan, created habitat includes establishment of riparian vegetation in an area that currently lacks that habitat type; enhanced habitat includes targeted actions such as debris removal or invasive species control; and restored habitat includes planting or reseeding of vegetation in previously disturbed areas. For the purposes of the restoration plan, acreage of enhancement activities shall be considered at half the amount of created or restored habitat (i.e., If the Project proponent chooses exclusively enhancement, 6:1 ratio shall be required along Little Chico Creek or 12:1 ratio outside of the Little Chico Creek watershed). The Mitigation Plan shall describe the habitat values of the mitigation proposal, the success criteria, contingency measures, and describe the improvement of ecosystem function upon implementation.
2. Off-site mitigation may occur at a CDFW-approved mitigation bank by way of purchasing credits at a 3:1 ratio of like-kind tree species. The bill of sale and payment receipt shall be submitted to CDFW no later than 30 days prior to starting any construction activities.

MITIGATION MONITORING D.7.: Public Works staff will ensure that either on-site restoration or the purchase of mitigation credits is implemented and completed.

E. CULTURAL RESOURCES MITIGATION MEASURES:

MITIGATION E.1. (Cultural Resources): If any bones, pottery fragments or other potential cultural resources are encountered during construction, all work shall cease within the area of the find equivalent to a 25-foot radius around the materials (100 feet for human remains) pending an examination of the site and materials by a professional archaeologist. If during ground disturbing activities, any bones, pottery fragments or other potential cultural resources are encountered, the developer or their supervising contractor shall cease all work within 25 feet of the materials and notify City of Chico Public Works staff at (530) 879-6900. A professional archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology and who is familiar with the archaeological record of Butte

County, shall be retained by the City of Chico to evaluate the significance of the find. Further, City Public Works staff shall notify the local tribe(s) 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. 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 of Chico Public Works Department, including recommendations for total data recovery, Tribal monitoring, disposition protocol, or avoidance, if applicable. All measures determined by the City of Chico 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 plans to ensure contractor knowledge and responsibility for proper implementation.

MITIGATION MONITORING E.1.: Public Works staff will verify that the above wording is included in the construction specifications. Should cultural resources be encountered, the supervising contractor shall be responsible for reporting any such findings to Public Works staff, and contacting a professional archaeologist, in consultation with Public Works staff, to evaluate the find.

MITIGATION E.2. (Tribal Monitor): The City's contractor shall facilitate the presence of a Mechoopda Indian Tribal Monitor during all earth moving and ground disturbing activities. This includes, providing 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. The determination to be present for any, some, or all construction activities shall be at the discretion of the Tribal Monitor.

MITIGATION MONITORING E.2.: Public Works staff will require and verify that the contractor provides the above information to the Mechoopda Tribal Monitor upon construction contract execution.

G. GEOLOGICAL/SOILS MITIGATION MEASURES:

Section G.6.: See Mitigation Measure E.1. (Cultural Resources)

J. HYDROLOGY/WATER QUALITY MITIGATION MEASURES:

MITIGATION J.1. (Hydrology): Prior to grading and ground-disturbance, the applicant shall consult with the Central Valley Flood Protection Board to confirm the need to obtain an Encroachment Permit for the proposed Project. Public Works staff shall ensure the acquisition of the permit and compliance with any design and measures to minimize environmental impacts as a result of the Project.

MITIGATION MONITORING J.1.: Public Works staff will require final copies of the required permits or letters documenting relief thereof, prior to issuance of any grading or other permits that will result in disturbances to the site. Copies of all permits will be delivered to applicant's contractor prior to commencing work and will be required to be on-site at all times.

See also Mitigation Measure D.6. (Biological Resources)

M. NOISE MITIGATION MEASURE:

Mitigation Measure M.1. (Noise): To avoid substantial construction-period noise impacts to nearby sensitive receptors, the best practices listed below will be included 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.

MITIGATION MONITORING M-1.: The Resident Engineer shall be responsible for ensuring that construction-related noise-generating activities at, or adjacent to, the construction site shall comply with the Chico Municipal Code and all guidelines set forth in Mitigation M.1. Public Works staff shall ensure a Noise Disturbance Coordinator is responsible for responding to noise complaints and implementing reasonable measures.

R. TRIBAL CULTURAL RESOURCES MITIGATION MEASURE:

MITIGATION R.1. (Tribal Cultural Resources): If during ground disturbing activities, any potentially paleontological, prehistoric, protohistoric, and/or historic cultural resources or tribal cultural resources are encountered, the supervising contractor shall cease all work within 25 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. 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. 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.

MITIGATION MONITORING R.1.: Public Works staff will verify that the above wording is included in the construction specifications. Should paleontological, prehistoric, protohistoric, and/or historic cultural resources or tribal cultural resources be encountered, the supervising contractor shall be responsible for reporting any such findings to Public Works staff, and contacting a professional archaeologist or paleontologist in consultation with Public Works staff, to evaluate the find.

I have reviewed the Initial Study prepared for the Notre Dame Boulevard Bridge Project and the mitigation measures identified therein. I hereby incorporate and include all mitigation measures into the project.

Project Applicant:  11/21/22
Leigh Ann Sutton — City of Chico
Director of Public Works – Engineering
Date

Prepared by:  11/21/22
Jesse Hudson — City of Chico
Assistant Planner
Date

Adopted by:  11/21/22
Tracy R. Bettencourt, AICP — City of Chico
Regulatory and Grants Manager
Date