



# MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM

## CITY OF CHICO CAPITAL PROJECT SERVICES DEPARTMENT

Based upon the analysis and findings contained within the attached Initial Study, a Mitigated Negative Declaration is hereby proposed by the City of Chico Capital Project Services Department and adopted by the City of Chico Planning Services Department for the following project:

**PROJECT NAME:** Little Chico Creek Pedestrian/Bicycle Connection at Community Park Project (Capital Project #12058)

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

**PROJECT LOCATION:** The proposed project is located in T21N, R1E, Section 25, of the Chico Quadrangle, Butte County, CA, in the City's Southwest Planning Quadrant, primarily within the boundaries of the East 20th Street Community Park and within the west side of Highway 99 Caltrans right-of-way.

**PROJECT DESCRIPTION:** The project will be a Class I bicycle path between Little Chico Creek, through the East 20<sup>th</sup> Street Community Park to Chapman Elementary School. A clear-span bicycle/pedestrian bridge would cross Little Chico Creek, with improvements placed outside the ordinary high-water mark. The proposed bicycle path would be constructed consistent with Caltrans standards, where applicable and City of Chico Municipal Code, Title 18R, Design Criteria. The Class I bicycle path would have a minimum right-of-way of 12 feet (8 feet paved, and 2 feet of gravel should on each side). The proposed path would provide connectivity between the Chapmantown neighborhood and Humboldt Avenue to bicycle lanes on East 20<sup>th</sup> Street and Dr. Martin Luther King Junior Parkway and the Midway bicycle path. The construction of this bicycle path would provide connectivity for the southwestern quadrant to bicycle facilities extending east from State Route 99 along Humboldt Road and traveling to Forest Avenue and Bruce Road.

**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).

## **B. AIR QUALITY MITIGATION MEASURES**

### **MITIGATION B.1. (Air Quality):**

To minimize fugitive dust and exhaust emissions during construction activities, the following shall be included in all construction plans and documents for the project:

- a) Water all active construction areas at least twice daily. The frequency should be based on the type of operation, soil conditions, and wind exposure.
- b) If necessary, apply chemical soil stabilizers to inactive construction areas (disturbed areas that are unused for at least four consecutive 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).
- c) Limit vehicle speeds to 15 mph on unpaved roads.
- d) Suspend land clearing, grading, earth moving, or excavation activities when wind speeds exceed 20 mph.
- e) If applicable, apply non-toxic binders (e.g. latex acrylic copolymer) to exposed areas after cut and fill operation and hydroseed the area.
- f) Cover inactive storage piles.
- g) Project applicant shall consult with the Butte County Quality Management District about the application of a paved (or dust palliative treated) apron onto the project site.
- h) Sweep or wash paved streets adjacent to the site where visible silt or mud deposits have accumulated due to construction activities.
- i) Post a publicly visible sign at the construction site with the name and telephone number of the person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the BCAQMD shall also be visible to ensure compliance with BCAQMD rules 201 and 207 (Nuisance and Fugitive Dust Emissions).
- j) Prior to final occupancy/use, the applicant shall demonstrate that all ground surfaces are treated sufficiently to minimize fugitive dust emissions. Fugitive dust emissions are considered dust clouds caused by wind, traffic, or other disturbances to exposed ground surfaces.
- k) Exhaust emissions shall be minimized by maintaining equipment in good repair and proper tune according to the manufacturer's specifications.
- l) If construction activities occur during smog season (May-October), equipment will not be allowed to idle for long periods of time.

The standard conditions listed above will be specified in applicable project plans and construction contract requirements. The Building and Development Services Department and Capital Project Services Department shall regularly conduct inspections to verify compliance. In addition to the City's Standard Mitigation and Monitoring Program, the project would be required to obtain a Construction Activity Storm Water Permit from the Central Valley Regional Water Quality Control

Board (CVRWQCB), which would include site-specific, sediment transport and fugitive dust controls.

### **C. BIOLOGICAL RESOURCES MITIGATION MEASURES**

#### **MITIGATION C.1. (Biological Resources):**

Prior to the issuance of a grading permit, a Streambed Alteration Agreement shall be obtained from DFG, pursuant to Section 1600 of the California Fish and Game Code, for any activities affecting bed, bank, or associated riparian vegetation of the stream. If required, the project applicant shall coordinate with DFG in developing appropriate mitigation, and shall abide by the conditions of any executed permits.

MITIGATION MONITORING C.1.: Prior to the commencement of construction activities, the City's Capital Project Services Department will coordinate with the consulting biologist to ensure the timely initiation of the above mitigation measure.

#### **MITIGATION C.2. (Biological Resources):**

Prior to the initiation of construction activities, a concurrence letter from USFWS will be requested to ensure that potential impacts to VELB are appropriately minimized or avoided and that no impacts to VELB would occur. If required by the USFWS, the project applicant shall coordinate with USFWS in developing appropriate mitigation and shall abide by any conditions set forth.

MITIGATION MONITORING C.2.: Prior to commencement of construction activities, Capital Project Services shall ensure that the USFWS concurs with the finding that no impact to VELB would occur as a result of project construction activities.

### **D. CULTURAL RESOURCES MITIGATION MEASURES:**

**MITIGATION D.1. (Cultural Resources):** A note shall be placed on all grading and construction plans which informs the construction contractor that 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 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 D.1.: Public Works staff will verify that the above wording is included on construction plans. 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.

**G. HYDROLOGY/WATER QUALITY MITIGATION MEASURES:**

**MITIGATION G.1. (Hydrology):** Prior to the commencement of grading and construction activities, the City will ensure compliance with the SWAP and NPDES Phase II program, which includes the identification of appropriate BMPs and preparation of a Storm water Pollution Prevention Plan (SW PPP). Compliance with these regulations provides adequate reduction of potential storm water impacts. In addition, the project would be subject to City grading standards as identified in Municipal Code Chapter 16R.22.

MITIGATION MONITORING J.1.: Public Works staff will require final copies of the required permits or letters documenting relief thereof, prior to conducting any grading that will result in disturbances to the site.

I have reviewed the Initial Study prepared for the Little Chico Creek Pedestrian/Bicycle Bridge Connection at Community Park Project and the mitigation measures identified therein. I hereby incorporate and include all mitigation measures into the project.

Adopted by: Tracy R. Bettencourt 09/5/2008  
Tracy R. Bettencourt, Senior Planner Date  
Capital Project Services Department  
(for Stephen Peterson, Planning Director)