



MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM CITY OF CHICO PLANNING DIVISION

Based upon the analysis and findings contained within the attached Initial Study, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program is proposed by the City of Chico Planning Division for the following project:

PROJECT NAME AND NUMBER: Gonzales Grading Plan ER 18-01

APPLICANT'S NAME: Gonzales Development Company
Attn.: Dan Gonzales
1262 Humboldt Road
Chico, CA 95928

PROJECT LOCATION: Northeast corner of the intersection
at Bruce Road and Highway 32
APN 018-230-001

PROJECT DESCRIPTION: The proposed project involves grading and leveling of a large spoil pile located on site; no development project is currently proposed. The purpose of the grading is to facilitate the future sale of the site. The remnant spoil pile will be dispersed across the site and any large pieces of concrete or other debris will be removed and disposed of off-site.

FINIDING: As supported by the attached Initial Study there is no substantial evidence, in light of the whole record before the agency, that the project will have a significant effect on the environment if the following mitigation measures are adopted and implemented for the project:

MITIGATION D.1 (Biological Resources): Vegetation removal or ground disturbances should be conducted between September 1 and February 28 during the non-breeding season to prevent impacts to protected birds that may be utilizing the project area to nest. If vegetation removal or ground disturbance occurs during the breeding season (March 1 through August 31), then a pre-construction survey should be conducted by a qualified biologist to locate potential nests of protected bird species and establish a no disturbance buffer zone around nests. The buffer should be sufficient in size to ensure that breeding is not likely to be disrupted or adversely impacted by construction activities. No construction activities will commence within the buffer area until a qualified biologist confirms the nest is no longer active. The pre-construction survey should be conducted no more than 14 days prior to the beginning of construction. If no nests are identified, no additional mitigation would be necessary.

MITIGATION MONITORING D.1: Planning and Engineering staff will require a pre-construction bird nest survey prior to issuance of any grading permit for the project, unless the work will commence during the non-breeding season (September 1 through February 28).

Implementation of the above mitigation measure and monitoring will avoid potential conflicts with the Migratory Bird Treaty Act (MBTA) and will reduce potential impacts associated with special status species to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION D.2 (Biological Resources): The project will incorporate the avoidance and minimization measures (AMMs), standard best management practices (BMPs) and other

notification requirements identified in applicable permits into project plans and specifications and/or contract documents. Incorporation of these requirements will protect sensitive natural resources and water quality from project impacts and ensure that the project will not jeopardize the continued existence of special-status species.

MITIGATION MONITORING D.2: Planning and Engineering staff will require all standard BMPs and AMMs to be incorporated into project plans prior to issuance of any grading permit for the project.

Implementation of AMMs and BMPs will reduce potential impacts associated with sensitive natural resources and habitats to a level that is considered **less than significant with mitigation incorporated**.

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 of Chico Community Development Department.

MITIGATION MONITORING D.3: Planning and Engineering staff will ensure that 48-hour 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 of Chico Community Development Department.

Implementation of the above mitigation measure and monitoring will avoid potential impacts to western pond turtle and western spadefoot to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION D.4 (Biological Resources): The project proponent will obtain a Section 404 permit from USACE, a Section 401 Water Quality Certification from the Regional Water Quality Control Board, before construction begins.

MITIGATION MONITORING D.4: Planning and Engineering staff will ensure that prior to issuance of any grading permit, the project proponent has obtained a Section 404 permit for USACE and a Section 401 Water Quality Certification from the Regional Water Quality Control Board.

Implementation of the above mitigation measure and monitoring and securing a Section 404 permit will avoid potential impacts with protected wetlands to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION E.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 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 the area of the find and notify Planning staff at 879-6800. 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 applicant to evaluate the significance of the find. Further, Planning 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. 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 Community Development Director, including recommendations for total data recovery, Tribal monitoring, disposition protocol, or avoidance, if applicable. All measures determined by the Community Development Director 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 Measure E.2 (Cultural Resources): State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of any human remains find immediately. If remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery, and must complete the inspection within 24 hours of notification by the NAHC. The MLD will have the opportunity to make recommendations to the NAHC on the disposition of the remains.

Mitigation Monitoring E.1 and E.2 (Cultural Resources): Planning staff will verify that the above wording is included on grading plans. Should cultural resources or human remains be encountered, the supervising contractor shall be responsible for reporting any such findings to Planning staff, and contacting a professional archaeologist, in consultation with Planning staff, to evaluate the find.

Implementation of the above measure will minimize potentially significant impacts to previously unknown cultural resources that could be unearthed during construction activities, and will reduce potential impacts to cultural resources to a level that is considered **less than significant with mitigation incorporated**.

PROJECT APPLICANT'S INCORPORATION OF MITIGATION INTO THE PROPOSED PROJECT:

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I have reviewed the Initial Study for The Gonzales Grading Plan (ER 18-01), and the mitigation measures identified herein. I hereby modify the project on file with the City of Chico to include and incorporate all mitigation set forth in this document.

 4/30/18
Authorized Signature, Project Applicant
Dan Gonzales
Gonzales Development Company

Prepared by: _____ Date _____
Shannon Costa, Assistant Planner
Community Development Department

Adopted via: _____