



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: Bruce Road Reconstruction Project (Capital Project #16038)

APPLICANT(S) NAME: City of Chico Public Works – Engineering Department (Brendan Ottoboni, Director of Public Works – Engineering)

PROJECT LOCATION: The proposed project is located along an approximate 2-mile segment of Bruce Road on the eastern side of City of Chico between State Route 32 and Skyway. The project is in the United States Geological Survey (USGS) “Chico” quadrangle, Sections 19, 20, 29, 30, 31, and 32, Township 22N, Range 2E.

PROJECT DESCRIPTION: The proposed project involves the reconstruction and widening of an approximately 2-mile segment of Bruce Road from State Route 32 (SR 32) to Skyway utilizing roller-compacted concrete pavement. The proposed “complete streets” improvements include widening Bruce Road from an existing 2-lane arterial roadway to a 4-lane arterial roadway, and replacement of the existing two-lane, functionally obsolete Bruce Road bridge over Little Chico Creek (Caltrans Bridge # 12C0106) with a new four-lane bridge structure. The new, approximately 96-feet long by 96.5-feet wide bridge will accommodate four lanes of traffic, a center median, pedestrian/bicycle facilities consisting of a Class I bike path on the west side of Bruce Road, and a sidewalk on the east side. The new bridge will be comprised of a three-span, cast-in-place, reinforced concrete slab superstructure founded on pile supported abutments and 16-inch diameter multi-column piers supported on spread footings. The ultimate roadway design includes construction of the following: a 14-foot landscaped center median; roadway lighting; 5-foot bike lanes with 2-foot buffered striping on both east and west sides of Bruce Road; dedicated left turn lanes at various intersections; concrete curb, gutter, and curb ramps; and a 12-foot wide concrete multi-use path on the west side of Bruce Road. The project also includes storm drainage improvements such as bioretention facilities, drainage pipe, manholes, and curb inlets, as well as minor extension of sewer facilities where required. The City will be installing all infrastructure improvements detailed herein, except for a few limited frontage improvements (e.g., sidewalk and parkway strips) on the east side of Bruce Road that will be installed by others in conjunction with the requirements of adjacent private subdivisions.

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).

D. BIOLOGICAL RESOURCES MITIGATION MEASURES

MITIGATION D.1. (Biological Resources):

Prior to any ground-disturbing activities, the applicant shall compensate for direct and indirect impacts to habitat that may support valley elderberry longhorn beetle, vernal pool tadpole shrimp, vernal pool fairy shrimp and Butte County meadowfoam and the species themselves. The final amounts of impacts and mitigation will be determined through the Federal Endangered Species Act Section 7 consultation process between the USACE, USFWS and NMFS as well as the California Endangered Species Act through consultation with CDFW. The applicant shall purchase credits at an approved mitigation bank as defined by the U.S. Fish and Wildlife Service Biological Opinion, California Department of Fish and Wildlife's Incidental Take Permit or equivalent documentation. Note that the City of Chico retains a surplus of unused BCM mitigation credits, as approved by the regulatory agencies, that were purchased from the approved Dove Ridge Conservation Bank. Contingent on approval from the USFWS and CDFW, the City will apply a portion of their unused BCM credits to compensate for direct and indirect impacts to BCM as a result of the Project.

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.

MITIGATION D.2. (Biological Resources):

Prior to any vegetation or ground-disturbing activities associated with the development of the bridge over Little Chico Creek, the applicant shall compensate for any loss of Central Valley steelhead Critical Habitat, as determined through consultation between USACE and NOAA Marine Fisheries Service. The applicant shall purchase credits at an approved mitigation bank as defined by the NOAA Marine Fisheries Service Biological Opinion or equivalent document.

MITIGATION MONITORING D.2.: 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.

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 northwestern 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 Northwestern pond turtle and western spadefoot, prior to the commencement of construction. Should the species occur on the project site, a qualified biologist shall be retained on-site during ground-disturbance.

MITIGATION D.4. (Biological Resources):

If a CNDDDB documented, Swainson's Hawk nest that has been active within 5 years of the beginning of construction exists within 10 miles of the project site, then, prior to any ground-disturbing activities, the City shall compensate for direct impacts to habitat that may support Swainson's hawks. The purchase of compensatory mitigation or preservation of foraging habitat will be necessary per the 1994 CDFW Staff Report regarding Mitigation for impacts to Swainson's hawks (*Buteo swainsoni*) in the Central Valley of California at a ratio of 0.5:1 (0.5 acre preserved for every 1 acre of habitat affected).

MITIGATION MONITORING D.4.: 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.

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 migratory bird and raptor survey to identify any active nests within 250 feet of the biological survey area (BSA). A qualified biologist shall:

- Conduct a survey for all birds protected by the Migratory Bird Treaty Act and California Fish and Game Commission within seven (7) days prior to vegetation removal or initial ground disturbances (which ever activity comes first), and map all active nests located within 500 feet of the BSA where accessible;
- Develop buffer zones around active nests. The qualified biologist shall determine appropriate protection 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 as determined by a qualified biologist, and an associated report submitted to the City of Chico Public Works Department after each monitoring activity (e-mail submittal is acceptable).

- 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 initial ground disturbance is 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 U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration Fisheries Service, California Regional Water Quality Control Board, California Department of Fish and Wildlife, and the Central Valley Flood Protection Board or copies of relevant correspondence documenting that no permit is required, as applicable.

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):

To minimize impacts to pallid bats, mature trees identified for removal shall be removed between September 16 – 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.7.: Public Works staff will ensure that tree removal is conducted during the appropriate time of year and after dusk.

MITIGATION D.8. (Biological Resources):

Prior to City approval that would directly result in disturbance to the site, Public Works staff will obtain final copies of the permits and compensatory mitigation required by the U.S. Army Corps of Engineers, CVRWQCB and CDFW, or copies of relevant correspondence documenting that no permit is required, as applicable.

MITIGATION MONITORING D.8.: Public Works staff will obtain final copies of the required permits and compensatory mitigation or letters documenting relief thereof, prior to commencing construction at the site.

E. CULTURAL RESOURCES MITIGATION MEASURES:

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 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 E.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.

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.: Paleontological Resource or Site – See Mitigation Measure E.1.

I. HAZARDS/HAZARDOUS MATERIALS MITIGATION MEASURES:

MITIGATION I.1. (Hazards): Prior to any ground-disturbing activities between Humboldt Road and State Route 32, including the intersections, a Limited Soils Assessment (LSA) shall be conducted in the aforementioned area for the purpose of assessing on-site shallow soil for potential impacts from the following constituents of concern: total and leachable arsenic, lead, and zinc. The LSA shall also determine if excavated soils generated during construction activities are likely to be classified as a regulated waste. Should any of the constituents of concern be found in excess concentrations, the applicant shall prepare a Soil Management Plan (SMP) or equivalent report, which shall be distributed to construction personnel. The SMP shall establish protocols for handling, sampling, storage, and disposal of any suspected burn ash-impacted soils generated during construction activities.

MITIGATION MONITORING H.1.: Public works staff will require final copies of the required assessment/plan documenting relief thereof, prior to commencing construction at the REC site.

J. HYDROLOGY/WATER QUALITY MITIGATION MEASURES:

MITIGATION J.1. (Hydrology): Prior to grading and ground-disturbance, the City shall coordinate with Central Valley Flood Protection Board 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 conducting any grading that will result in disturbances to the site.

M. NOISE MITIGATION MEASURE:

Mitigation Measure M.1. (Noise): The City shall require all construction contractors to employ best noise control practices to minimize construction noise levels at nearby residences. The noise control shall include, at a minimum, the following best practices.

- 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.: Public Works staff will verify that the above wording is included on construction plans.

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 on construction plans. 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.

UTILITIES AND SERVICE SYSTEMS MITIGATION MEASURE:

Section S.1.: Utilities and Service Systems – See Mitigation Measure D.8

Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
Bruce Road Reconstruction Project (Capital Project No. 16038)

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:  11/20/2020
Brendan Ottoboni — City of Chico
Director of Public Works – Engineering
Date

Prepared by:  11/20/2020
Tracy R. Bettencourt, AICP — City of Chico
Regulatory and Grants Manager
Date

Adopted by:  11/24/20
Brendan Vieg — City of Chico
Community Development Director
Date