



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 and adopted by the City of Chico Public Works - Engineering Department for the following project:

PROJECT NAME: SR-99 Corridor Bikeway Facility Phase 5 20th Street Overcrossing (Bikeway 99 Phase 5 – Capital Project # 50347) (EA 03-0J740, PIN 0319000145)

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

PROJECT LOCATION: The proposed project is located adjacent to State Route 99 from 1,000 feet north of the East 20th Street interchange to approximately 1,600 feet south of the interchange. The closest approximate address is the Chico Mall located at 1950 East 20th St, Chico, CA 95928, Township 22 North, Range 1.

PROJECT DESCRIPTION: The City of Chico (City), in cooperation with the California Department of Transportation (Caltrans), proposes to construct a Class I bikeway street overcrossing above East 20th Street, while establishing a bikeway gap closure along the east side of SR 99 corridor. The project is located in Township 22 North, Range 1 East in the City of Chico, within Butte County, California. The completed Bikeway 99 Corridor will serve as a continuous alternative transportation and recreational route from Eaton Road to Skyway, spanning nearly 7 miles. The current lack of a safe and direct pedestrian/bike path discourages residents from walking or biking to local schools, job centers, commercial areas, and public services. This project will connect people to goods and services including the Chico Mall. The bikeway overcrossing would provide a link to both sides of East 20th Street and Business Lane, offering access to local restaurants and businesses. The bikeway would enhance the safety of pedestrians and bicyclists by creating a route that is separate from traffic congestion on East 20th Street. Additional safety features of the path include lighting, security cameras and the removal of thick vegetation in order to increase visibility on the bikeway. The ramp structure will include the installment of lighting, fencing, and/or the use of other techniques (i.e., physical barriers) to discourage graffiti and loitering. The design of the bridge, as selected through an extensive public outreach effort, is intended to incorporate the history, culture and overall atmosphere of Chico.

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).

AIR QUALITY MITIGATION MEASURES

AQ-1: The construction contractor shall comply with Caltrans' Standard Specifications Section 10-5 Dust Control of Caltrans' Standard Specifications (2018).

AQ-2: The construction contractor shall comply with Section 7-1.02 Emissions Reduction and Section 18 Dust Palliative of Caltrans' Standard Specifications (2018).

AQ-3: The project will comply with the following Best Practices from the Butte County Air Quality Management District:

- All on- and off-road diesel equipment shall not idle for more than five minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the five-minute idling limit.
- All construction equipment shall be maintained in proper tune according to the manufacturer's specifications. Equipment must be checked by a certified mechanic and determined to be running in proper condition before the start of work.
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. And adequate water supply source must be identified. Increased watering frequency would be required whenever wind speeds exceed 15 mph. reclaimed (non-potable) water should be used whenever possible.
- All disturbed soil areas not subject to re-vegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advanced by the District.

AQ-4: The Wind Erosion Control BMP (WE-1) from Caltrans' Construction Site Best Management Practices Manual will be implemented.

AIR QUALITY MITIGATION MONITORING: Prior to commencement of and during construction activities, the Public Works staff shall ensure that the air quality mitigation measures are implemented through inclusion in construction contracts, project plans and field inspections by the Public Works - Engineering Department.

Implementation of the above measures will avoid potential impacts to air quality to a level that is considered **less than significant with mitigation incorporated**.

BIOLOGICAL RESOURCES MITIGATION MEASURES

BIO-1: Prior to the start of construction activities, the Project limits in proximity to jurisdictional water features must be marked with Environmentally Sensitive Area (ESA) high visibility orange fencing, a permanent fence (similar to the chain link fence that is currently present), or staking to ensure construction will not encroach into the wetland or drainage.

BIO-2: Contract specifications will include the following Best Management Practices (BMPs), where applicable, to reduce erosion during construction:

- The Project specifications will require the contractor to operate under an approved spill prevention and clean-up plan;
- Raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to aquatic life must be prevented from contaminating the soil or entering surface waters; and,
- Any concrete rubble, asphalt, or other debris from construction must be taken to an approved disposal site.

BIO-3: To conform to water quality requirements, the Stormwater Pollution Prevention Plan (SWPPP) must include the following:

- Vehicle maintenance, staging and storing equipment, materials, fuels, lubricants, solvents, and other possible contaminants shall be a minimum of 100 ft from wetland habitat. Any

necessary equipment washing shall occur where the water cannot flow into the wetland or drainage channel. The Project proponent will prepare a spill prevention and clean-up plan.

- BIO-4:** Prior to arrival at the Project site and prior to leaving the Project site, construction equipment that may contain invasive plants and/or seeds will be cleaned to reduce the spreading of noxious weeds.
- BIO-5:** If possible, vegetation removal should occur outside the nesting bird season (February 1 – August 31). If vegetation removal is to take place during the nesting season, a pre-construction nesting bird survey must be conducted within 7 days prior to vegetation removal. Within 2 weeks of the nesting bird survey, all vegetation cleared during these surveys must be removed by the contractor.
- BIO-6:** A minimum 50-foot no-disturbance buffer for songbirds and a 100-foot buffer for raptors must be established around any active nests. The contractor must immediately stop work in the nesting area until the appropriate buffer is established and is prohibited from conducting work that could disturb the birds (as determined by the Project biologist and in coordination with wildlife agencies) in the buffer area until a qualified biologist determines the young have fledged.

BIOLOGICAL MITIGATION MONITORING: Prior to commencement of and during construction activities, the Public Works staff shall ensure that the mitigation measures are implemented through inclusion in construction contracts, project plans and field inspections by the Public Works - Engineering Department. Public Works staff will ensure that immediately prior to any ground disturbance restrictive fencing will be installed by the construction contractor. Public Works staff will coordinate a pre-construction migratory bird survey with the consulting biologist 7 days prior to commencement of construction activities, unless the work will commence during the non-breeding season (September 1- January 31). If nesting of a protected bird is found, staff will ensure that construction activities are delayed until an adequate buffer is established and biological monitoring is in place if required.

Implementation of the above mitigation measures will avoid potential impacts to biological resources to a level that is considered **less than significant with mitigation incorporated**.

CULTURAL RESOURCES MITIGATION MEASURES

- CR-1:** If a significant archaeological resource(s) or tribal cultural resource is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). An archaeologist, who meets the Secretary of Interior Standards for an archaeologist, shall assess the discovery, and if the discovery involves Native American resources a representative of the concerned tribe(s) shall be contacted to assess significance. The archaeologist, a representative of the appropriate Native American Tribe(s), and the City of Chico shall confer regarding mitigation of the discovered resource(s). Work shall not resume in the area until mitigation has been completed or it has been determined that the archaeological resource(s) is not significant.
- CR-2:** If human remains are encountered, 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 the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the 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. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and

items associated with Native American burials.

CULTURAL RESOURCES MITIGATION MONITORING: Prior to commencement of and during construction activities, the Public Works staff shall ensure that the mitigation measures are implemented through inclusion in construction contracts, project plans and field inspections by the Public Works - Engineering Department. Should cultural resources or human remains be encountered, the supervising contractor will be responsible for reporting any such findings to the Public Works - Engineering Department.

Implementation of the above measures 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**.

GREENHOUSE GAS EMISSIONS MITIGATION MEASURE

CC-1: The contractor must comply with all local Air Quality Management District rules, ordinances, and regulations for air quality restrictions, which include the following relevant measures:

- *Rule 200 – Nuisance.* No person shall discharge from any non-vehicular source such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property
- *Rule 201 – Visible Emissions.* No person shall discharge into the atmosphere from any single non-vehicular source of emission whatsoever any air contaminant, other than uncombined water vapor, for a period or periods aggregating more than three (3) minutes in any one hour which is:
 - As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart as published by the U.S. Bureau of Mines; or,
 - 2.2 Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Section 1 of this Rule.
- *Rule 202 – Particulate Matter Concentration.* A person shall not discharge into the atmosphere from any source particulate matter in excess of 0.3 grains per cubic foot of gas at standard conditions. When the source involves a combustion process, the concentration must be calculated to 12 percent (12%) carbon dioxide (CO₂). In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the CO₂ produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation of 12 percent (12%) of CO₂.
- *Rule 205 – Fugitive Dust Emissions.* The purpose of this Rule is to reduce ambient concentrations and limit fugitive emissions of fine particulate matter (PM₁₀) from construction activities, bulk material handling and storage, carryout and track-out, and similar activities, weed abatement activities, unpaved parking lots, unpaved staging areas, unpaved roads, inactive disturbed land, disturbed open areas, and windblown dust.

GREENHOUSE GAS EMISSIONS MITIGATION MONITORING: Prior to commencement of and during construction activities, the Public Works staff shall ensure that the mitigation measures are implemented through inclusion in construction contracts, project plans and field inspections by the Public Works - Engineering Department.

Implementation of the above measure will minimize potentially significant impacts related to greenhouse gas emissions to a level that is considered **less than significant with mitigation incorporated**.

HAZARDOUS MATERIALS MITIGATION MEASURES:

HAZ-1: As is the case for any project that proposes excavation, the potential exists for unknown hazardous contamination to be revealed during project construction. If soil contaminated by hazardous waste is discovered during construction, proper hazardous waste handling and emergency procedures under 40 CFR § 262 and Division 4.5 of Title 22 CA Code of Regulations shall be followed.

HAZ-2: To determine if aerially deposited lead, chlorinated pesticides, herbicides, heavy metals, petroleum hydrocarbons: TPH gasoline, TPH as diesel, TPH motor oil, BTEX, MTBE, or VOCs are present within the project area, a Preliminary Site Investigation (PSI) of shallow soil along the proposed bikeway shall be performed.

HAZ-3: Any leaking transformers observed during the course of the project should be considered a potential polychlorinated biphenyl (PCB) hazard. A detailed inspection of individual electrical transformers was not conducted for this Phase I Environmental Site Assessment, prepared by WRECO in July 2019 and approved by Caltrans on August 7, 2019 (see Appendix E), (Initial Site Assessment 2019). However, should leaks from electrical transformers (that will either remain within the construction limits or will require removal and/or relocation) be encountered during construction, the transformer fluid should be sampled and analyzed by qualified personnel for detectable levels of PCB's. Should PCBs be detected, the transformer should be removed and disposed of in accordance with Title 22, Division 4.5 of the California Code of Regulations and any other appropriate regulatory agency. Any stained soil encountered below electrical transformers with detectable levels of PCB's should also be handled and disposed of in accordance with Title 22, Division 4.5 of the California Code of Regulations and any other appropriate regulatory agency.

HAZARDOUS MATERIALS MITIGATION MONITORING: Prior to commencement of and during construction activities, the Public Works staff shall ensure that the mitigation measures are implemented through inclusion in construction contracts, project plans and field inspections by the Public Works - Engineering Department. Should unknown hazardous waste, contamination or leaky transformers be encountered, the supervising contractor will be responsible for reporting any such findings to the Public Works - Engineering Department.

Implementation of the above measures will minimize potentially significant impacts related to the exposure of hazardous materials to a level that is considered **less than significant with mitigation incorporated**.

HYDROLOGY AND WATER QUALITY MITIGATION MEASURES:

WQ-1: To conform to water quality requirements, the SWPPP must include the following:

- Vehicle maintenance, staging and storing equipment, materials, fuels, lubricants, solvents, and other possible contaminants must be a minimum of 100 feet from surface waters. Any necessary equipment washing must occur where the water cannot flow into surface waters. The project specifications will require the contractor to operate under an approved spill prevention and clean-up plan;
- Construction equipment will not be operated in flowing water;
- Construction work must be conducted according to site-specific construction plans that minimize the potential for sediment input to surface waters;

- Raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to aquatic life shall be prevented from contaminating the soil or entering surface waters;
- Equipment used in and around surface waters must be in good working order and free of dripping or leaking contaminants; and
- Any concrete rubble, asphalt, or other debris from construction must be taken to an approved disposal site.

WQ-2: Contract specifications will include the following Best Management Practices (BMPs), where applicable, to reduce erosion during construction:

- Implementation of the project will require approval of a site-specific SWPPP that would implement effective measures to protect water quality, which may include a hazardous spill prevention plan and additional erosion prevention techniques;
- Existing vegetation will be protected in place where feasible to provide an effective form of erosion and sediment control;
- Stabilizing materials will be applied to the soil surface to prevent the movement of dust from exposed soil surfaces on construction sites as a result of wind, traffic, and grading activities.

HYDROLOGY AND WATER QUALITY MITIGATION MONITORING: Prior to commencement of and during construction activities, the Public Works staff shall ensure that the mitigation measures are implemented through inclusion in construction contracts, project plans and field inspections by the Public Works - Engineering Department.

Implementation of the above measures will minimize potentially significant impacts to water quality to a level that is considered **less than significant with mitigation incorporated**.

NOISE MITIGATION MEASURE:

NOI-1: Construction work of a structure will be allowed between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays, and 7:00 a.m. and 9:00 p.m. on other days and the noise level at any point outside of the property plane of the Project shall not exceed 86 dBA.

NOISE MITIGATION MONITORING: Prior to commencement of and during construction activities, the Public Works staff shall ensure that the mitigation measure will be implemented through inclusion in construction contracts, project plans and field inspections by the Public Works - Engineering Department.

Implementation of the above measure will minimize potentially significant noise impacts generate by the project to a level that is considered **less than significant with mitigation incorporated**.

TRANSPORTATION MITIGATION MEASURE:

TRA-1: Temporary impacts to traffic flow as a result of construction activities would be minimized through construction phasing and signage and a traffic management plan (TMP).

TRANSPORTATION MITIGATION MONITORING: Prior to commencement of and during construction activities, the Public Works staff shall ensure that the mitigation measure is implemented through inclusion in construction contracts, project plans and field inspections by the Public Works - Engineering Department. Public Works staff will ensure that a traffic management plan is prepared for the project and that traffic signage is posted prior to the start of construction.

Implementation of the above measures will minimize potentially significant impacts related to traffic flow during project construction to a level that is considered **less than significant with mitigation incorporated**.

Prepared by:



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11/4/2019
Date

Adopted by:



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11/4/19
Date