



# 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:** Pomona Avenue Bridge Replacement Project (Capital Project #50233)

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

**PROJECT LOCATION:** The project site is located on Pomona Avenue at the southwestern limits of the City of Chico, Butte County, California, within the United States Geological Survey (USGS) “Chico” quadrangle, Section 34, Township 22N, Range 01E.

**PROJECT DESCRIPTION:** The proposed project will replace the existing bridge along a similar alignment as the existing structure. The new bridge will accommodate two 11-foot travel lanes, 5-foot shoulders and 5-foot sidewalks. The profile will be raised slightly to maintain the same bridge soffit elevation as the existing structure. The replacement bridge is anticipated to be a single-span, cast-in-place post-tensioned concrete slab, approximately 75 feet long. Construction of the bridge will involve excavation for and construction of concrete abutments, founded on cast-in-drilled-hole concrete piles. Other temporary work within Little Chico Creek includes removal of the existing structure, falsework erection and removal, and installation of scour countermeasures at the abutments. Little Chico Creek is a seasonal creek and construction is anticipated to proceed when the creek is dry, thus a temporary water diversion system will not be required. Construction of the roadway approaches will involve the removal of existing pavement and placement of roadway fill material, aggregate base and hot mix asphalt pavement. New curb, gutter, and sidewalk will be constructed on the north and south side of the roadway and will connect with existing pedestrian facilities. During construction, Pomona Avenue will be closed to traffic and a detour route made available. Vehicular traffic would be able to cross Little Chico Creek on Walnut Street, just north of the project site. The maximum detour length is just over 1 mile. All construction staging will occur on the closed Pomona Avenue. Tree removal and removal of other vegetation along the creek will be necessary for the project.

**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. (CV Spring-run Chinook Salmon, CCV Steelhead, CCV Steelhead Critical Habitat, and Chinook Salmon EFH):** The following measures, when implemented, will avoid and minimize impacts to anadromous fishes, their critical habitat, and 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 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 BMPs shall be created and implemented prior to the wet season (November 1 – April 1) in order to avoid sediment from entering into 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 NMFS, 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 replacement of the bridge over Little Chico Creek, the applicant shall compensate for impacts to 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. (VELB):** The following measures, when implemented, will avoid and minimize impacts to 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 the Project specifics and defined by the qualified biologist.
- 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  $\geq 1$  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.

Additionally, prior to any ground-disturbing activities, the applicant shall compensate for direct impacts to 0.02 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 USFWS Biological Opinion.

**MITIGATION MONITORING D.2:** Public Works staff shall document the final purchase of required mitigation credits, or other methods 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.3. (Western Pond Turtle):** Immediately prior to initial ground disturbance within 200 feet of suitable aquatic habitat, a clearance survey will be conducted by a qualified biologist within the project limits for western pond turtle. If a turtle is observed in the project limits during construction, the biologist will:

1. relocate the turtle(s) outside of the work area; or
2. create a species protection buffer (determined by the biologist) until the turtle(s) have left the work area.

The biologist will report observations and relocations to the City in a clearance survey report.

*MITIGATION MONITORING D.3.:* Public Works staff will require final copies of the clearance survey reports for western pond turtle.

**MITIGATION D.4. (Pallid Bat):** 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. (Nesting Migratory Birds and Raptors):** 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.
- All inactive nests should be removed from the existing bridge during the avian non-nesting season, so as to deter avian species from nesting on the bridge. Inactive nests

removed during the nesting season (February 1 – August 31) must be surveyed prior to removal and removed by a qualified biologist.

- 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. (Aquatic and Biological Resources):** Prior to commencing construction, the City shall have available the final copies of the permits and authorizations required by the 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 0.04 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. (Trees):** Trees with a DBH of 4 inches or greater removed from the banks of Little Chico Creek will be mitigated for onsite and in-kind at a 2:1 ratio.

**MITIGATION MONITORING D.4:** Public Works staff will ensure appropriate saplings are planted following the completion of construction activities.

## **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 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.

## **G. GEOLOGY/SOILS MITIGATION MEASURES:**

**MITIGATION G.1. (Geology/Soils):** See Mitigation E.1. (Cultural Resources)

## **I. HAZARDS/HAZARDOUS MATERIALS MITIGATION MEASURES:**

**MITIGATION I.1. (Hazards):** Prior to any ground-disturbing or demolition activities, the following evaluations, screenings and material handling protocols shall occur:

- Prior to demolition, the bridge structure shall be evaluated by a CAC for the presence of asbestos.
- Prior to demolition, the bridge structure shall be evaluated by a CLA for the presence of lead-based paint.
- Wood guard rail supports will be handled as TWW.
- If roadway striping material will be removed by grinding or planing, the paint should be tested for hazardous concentrations of heavy metals.
- Soil adjacent to the corners of the bridge should be screened for the presence of aerially deposited lead prior to initiation of demolition and construction activities.



Should any of the constituents of concern be found in excess concentrations, the applicant shall prepare a Soil Management Plan (SMP), Asbestos Abatement Plan (AAP) or equivalent report addressing specific hazardous materials, shall be implemented and distributed to construction personnel. The plans shall establish protocols for handling, sampling, storage, and disposal of any suspected hazardous materials generated during construction activities.

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

#### **J. HYDROLOGY/WATER QUALITY MITIGATION MEASURES:**

**MITIGATION J.1. (Hydrology):** Prior to grading and ground-disturbance, the applicant shall consult with Central Valley Flood Protection Board to determine if an Encroachment Permit is necessary for the proposed project. If an Encroachment Permit is required, 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:* If required, 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.

#### **M. NOISE MITIGATION MEASURES:**

**MITIGATION 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. With implementation of these standard construction-period specifications, the project will not result in excessive construction-period noise effects.

1. Project-related noise-generating activities at, or adjacent to, the construction site shall comply with the Chico Municipal Code Section 9.38.060.B. and shall be restricted to the hours of 7:00 a.m. to 9:00 p.m., Monday through Saturday. Should it become necessary to work on Sundays or holidays, construction hours shall be limited to 10:00 a.m. to 6:00 p.m. Should it become necessary to work after 9:00 p.m. and before 7:00 a.m., businesses will be notified, and the generated noise levels will be subject to a special provision that would prohibit noise from exceeding 83 dBA at a distance of 25 feet from the source.
2. All internal combustion engine driven equipment shall be equipped with the appropriate intake and exhaust mufflers, which are in good condition.
3. "Unnecessary" idling of internal combustion engines shall be strictly prohibited.
4. Avoid staging construction equipment within 200 feet of residences and locate all stationary noise-generating construction equipment as far as practical from existing noise receptors. Construct temporary barriers to screen noise generating equipment when located in areas adjoining noise-sensitive land uses.

5. "Quiet" air compressors and other stationary noise sources shall be used when applicable.
6. All construction traffic shall be routed to and from the project site via designated truck routes. Construction-related heavy truck traffic shall be prohibited in residential areas where feasible. Construction truck traffic shall be prohibited in the project vicinity during non-allowed hours.
7. The businesses, residents and schools in the project area shall be notified in writing by the City of the construction schedule.
8. The City shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint and implement reasonable measures to correct the problem. The contractor shall visibly post the telephone number for the disturbance coordinator at the construction site. The City shall include the telephone number in the notice sent to residents regarding the construction schedule.

**MITIGATION MONITORING M.1:** The supervising contractor shall be responsible for ensuring that project-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 MEASURES:**

**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.

**S. UTILITIES AND SERVICE SYSTEMS MITIGATION MEASURES:**

**MITIGATION S.1. (Utilities and Service Systems):** See Mitigation D.6. (Biological Resources)

I have reviewed the Initial Study prepared for the Pomona Avenue Bridge Replacement Project and the mitigation measures identified therein. I hereby incorporate and include all mitigation measures into the project.

**Project Applicant:**  4/6/21  
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Director of Public Works – Engineering  
Date

**Prepared by:**  4/6/21  
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Date

**Adopted by:**  4/6/21  
Brendan Vieg — City of Chico  
Community Development Director  
Date