



MITIGATED NEGATIVE DECLARATION & MITIGATION MONITORING PROGRAM

CITY OF CHICO PLANNING DIVISION

Based upon the analysis and findings contained within the attached initial study, a mitigated negative declaration is proposed by the City of Chico Planning Division for the following project:

PROJECT NAME AND NUMBER: Verbena Fields Restoration Project (ER 05-05)

APPLICANT'S NAME: City of Chico, P.O. Box 3420, Chico, CA 95927

PROJECT LOCATION: North side of E. 1st Avenue, between Verbena Avenue and Spanish Oak Circle in east Chico; 045-770-017 & 015-470-900

PROJECT DESCRIPTION: The City of Chico is proposing a joint project with the Big Chico Creek Watershed Alliance to restore floodplain and habitat on the 15.19-acre site owned by the City. From the late 1930s to approximately 1964, the Butte Creek Rock Company operated an aggregate quarry on the site. The gravel mining operations left uneven topography, including numerous piles of concrete and building rubble, and removed most of the natural vegetation.

Based on public input and the planning and investigative efforts of the City and its consultant team, a conceptual restoration design was formulated for the site. To guide the design process, the following project Goals and Objectives were developed and utilized during project planning:

Goal 1: Create and restore a mosaic of natural habitats at the site.

- Restore floodplain and riparian habitat and reinvigorate fluvial processes.
- Increase the extent and quality of existing wetland habitat.
- Restore and expand native grasslands for the benefit of terrestrial and avian species.

Goal 2: Control invasive species.

- Remove existing invasive species and establish management procedures to control their reintroduction and spread.

Goal 3: Provide opportunities for the Mechoopda Indian Tribe of Chico Rancheria to propagate vegetative species of cultural significance.

Goal 4: Provide educational opportunities and interpretive information at the site regarding floodplains, wetlands, invasive species, stormwater best management practices, and a history of disturbance at the site relative to restoration.

Based on the Project Goals and Objectives, the following actions are proposed to restore and enhance the project site:

1. Restore form and function to the left-bank floodplain of Lindo Channel through the project site.
2. Remove asphalt paving, concrete, and sorted material piles from the floodplain of Lindo Channel and surrounding natural area.
3. Create a backwater area in Lindo Channel that, during times of higher stream stage, connects to existing seasonally inundated wetlands.

4. Install clear span bridges over wetlands and backwater area to enable trail access without creating any constriction on channel or wetland processes.
5. Expand and improve the quality of the existing seasonally inundated wetlands; relocate cobble pile.
6. Construct pedestrian trails to enhance site access.
7. Provide bio-engineered improvements for existing storm drains.
8. Plant native vegetation and protect sensitive areas with bio-engineered erosion control measures.
9. Create the “high terrace” interpretive area and interpretive panels at key locations on the site.

The restoration project involves approximately 14 acres. Improvements include grading, pathways, benches, signs, minimal (if any) irrigation, culverts, fencing, and landscaping with native material. The property will be graded in select locations to allow seasonal flooding from Lindo Channel. Approximately 6,000 cubic yards of grading and the ripping of approximately 110,000 s.f. of land area, along with the removal of asphalt from the site and burying on-site concrete which totals approximately 55,520 s.f.

MITIGATION MEASURES: The attached initial study indicates that 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 each identified impact:

1. IMPACT B.1 (Air Quality): Construction activities associated with the project may cause short-term nuisance dust, or particulate matter. Although construction activities will be relatively minor, the project would contribute to cumulative air quality impacts in the region.

MITIGATION MEASURE B.1 (Air Quality): To minimize fugitive dust during construction activities and ensure enforcement of General Plan policies pertaining to air quality, the following mitigation measures shall be included in all future construction plans and documents for the subject parcels:

- a. All grading operations shall be suspended when winds exceed 20 miles per hour as directed by the BCAQMD.
- b. Provide temporary traffic control during all phases of construction to improve traffic flow (e.g. flag persons) as determined appropriate by the Department of Public Works
- c. Water active construction sites at least twice daily as directed by the Department of Public Works. Frequency should be based on the type of operation, soil, and wind exposure.
- d. All trucks hauling dirt, sand, soil, or other loose materials should be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the trailer in accordance with the requirements of CVC Section 23114). This provision is enforced by local law enforcement agencies.
- e. Sweep streets at the end of the day if visible soil materials are carried onto adjacent public paved roads (recommend water sweeper with reclaimed water).
- f. Cover inactive storage piles.
- g. Post a publicly visible sign with the telephone number and 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 Rule 201 & 207 (Nuisance and Fugitive Dust Emissions).

MITIGATION MONITORING B.1 (Air Quality): Public Works Engineering Division staff, Park Division staff, and Planning Division staff will review final construction plans and documents to ensure that the above mitigation measures are included in such plans/documents prior to construction. Public Works Division staff and Park Division staff will monitor construction activities to ensure implementation of the above measures.

MITIGATION MEASURE B.2 (Air Quality): The following General Plan Implementing Policies shall be implemented as part of the project:

- OS-I-9: Require applicants whose development would result in construction-related exhaust emissions to minimize such emissions by maintaining equipment engines in good condition and in proper tune, according to manufacturer’s specifications, and by not allowing construction equipment to be left idling for long periods during smog season (May through October).

MITIGATION MONITORING B.2 (Air Quality): Park Division staff and Public Works Engineering Division staff will review final grading plans to ensure that the above measures are incorporated into the construction documents.

2. IMPACT C.1 (Biological Resources- Valley Elderberry Longhorn Beetle): The temporary construction may impact an existing elderberry shrub on the site, which is potential habitat for the Valley Elderberry Longhorn Beetle.

MITIGATION MEASURE C.1. (Biological Resources- Valley Elderberry Longhorn Beetle): Prior to any ground disturbing or construction activities within 100 feet of the identified elderberry shrub, the City shall consult with the U.S. Fish and Wildlife Service. The City shall install and maintain a 4-foot high construction fence around the perimeter of the elderberry shrub. No grading or any other ground disturbing activities shall be conducted within the fenced protected area without prior verification that the requirements of the USFWS have been satisfied including the issuance of any necessary permits.

City shall avoid and protect the VELB habitat (elderberry stalks one inch in diameter or greater) where feasible. Where avoidance is infeasible, the City shall develop and implement a VELB mitigation plan in accordance with the most current USFWS mitigation guidelines for unavoidable take of VELB habitat pursuant to either Section 7 or Section 10(a) of the Federal Endangered Species Act. The mitigation plan shall include, but might not be limited to, relocation of elderberry shrubs, planting of elderberry shrubs, and monitoring of relocated and planted elderberry shrubs.

MITIGATION MONITORING C.1. (BIOLOGICAL RESOURCES - Valley Elderberry Longhorn Beetle): Prior to issuance of grading permits, the Park Division and Planning Division shall confirm that the required consultation with the USFWS has occurred and that all mitigation measures have been included in the final grading plans.

3. IMPACT C.2 (Biological Resources- Swainson’s hawk): The temporary construction may potentially impact Swainson’s hawk nesting site in the project area.

MITIGATION MEASURE C.2 (Biological Resources- Swainson’s hawk): A CDFG-recommended protocol-level survey shall be required prior to construction to determine if nesting Swainson’s hawks occur within 0.5 mile of the site. If Swainson’s hawks are found nesting within 0.5 mile of the BSA appropriate mitigation per the *Staff report regarding mitigation for impacts to Swainson’s hawks (Buteo swainson) in the Central Valley* (CDFG 1994) will be required.

MITIGATION MONITORING C.2 (Biological Resources- Swainson’s hawk): Prior to construction, Planning Division staff and Park Division staff will verify that the protocol-level survey has been conducted and appropriate mitigation measures identified by Fish and Game protocol are implemented.

4. IMPACT C.3 (Biological Resources- Other Nesting Raptors): The temporary construction may potentially impact nesting raptors in the project area.

MITIGATION MEASURE C.3. (BIOLOGICAL RESOURCES - Other Nesting Raptors): The City shall be required to hire a qualified biologist or ornithologist to conduct preconstruction field surveys in and adjacent to the project area for nesting raptors prior to any tree removals and prior to issuance of a grading permit (or grading permits for sequential, phased grading activities). Surveys shall be conducted during the season immediately preceding tree removal and grading operations when birds are building and defending nests or when young are still in nests and dependent on the parents. If no raptor nests are found during the surveys, grading and tree removal may proceed unconstrained by conflicts with raptors. If raptor nests are found, construction activities including tree removal shall not be conducted within 300 feet of the nest(s) until after the raptor breeding season (February to the end of August). The City may prevent impacts on nesting raptors by delaying issuance of a grading permit for an area where raptor nests have been found until the birds have left the nest. The time of the bird’s departure must be determined by a qualified biologist.

MITIGATION MONITORING C.3. (BIOLOGICAL RESOURCES - Other Nesting Raptors): The City Planning Division will coordinate with the City Park Division to ensure the timely submittal of raptor nest surveys from qualified biologists or ornithologists. If raptor nests are discovered through these surveys, the Planning Division staff and Park Division staff will not allow grading to proceed until such time as determined to be appropriate according to the consulting biologist/ornithologist.

5. IMPACT C.4 (Biological Resources- Burrowing Owl): The temporary construction may impact habitat for the Burrowing Owl.

MITIGATION MEASURE C.4. (Biological Resources- Burrowing Owl): A pre-construction breeding-season survey (approximately April 15 through July 15) during the same calendar year that construction is planned to begin. The survey shall be conducted by a qualified biologist to determine if any burrowing owls are nesting on or directly adjacent to any proposed project site. If the above survey does not identify any nesting burrowing owls on the project site, then no further mitigation would be required. However, should any burrowing owls be found nesting on the project site, then the following mitigation measure shall be required.

- During the construction stage, the City of Chico in consultation with the CDFG, shall avoid all burrowing owl nest sites potentially disturbed by project construction during the breeding season while the nest is occupied with adults and/or young, between March 1st through July 15th. The occupied nest site shall be monitored by a qualified biologist to determine when the nest is no longer used. Avoidance shall include the establishment of a 300-foot to 400-foot diameter non-disturbance buffer zone around the nest site. Disturbance of any nest sites shall only occur outside of the breeding season and when the nests are unoccupied based on monitoring by a qualified raptor biologist. The buffer zone shall be delineated by highly-visible temporary construction fencing.
- Based on approval by CDFG, pre-construction and pre-breeding season exclusion measures may be implemented to preclude burrowing owl occupation of the project site prior to project-related disturbance. Burrowing owls can be passively excluded from potential nest sites in the construction area, either by closing the burrows or placing one-way doors in the burrows according to current CDFG protocol. Burrows shall be examined not more than 30 days before construction to ensure that no owls

have recolonized the area of construction. For each burrow destroyed, a new burrow shall be created (by installing artificial burrows at a ratio of 2:1 on protected lands nearby).

MITIGATION MONITORING C.4 (Biological Resources- Burrowing Owl): Prior to grading, Park Division staff and Planning Division staff will verify that the required survey is conducted between February 1 through August 31.

6. IMPACT C.5 (Biological Resources- Wetlands): The restoration project will impact wetlands on the subject property.

MITIGATION C.5 (Biological Resources- Wetlands): No grading or any other ground disturbing activities shall be conducted within the fenced protected areas without prior verification that the requirements of the U.S. Army Corps of Engineers (Section 404 permit) and U.S. Fish & Wildlife Service (Section 7 Consultation) have been satisfied with regard to the restoration within, and expansion of, the existing wetland in the northwest quadrant of the site.

A formal wetland delineation shall be conducted for the proposed restoration work and shall be submitted to the Corps for verification. Prior to any grading or site work on the site, the wetland delineation for the site shall be submitted to the Corps and the appropriate Section 404 permit shall be obtained. A Regional Water Quality Control Board Section 401 water quality certification or waiver shall also be obtained prior to grading. Any wetlands that would be disturbed shall be restored in accordance with the Corps' mitigation guidelines.

Prior to grading, a Streambed Alteration Agreement shall be obtained from the California Department of Fish and Game pursuant to Section 1600 of the California Fish and Game Code for all activities proposed within the banks of Lindo Channel.

MITIGATION MONITORING C.5 (Biological Resources- Wetlands): Prior to issuance of a grading permit, Planning Division staff and Parks Division staff will verify that appropriate permits/clearances have been obtained from the U.S. Army Corp of Engineers and USFWS.

MITIGATION C.6 (Biological Resources- Wetlands): Prior to any ground disturbing activities including implementation of any grading and/or improvement plans on the subject site, the applicant shall install and maintain a 4-foot high construction fence around the perimeter of the identified wetland/vernal pool areas to remain on the project site at a minimum of 100 feet away from its boundary, unless a lesser distance is approved by the Army Corps of Engineers. Planning Division staff and Park Division staff shall conduct a pre-construction (pre-ground disturbance) site meeting with the supervising contractor prior to construction to verify that all protective fencing has been installed.

MITIGATION MONITORING C.6 (Biological Resources- Wetlands): Prior to any on-site construction within 100 feet of the on-site wetland, Planning Division staff, Building Division staff, and Public Works Division staff will verify that construction fencing has been installed and that the applicant has obtained all necessary permits from the U.S. Army Corp of Engineers and U.S. Fish & Wildlife Service pursuant to the Clean Water Act and Endangered Species Act.

7. IMPACT C.6 (Biological Resources- Anadromous Fish): The temporary construction work will result in physical changes to the bed and bank of Lindo Channel which provides potentially suitable spawning and rearing habitat for several special-status anadromous fish species.

MITIGATION MEASURE C.7 (Biological Resources- Anadromous Fish): As required by federal regulation, the City of Chico shall consult with the National Marine Fisheries Service (NMFS) and USFWS in conjunction with the Clean Water Act Section 404 permitting and shall implement measures necessary to protect special-status fish species, which shall include, but not be limited to, the following:

- Construction shall occur between July 1 and October 1 (or a period requested by the NMFS) to work outside of the season in which juvenile or migrating salmonids are present in the system.

MITIGATION MONITORING C.7 (Biological Resources- Anadromous Fish): Prior to construction, the City will be responsible for conducting the Section 7 consultation with the NMFS and developing the mitigation plan and any measures required by the National Marine Fisheries Service.

8. IMPACT C.6 (Cultural Resources): There is the possibility that potentially significant unidentified cultural materials could be encountered on or below the surface during the course of project construction activities.

MITIGATION MEASURE D.1 (Cultural Resources): Park Division staff and Planning Division staff shall require that a note 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 ground disturbing activities, all project operations shall be halted within the area of the find pending an examination of the site and materials by a professional archaeologist. The professional archaeologist shall assess the significance of the find and prepare appropriate mitigation measures for review by the Planning Director. All mitigation measures determined by the Planning Director to be appropriate for this Project shall be implemented pursuant to the terms of the archaeologist’s report.”

MITIGATION MONITORING D.1 (Cultural Resources): Prior to construction, Park Department staff and Planning Division staff will ensure that the above note is incorporated into all construction contracts/documents/plans to ensure contractor knowledge and responsibility for the proper implementation of this mitigation measure. Should cultural resources be encountered, the supervising inspector shall be responsible for reporting any such findings to the Planning Division, and a qualified archaeologist will be contacted to conduct meetings with on-site employees and to monitor the referenced mitigation measures.

Prepared by: _____
Patrick Murphy, Senior Planner

Date

Adopted by: _____
City Council

Date