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:** Southeast Trunk Sewer Project 17-A (Capital Project No. 50366)

**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 in the southwest portion of the City of Chico, south of Meyers Street and north of Otterson Drive, between the Midway and Estes Road, Chico, Butte County, CA. APNs 039-410-013, 039-060-143 and 039-060-144.

**PROJECT DESCRIPTION:** The proposed project involves the installation of approximately 4,450 linear feet of 27-inch diameter sanitary sewer trunk line along an abandoned railroad grade from the Midway/Hegan Lane intersection northwesterly to Estes Road. The new gravity sewer line will cross beneath the Comanche Creek channel and connect to an existing 33-inch sewer trunk line at Estes Road. Open trench depths will range from 10-15 feet. An inverted siphon will be installed below Comanche Creek utilizing trenchless boring techniques to avoid impacts to jurisdictional waters. Boring depths will be approximately 10 feet below the creek bed. Launching and receiving pits will be excavated on either side of the channel to accommodate the bore equipment. The trunk line is proposed to be installed along the center of the railroad grade, where possible, to minimize impacts to existing trees. There are no permanent above ground structures associated with the project. Minor utility relocations will be necessary to accommodate the new sewer infrastructure. The project, included in the Sanitary Sewer Master Plan Update (2013), is required to service the future development anticipated in southeastern Chico, as identified in the Chico 2030 General Plan (adopted April 2011 and amended March 2017) and analyzed in the General Plan Environmental Impact Report (GPEIR) (SCH # 2008122038).

**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).

**MITIGATION MEASURE D.1. (Biology - Valley Elderberry Longhorn Beetle)**

- All elderberry shrubs shall be avoided during construction activities by establishing a no disturbance buffer around any elderberry shrubs containing stems measuring 1-inch or greater at ground level.
- ESA fencing or other appropriate barriers shall be established around elderberry shrubs prior to the start of construction activities.
- Signs shall be established around the buffer with the following language: “This is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines and imprisonment.”
- Prior to commencement of construction, contractors and work crews that are onsite for more than 30 minutes, shall go through a worker environmental awareness training (WEAT) regarding avoidance of elderberry shrubs and the possible penalties for not complying with these requirements. The training can be given by a qualified biologist or the Foreman, if the Foreman has been trained by the qualified biologist to conduct the WEAT. Written documentation of the completion of WEAT shall be provided to the City and include a sign in sheet with all participants signatures.
- The Project shall not result in effects to elderberry shrubs which include trimming, damaging, removal or modification to elderberry shrubs. If effects to shrubs measuring 1-inch or greater at ground level are
inevitable, then consultation with the USFWS and mitigation for effects to elderberry shrubs shall take place prior to effects occurring.

- No insecticide, herbicide, fertilizers, or other chemicals that might harm the beetle or its host plant should be used in the buffer areas (buffer areas to be established by a professional biologist), or within 100 feet of any elderberry shrub with one or more stems measuring 1.0 inch or greater in diameter at ground level.

MITIGATION MONITORING D.1 (Biology - Valley Elderberry Longhorn Beetle): 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. Prior to construction, Public Works staff will coordinate with the consulting biologist worker environmental awareness training and ensure ESA fencing or other appropriate barriers have been installed around elderberry shrubs by the construction contractor.

Implementation of the above measure will avoid potential violations of the Endangered Species Act of 1973, as amended, and will reduce potential impacts to Valley Elderberry Longhorn Beetle to a level that is considered less than significant with mitigation incorporated.

MITIGATION D.2. (Biology - Western Pond Turtles)

- Before initiating any ground disturbances, restrictive silt fencing will be installed along the boundaries of the construction area to prevent wildlife (i.e., reptiles, mammals, birds, etc.) from entering the construction site from the adjacent aquatic settings and to prevent construction equipment and personnel from entering sensitive habitat from the construction site.
- Immediately prior to conducting work within western pond turtle habitat, a qualified biologist shall conduct a western pond turtle pre-construction survey.
- If western pond turtles are identified in an area where they will be impacted by Project activities, then the biologist will relocate the turtles outside of the work area or create a species protection buffer (determined by the biologist) until the turtles have left the work area.

MITIGATION MONITORING D.2 (Biology - Western Pond Turtles): 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 western pond turtle survey with the consulting biologist immediately before any ground disturbance in western pond turtle habitat. If western pond turtle is encountered, staff will ensure that construction activities are delayed until a qualified biologist has determined that there will be no harm to the species.

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

MITIGATION D.3 (Biology - Hawks, Owls, Kites and Migratory Birds)

- Vegetation removal should be conducted during the non-breeding season (September 1- January 31). If vegetation removal or construction activities occur during the avian breeding season (February 1 – August 31), then a migratory bird and raptor survey shall be conducted by a qualified biologist to identify any active nests (i.e., nests that contain egg(s) or young) within the BSA. A qualified biologist shall:
  - Conduct a survey for all special-status bird species and birds protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC) within seven (7) days prior to vegetation removal or construction activities. The survey shall cover the area within the BSA and 250 feet outside of the BSA where accessible.
  - If an active nest is found, then the biologist will map the nest location and establish an appropriate species protection buffer around the active nest(s) as determined by the biologist. Construction and vegetation removal activity shall be prohibited within the buffer until the young have fledged (i.e., fly) or the nest fails. Nests shall be monitored once per week and written findings reported to the City (e-mail OK).
  - Conduct an additional migratory bird and raptor survey if vegetation removal and/or construction stops for more than 15 days. The survey shall be conducted within seven (7) days prior to the continuation of activities.
MITIGATION MONITORING D.3 (Biological Resources): 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 coordinate a pre-construction migratory bird and raptor survey with the consulting biologist 7 days prior to commencing 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 measure will avoid potential violations of the Migratory Bird Treaty Act of 1918, as amended, and will reduce potential impacts to migratory birds and raptors to a level that is considered less than significant with mitigation incorporated.

MITIGATION D.4 (Biology – Giant Garter Snake)
Due to the closed canopy environment that occurs along Comanche Creek and the absence of basking and winter hibernacula areas within the BSA, no restrictive GGS work window is recommended in upland areas of the project site. If the proposed project does not involve work within the creek the following avoidance and minimization measures will be utilized at the project site:

- A pre-construction survey shall be conducted 24 hours before any ground disturbance activities around the creek channel. The survey shall be repeated if there is a lapse in construction for two weeks or more.
- A qualified biologist will be present on-site during vegetation removal to monitor for GGS.
- If a GGS is encountered during construction activities, then construction shall stop within the area of the sighting until the snake has left the work area or a qualified biologist has determined that there will be no harm to the snake. Any sightings or incidental take shall be reported to the USFWS and CDFW within 24 hours.
- Before initiating any ground disturbances, restrictive silt fencing will be installed along the construction boundaries to prevent wildlife (i.e., reptiles, mammals, birds, etc.) from entering the construction site from the adjacent aquatic settings and to prevent construction equipment and personnel from entering potential habitat from the construction site.
- Prior to commencement of construction, contractors and work crews that are onsite for more than 30 minutes, shall go through a worker environmental awareness training (WEAT) regarding avoidance of GGS and the possible penalties for not complying with these requirements. The training can be given by a qualified biologist or the Foreman that has been trained by the qualified biologist to conduct the WEAT.

Implementation of the above mitigation measure and monitoring will avoid potential impacts to Giant Garter Snake to a level that is considered less than significant with mitigation incorporated.

MITIGATION MONITORING D.4 (Biological Resources): 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 coordinate with the consulting biologist worker environmental awareness training, as well as a pre-construction GGS survey 24 hours before any ground disturbance activities around the creek channel. Staff will also arrange to have a biologist on-site during vegetation removal to monitor for GGS. If GGS is encountered, staff will ensure that construction activities are delayed until a qualified biologist has determined that there will be no harm to the snake.

Implementation of the above mitigation measure and monitoring will avoid potential impacts to Giant Garter Snake to a level that is considered less than significant with mitigation incorporated.

MITIGATION D.5 (Biology – Valley Foothill Riparian and Valley Oak Woodland)
- Project design shall avoid oak trees and riparian habitat, including the critical root zone (CRZ), to the maximum extent feasible.
- When working within close proximity of trees identified for preservation, activities shall comply with the following tree preservation Best Management Practices, which shall be included in the tree removal and construction contracts for the project:
  - Pruning of branches that are in the path of any access roads or work areas on the site shall be conducted to the minimum height requirements of the construction equipment prior to the start of construction activities to prevent breaking of or damage to the branches. The pruning of branches shall be conducted per current ANSI A300 pruning standards and under the supervision of a Certified Arborist.
If excavation work is conducted within the Critical Root Zone of a tree proposed for preservation, a Certified Arborist shall be on-site to monitor the excavation activities. The CRZ typically corresponds to the dripline of the tree or a radius equal in feet to the number of inches of the tree’s diameter at breast height (DBH), whichever is greater.

The practice of “directional root pruning” shall be used to prune roots in conflict with planned improvements. Directional root pruning is accomplished by pruning main roots back to lateral roots, similar in concept to pruning limbs in the canopy. The techniques are defined more thoroughly below.

- Avoid grubbing of vegetation using equipment that breaks the ground surface.
- If possible, instead of excavating an open trench for pipe or conduit installation, tunnel under the root system or excavate using hydraulic or pneumatic equipment.
- All root pruning shall be done using hand tools, or other methodology approved by a Certified Arborist, in order to make clean cuts and prevent the ripping or tearing of roots.
- Roots are not to be stub pruned or ground, unless the tree is slated for removal.
- Roots less than two (2) inches in diameter are to be clean cut to a parent root or another lateral root outside of the work area.
- Roots two (2) inches in diameter and larger shall not be cut without the specific approval of the Certified Arborist. Where roots greater than two (2) inches in diameter must be cut, they are to be clean cut to a parent root or another lateral root outside of the work area.
- Roots two (2) inches in diameter and larger exposed to the air are to be kept covered and moist at all times during construction operations.
- Root pruning shall be done by a Certified Arborist, Certified Tree Workers under the general guidance of the Certified Arborist or the contractor under the direct supervision of the Certified Arborist.

Compaction prevention measures shall be employed if any work is conducted within the CRZ, unless otherwise authorized by City of Chico Public Works Department. Typical compaction prevention measures include:

- Avoid parking or driving vehicles or heavy equipment in the CRZ.
- Avoid storage of equipment or materials in the CRZ.
- If driving in the CRZ is unavoidable, deflate tires slightly to redistribute the weight over a larger area.
- Construct temporary ‘crossings’ within the CRZ by placing up to 6” of mulch and/or placing plywood.

Grading activities shall be avoided within the CRZ. Grading activities conducted outside of the CRZ shall be designed to prevent significantly altering the drainage within the CRZ. If grading changes cannot be avoided within the CRZ, the grade change shall be limited to 4 inches of cut or fill, where feasible, and a Certified Arborist shall be consulted to determine if additional mitigation measures are needed to maintain aeration within the root zone.

If drought conditions exist during the construction period, watering of the protected oak trees may be necessary to maintain proper soil moisture conditions. A Certified Arborist or qualified Landscaper shall be consulted for specific guidance if drought conditions occur at the time of construction.

Prior to construction, all individual trees and groups of trees, including the CRZ, shall be identified for protection utilizing methodology approved by the City of Chico Public Works Department. Methodology could include highly visible plastic mesh fencing, flagging, notes on construction plans, or City approved equivalent.

When "trees," as defined by Chico Municipal Code (CMC) Chapter 16.66.50(K), are planned for removal outside of the riparian area (i.e., those trees not included in a SAA), the City shall replace with the species and to the locations as identified in the Southeast Trunk Sewer Project P-17A Replanting Plan (Appendix F) with the following ratio:

- For every 6-inches in DBH removed a new 15-gallon tree shall be replanted on-site.
- Replacement trees shall be of similar species, unless otherwise approved by the Urban Forest Manager, and occur on-site in accordance with the tree replanting plan.

Note: In the event that a SAA is not required by the CDFW, then riparian trees proposed for removal shall be mitigated utilizing same methodology herein.
MITIGATION MONITORING D.5 (Biological Resources): 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. The construction contractor shall ensure a Certified Arborist is on-site during branch and root pruning. Public works staff will coordinate tree replacement plantings per the above mitigation measure.

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

MITIGATION E.1. (Cultural Resources): 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 will be present on site to monitor construction activities during all ground disturbing activities within 50 feet of Comanche Creek.

MITIGATION MONITORING E.1 (Cultural Resources): 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 a professional archaeologist is present on site during ground disturbing activities within 50 feet of Comanche Creek.

Implementation of the above measure will minimize potentially significant impacts to previously unknown cultural resources that could be unearthed during construction activities within 50 feet of Comanche Creek, and will reduce potential impacts to cultural resources to a level that is considered less than significant with mitigation incorporated.

MITIGATION E.2. (Cultural Resources - Tribal Monitor): The City's contractor shall provide for the presence of a Mechoopda Indian Tribal Monitor during all earth moving and ground disturbing activities. The City shall provide 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 (Cultural Resources): 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 Mechoopda Indian Tribal Monitors request to be present, the construction contractor in coordination with the City shall make arrangements to ensure Tribal monitoring.

Implementation of the above measure will minimize potentially significant impacts to previously unknown cultural and tribal 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.

MITIGATION E.3. (Cultural Resources - Inadvertent Discovery): If during ground disturbing activities, any potentially prehistoric, protohistoric, and/or historic cultural resources are encountered, the supervising contractor shall cease all work within 10 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.

If paleontological resources are encountered during Project subsurface construction, all ground-disturbing activities within 10 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery.

MITIGATION MONITORING E.3 (Cultural Resources): 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. The City will ensure that a qualified archaeologist will be contacted to conduct meetings with on-site employees and monitor the referenced mitigation measures.

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.

MITIGATION H.1. (Hazardous Materials): In accordance with Phase I Environmental Site Assessment recommendations, development of a health and safety plan to address potential hazardous materials associated with the railroad right-of-way, as well as a dewatering and health and safety plan addressing potential groundwater and soil contamination associated with the release of petroleum hydrocarbons within ½-mile of the project site will be completed prior to the start of construction.

Project health and safety plans shall include emergency procedures for responding to hazardous materials releases for materials that would be brought onto or discovered at the site as part of construction activities. If evidence of contaminated soils or groundwater is discovered during construction, work in the vicinity of the contaminated area shall cease until the wastes are characterized or remediated. Remediation of the site shall be coordinated with appropriate regulatory authorities to ensure that applicable remediation standards are met. The emergency procedures for hazardous materials releases shall include the necessary personal protective equipment, spill containment procedures, and training of workers to respond to accidental spills/releases. The Contractor shall be required to have on hand at all times adequate absorbent materials and containment booms to handle a spill equivalent to the largest container of fuels or oil in their possession. When the mitigation measure above is implemented, the impacts related to exposure of hazardous materials would be reduced to less than significant levels.

MITIGATION MONITORING H.1 (Hazardous Materials): 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 prior to the start of construction, the construction contractor will develop and submit a Health and Safety Plan that addresses potential hazardous materials encountered during construction activities. The contractor shall also ensure that the necessary personal protective equipment and spill containment materials are on-site, and workers are appropriately trained to respond to accidental spills/releases.

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

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Public Works – Engineering

Date: 11-5-18

Adopted by: Tracy R. Bettencourt - Regulatory and Grants Manager
Printed Name (for Brendan Vieg, Deputy Community Development Director)

Date: 115/18