



MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM CITY OF CHICO PLANNING DIVISION

Based upon the analysis and findings contained within the attached Initial Study, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program is proposed by the City of Chico Planning Division for the following project:

PROJECT NAME

AND NUMBER: MODIFICATION OF USE PERMIT 12-01 (SANTOS EXCAVATION, INC)

APPLICANT NAME: Santos, Excavating, Inc., PO Box 146, Chico, CA 95927

PROJECT LOCATION: The Project is located on the east side of Marauder Street within the Chico Municipal Airport industrial complex in Chico, California, Latitude 39.8107, Longitude -121.8504.

PROJECT DESCRIPTION: The proposal involves the expansion of an existing contractor's yard for Santos Engineering, Inc. The project involves several main components, including: 1) Filling and grading of approximately 7,300 cubic yards of fill volume at the northwest corner of the site with the fill slope extending onto the adjacent property to support improved on-site circulation at the site; 2) Development of the site with a personal storage facility (mini storage) including the construction of nine new buildings, new site lighting, parking and landscape area; 3) The relocation and expansion of a materials storage area including construction of a new approximately 4,000 square foot storage building and outdoor storage area, and; 4) A new dedicated turn lane from Cohasset Road to the project site. Full Site Design and Architectural Review in compliance with Chico Municipal Code (CMC) section 19.18 will be required for all new buildings at a future date, at which time detailed plans will be reviewed and conditioned as necessary to ensure adherence to all applicable CMC development requirements. The types of equipment used for the project may include, but is not limited to, a grader, dump haul trucks, backhoe, excavator, and work trucks.

FINIDING: As supported by the attached Initial Study 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 the project:

MITIGATION D.1 (Biological Resources):

The applicant shall obtain protocol-level surveys for BCM prior to any ground disturbing activities as associated with the fill of the northwest corner of the parcel.

MITIGATION MONITORING D.3: Planning and Engineering staff will require final copies of the required permits and compensatory mitigation or letters documenting relief thereof, prior to issuance of any grading or other permits that will result in disturbances of the northwest corner of the site.

Implementation of the above mitigation measure and monitoring will avoid potential conflicts with any protected wetland to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION D.2 (Biological Resources):

If vegetation removal or initial ground disturbances occur during the avian breeding season (typically March 1 through August 31) the applicant shall conduct pre-construction surveys for ground nesting birds and raptors. 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 (whichever 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 species 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 and a report submitted to the City of Chico Community Development Department weekly or as necessary.
- 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.2: If initial ground disturbance is proposed to be conducted during the avian breeding season, Planning and Engineering staff will require final copies of the required surveys documenting relief thereof, prior to issuance of any grading or other permits that will result in disturbances to the site. If active nests are encountered, the qualified biologist shall determine appropriate species 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 and a report submitted to the City of Chico Community Development Department weekly or as necessary.

MITIGATION D.3 (Biological Resources):

Prior to issuance of any grading permit or other city approval that would directly result in disturbance to the site associated with the filling of the northwest corner of the site, the applicant shall provide an updated jurisdictional determination from USACE and provide Planning staff with 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.3: To ensure proper timing of any City approvals for grading or other site-disturbing activities, Mitigation Measure D.3, below will require the applicant to provide the city with copies of final permits from the U.S. Army Corps of Engineers, CVRWQCB and CDFW as a pre-condition for issuing such permits authorizing disturbance of the site involving filling of the northwest corner of the site.

MITIGATION R.1. (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 shall be contacted to assess the situation, consult with agencies and City staff as appropriate, and make recommendations for the treatment of the discovery.

MITIGATION MONITORING R.1: Planning staff will verify that the above wording is included on construction plans. Should tribal cultural resources be encountered, the supervising contractor shall be responsible for reporting any such findings to Planning staff, and contacting a professional archaeologist, in consultation with Planning staff, to evaluate the find.

PROJECT APPLICANTS INCORPORATION OF MITIGATION INTO THE PROPOSED PROJECT:

I have reviewed the Initial Study for Modification of Use Permit 12-01 (Santos Excavation, Inc.), and the mitigation measures identified herein. I hereby modify the project on file with the City of Chico to include and incorporate all mitigation set forth in this document.

Authorized Signature, Project Applicant
George Santos

Prepared by: _____
Shannon Costa, Associate Planner
Community Development Department

Date

Adopted via: _____