

Notice of Determination

Appendix D

To:
[] Office of Planning and Research
U.S. Mail: P.O. Box 3044
Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113
Sacramento, CA 95814

[] County Clerk
County of: Butte
Address: 155 Nelson Ave, Oroville, CA 95965

From:
Public Agency: Butte County Public Works
Address: 7 County Center Drive
Oroville, CA 95965
Contact: Raymond Cooper
Phone: 530-538-7681

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2019049055

Project Title: Ord Ferry Road at Little Chico Creek Bridge Replacement Project

Project Applicant: Butte County Public Works

Project Location (include county): 1 mi. west of the intersection of Ord Ferry Road and 7 Mile Road, Butte County

Project Description:
The Ord Ferry Road at Little Chico Creek bridge replacement project (Bridge No. 12C-0242) is located in Butte County, California on Ord Ferry Road approximately 3.5 miles southeast of the town of Dayton. The proposed new bridge will replace the existing structures on the current, existing alignment and will be approximately 640 feet long by approximately 43 feet wide and carry (2) twelve-foot traffic lanes and (2) eight foot shoulders.

This is to advise that the Butte County Board of Supervisors has approved the above ([] Responsible Agency or [] Lead Agency)

described project on 6/11/2019 and has made the following determinations regarding the above (date) described project.

- 1. The project [] will [] will not] have a significant effect on the environment.
2. [] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [] were [] were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [] was [] was not] adopted for this project.
5. A statement of Overriding Considerations [] was [] was not] adopted for this project.
6. Findings [] were [] were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Butte County Public Works 7 County Center Drive, Oroville, CA 95965

Signature (Public Agency): [Signature] Title: DPW
Governor's Office of Planning & Research

Date: 6/21/19 Date Received for filing at OPR:

JUN 26 2019



[Print](#) [Start Over](#) [Finalize & Email](#)

RECEIPT NUMBER:
 04 — 06/24/2019 — 032
 STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY Butte County Public Works	LEAD AGENCY EMAIL	DATE 06/24/2019
COUNTY/STATE AGENCY OF FILING Butte	DOCUMENT NUMBER	

PROJECT TITLE
 Ord Ferry Road at Little Chico Creek Bridge Replacement Project

PROJECT APPLICANT NAME Butte County Public Works	PROJECT APPLICANT EMAIL	PHONE NUMBER (530) 538-7681
PROJECT APPLICANT ADDRESS 7 County Center Drive	CITY Oroville	STATE CA
		ZIP CODE 95965

PROJECT APPLICANT (Check appropriate box)

Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,271.00	\$	0.00
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,354.75	\$	2,354.75
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,112.00	\$	0.00
<input type="checkbox"/> Exempt from fee			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	

PAYMENT METHOD:

Cash Credit Check Other TOTAL RECEIVED \$ 2,404.75

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE J. Silva, Deputy Clerk Recorder
----------------	--

Governor's Office of Planning & Research
 JUN 26 2019
 STATE CLEARINGHOUSE



Clerk-Recorder's Department
County of Butte
CANDACE J. GRUBBS
County Clerk-Recorder

1 NEGATIVE DECLARATION	2354.75
1 FISH AND GAME CLERKS FEE	50.00

Total Charges	2404.75
JOURNAL	2404.75

Total Tendered	2404.75
Change	.00

6/24/2019 2:28:35 PM 2019062400210
Printed: Jun 24 2019 2:28PM by JS ECR-REC-07
Thank You



Requested By Butte County Public Health

Governor's Office of Planning & Research
JUN 26 2019
STATE CLEARINGHOUSE

DECLARATION OF FEES DUE
(California Fish and Game Code Section 711.4)



Name and address of applicant:

Butte County Public Works
7 County Center Drive
Oroville, CA 95965

Project Title/File Number:

Ord Ferry Road Bridge Replacement Project at Little Chico Creek Replacement Project
State Clearinghouse Number 2019049055

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION
 - A. Statutorily or Categorically Exempt
\$50.00 Clerk's Documentary Handling Fee
 - B. Certificate of No Effect
\$50.00 Clerk's Documentary Handling Fee

2. NOTICE OF DETERMINATION - FEE REQUIRED
 - A. Negative Declaration
\$2,354.75 State Filing Fee
\$50.00 Clerk's Documentary Handling Fee
 - B. Environmental Impact Report
\$3,271.00 State Filing Fee
\$50.00 Clerk's Documentary Handling Fee

3. NOTICE OF DETERMINATION – FEE NOT REQUIRED
No Effect Determination from Dept. of Fish and Wildlife
\$50.00 Clerk's Documentary Handling Fee

PAYMENT / NON-PAYMENT OF FEES:

1. PAYMENT: The above fees have been paid.
See attached receipt(s): Journal Transfer from Public Works
2. NON-PAYMENT: The above fees are required. Not paid.

Chief Planning Official

By: Tim Snellings, Development Services
Title: Director
Lead Agency: Butte County Department of
Development Services
Date: June 24, 2019

TWO COPIES OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS FILED WITH THE BUTTE COUNTY CLERK'S OFFICE.
THREE COPIES OF ALL NECESSARY DOCUMENTATION ARE REQUIRED FOR FILING.

ALL APPLICABLE FEES ARE DUE AND PAYABLE PRIOR TO THE FILING OF ANY ENVIRONMENTAL DOCUMENT WITH THE BUTTE COUNTY CLERK'S OFFICE. MAKE CHECKS PAYABLE TO THE COUNTY OF BUTTE.

5. DETERMINATION

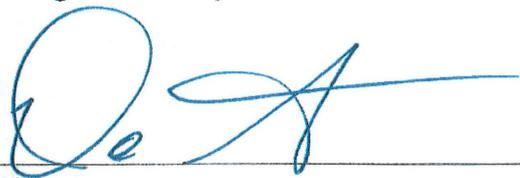
- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature: _____

5/28/19
Date: _____

Dennis Schmidt
Director of Public Works
County of Butte

APPENDIX G

NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACT

1. NOTICE IS HEREBY GIVEN that the project described below has been reviewed pursuant to the Provisions of the California Environmental Quality Act of 1970 (Public Resources Code 2110, et. Seq.) and a determination has been made that it will not have a significant effect upon the environment.

2. DESCRIPTION OF PROJECT: Ord Ferry Road at Little Chico Creek Bridge Replacement Project County Project No. 533-3014-0, Federal Project: BRLS-5912 (103).

3. LOCATION OF PROJECT: The proposed project is located in Butte County, California on Ord Ferry Road 4 miles west of Dayton Road near the Town of Dayton. The Project is located within the Ord Ferry USGS Quadrangle in Section 36, Township 21N, Range 1W.

4. NAME AND ADDRESS OF PROJECT APPLICANT:

County of Butte
Department of Public Works
7 County Center Drive
Oroville, CA 95965

5. MITIGATION MEASURES:

See attached

6. A copy of the Initial Study regarding the environmental effect of this project is on file in the Department of Public Works at 7 County Center Drive, Oroville, CA.

This study was:

Adopted as presented.

Adopted with changes. Specific modifications and supporting reasons are attached.

7. A public hearing on this Negative Declaration was held by the decision making body.

Hearing Body: Butte County Board of Supervisors.

Date: June 11, 2019

Determination:

On the basis of the Initial Study of environmental Impact, the information presented at hearings, comments received on the proposal, and our own knowledge and independent research:

We find the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** is hereby adopted.

We find that the project **COULD** have a significant effect on the environment, but will not in this case because of attached mitigation measures described in item 5 above, which are by this reference made conditions of project approval. A conditional **NEGATIVE DECLARATION** is hereby adopted.



Signature
Steve Lambert
Chair, Butte County Board of Supervisors
Date: 6/11/2019

APPENDIX A: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure 1 Preservation of Agricultural Access and Land

The following are recommended avoidance and mitigation measures that shall be implemented prior to the start of construction and continue throughout project activities.

1. The advance notification and coordination with local property owners/growers will be conducted to minimize short-term impacts related to construction activities. Before any work that could interfere with agricultural activities, the work will be coordinated with appropriate property owners/growers.
2. The extent of work within temporary construction easements on private land will be minimized to the extents necessary to provide access and construct infrastructure such as driveways and bridges on private land.

Timing & Implementation: The County shall provide advance notification and coordination with property owners/growers and confirm that soils amendments meet specifications prior to and post construction.

Enforcement & Monitoring: Butte County Department of Public Works and contractor through ongoing coordination and inspection.

Mitigation Measure 2 Fugitive Dust Control

To comply with Chapter 13 of the County Code and BCAQMD Rules 200 and 205 (Air Quality Nuisances and Fugitive Dust), the Public Works Department shall require implementation of all applicable fugitive dust mitigation measures in project plans and specifications. As part of this requirement, the contractor shall submit a Pollution Control Plan to the Department of Public Works for approval. The approved plan shall include all applicable dust mitigation measures, including but not limited to the following:

1. Reduce the amount of the disturbed area where possible.
2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. An 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.
3. All dirt stockpile areas should be sprayed daily as needed, covered, or a District-approved alternative method will be used.

4. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
5. Exposed ground areas that will be reworked at dates greater than one month after initial grading should have soil binders or other appropriate measure to provide temporary dust, wind and soil stabilization benefits
6. All disturbed soil areas not subject to re-vegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the District.
7. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
9. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with local regulations.
10. Install stabilization aggregate where vehicles enter and exit construction access roads onto streets. Crushed aggregate should be placed at the original grade of the construction access road. Filter fabric should also be applied below the aggregate.
11. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
12. Post a sign in a prominent location visible to the public with the telephone numbers of the contractor and District for any questions or concerns about dust from the project.

Timing & Implementation: Contractor shall prepare Pollution Control Plan. Public Works shall approve the Plan prior to notice to proceed. Plan shall be implemented during and post construction, as applicable.

Enforcement & Monitoring: Butte County Department of Public Works and contractor through ongoing site inspections.

Mitigation Measure 3 Exhaust Emissions

To reduce exhaust emissions from construction equipment, the contractor shall implement all applicable measures, including but not limited to, the following:

1. Maintain all construction equipment in proper tune according to manufacturer's specifications;
2. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
3. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
4. Use on-road heavy-duty trucks that meet the ARB's 2007 standard for on-road heavy-duty diesel engines or other current requirements at a minimum, and comply with the State On-Road Regulation;
5. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
6. All on- and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the 5 minute idling limit; Diesel equipment idling within 1,000 feet of sensitive receptors is prohibited;
7. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors; In addition, the contractor shall prepare a nitrogen oxide (NOx) reduction plan to be submitted to the Public Works Department for approval.
8. Electrify equipment when feasible;
9. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
10. Use alternatively fueled construction equipment on site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.
 - a. Acceptable options may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.
 - b. NOx reduction plan shall include an inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that would be used an aggregate of 40 or more hours during any portion of the construction project. The inventory should include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment.

Timing & Implementation: Contractor shall prepare and Emissions Reduction Plan. Public Works shall approve Plan prior to notice to proceed. The Emissions Reduction Plan shall be implemented during and post construction, as applicable.

Enforcement & Monitoring: Butte County Department of Public Works and contractor through ongoing site inspections.

Mitigation Measure 4 Central Valley Steelhead Critical Habitat

The following are avoidance and minimization measures recommended in order to avoid and minimize impacts to critical habitat.

- If flowing water is present, a silt screen shall be fully established and functioning properly before any in-stream construction takes place in order to prevent sediment drift. The silt screen shall be removed following installation of the clear water diversion to avoid inhibiting the movement of aquatic wildlife.
- 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.
- BMPs shall be implemented that are necessary to minimize the risk of sedimentation, turbidity, and hazardous material spills. Applicable BMPs will include permanent and temporary erosion control measures, including use of straw bales, mulch or wattles, silt fences, filter fabric, spill remediation material such as absorbent booms, and ultimately seeding and revegetating.
- Water pumped from dewatered areas will not be discharged back into Little Chico Creek.
- 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, or 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.
- A NMFS approved fish biologist will perform fish relocation according to a NMFS approved plan.

Compensatory Mitigation

Impacts to CV steelhead critical habitat will be temporary. 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 streambed of Little Chico Creek disturbed by construction activities will be restored to a pre-construction condition. The banks of Little Chico Creek and all upland areas will be seeded using a native seed mix at the end of each construction season. Thirty-seven (37) trees with a DBH of 4 inches or greater will be removed from the Little Chico Creek floodplain. Trees will be mitigated for onsite and in-kind at a 3:1 ratio. Specific conditions of the tree replanting will be detailed in the CDFW §1602 Streambed Alteration Agreement which is part of Mitigation Measure 13 below.

Timing & Implementation: Prior to and during construction activities.

Enforcement & Monitoring: Butte County Department of Public Works and contractor through ongoing site inspections and monitoring.

Mitigation Measure 5 Anadromous Fish

The following recommendations, when implemented, will avoid and minimize impacts to this species:

- The temporary access road will need to be installed from May 1st through October 31st in both seasons of construction to complete the project in two construction seasons. Shorter durations for the temporary access road will result in a third season of construction and a second over winter for the construction site.
- If water is present within the BSA between May 1st and October 31st then a clear water diversion using appropriately sized culverts will be installed in Little Chico Creek. The temporary road including culverts will be removed on or before October 31st of each construction season. A qualified biologist shall monitor the construction site during placement and removal of stream diversions to ensure that any harm or loss of salmonids is minimized and documented.

- If water is present and the clear water is installed between May 1st and June 30th when listed salmonids have the potential to be present, then a qualified biologist will perform fish relocation prior to the installation of the clear water diversion.
- The qualified biologist with expertise in the areas of anadromous salmonid biologist, including handling, collecting, and relocating salmonids; salmonid habitat relationships; and biological monitoring shall perform fish relocation. Fish relocation will be performed in a manner which minimizes all potential risks to CV steelhead and CV spring run Chinook.
 - Electrofishing, if used, shall be performed by a qualified biologist and conducted according to the NMFS Guidelines for Electrofishing Waters Containing Salmonids Listed under the Endangered Species Act.
- Any pile driving that occurs between May 1st and June 30th will occur on land and at least 10 meters from Little Chico Creek. If flowing water is present, a silt screen shall be fully established and functioning properly before any in-stream construction takes place in order to prevent sediment drift. The silt screen shall be removed following installation of the clear water diversion to avoid inhibiting the movement of aquatic wildlife.
- 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.
- BMPs shall be implemented that are necessary to minimize the risk of sedimentation, turbidity, and hazardous material spills. Applicable BMPs will include permanent and temporary erosion control measures, including use of straw bales, mulch or wattles, silt fences, filter fabric, spill remediation material such as absorbent booms, and ultimately seeding and revegetating.
- Water pumped from dewatered areas will not be discharged back into Little Chico Creek.
- 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, or 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.

Compensatory Mitigation

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 streambed of Little Chico Creek disturbed by construction activities will be restored to a pre-construction condition. The banks of Little Chico Creek and all upland areas will be seeded using a native seed mix at the end of each construction season. Thirty-seven (37) trees with a DBH of 4 inches or greater will be removed from the Little Chico Creek floodplain. Trees will be mitigated for onsite and in-kind at a 3:1 ratio.

Timing & Implementation: Prior to and during construction activities.

Enforcement & Monitoring: Butte County Department of Public Works and contractor through ongoing site inspections and monitoring. USFWS is the regulatory enforcement agency.

Mitigation Measure 6 Giant Garter Snake

The following are recommended avoidance and mitigation measures that shall be implemented prior to the start of construction and continue throughout project activities.

A qualified biologist shall conduct a pre-construction survey 24 hours before any vegetation removal or ground disturbance activities are conducted within GGS aquatic and upland habitat. Whenever a lapse in construction activity within GGS habitat of 2 weeks or more has occurred, the area will be re-surveyed.

A qualified biologist shall be onsite to monitor for GGS during all vegetation removal and initial ground disturbing activities within GGS habitat. The biological monitor will assist the contractor in avoiding disturbance to burrows in the upland habitat during the GGS active period. After the initial ground disturbing activities have been completed, the biological monitor will conduct weekly checks of the site to ensure compliance with the conservation measures.

All project related ground disturbances to GGS habitat shall occur in the GGS active season May 1st through October 31st. The GGS active season typically ends on October 1st, however in the

event that there is constant activity, including constant ground and noise disturbances, that will preclude snakes from the project area, the GSS active season will extend to October 31st.

Snake exclusion fencing may be installed in areas that may result in inadvertently entrapping snakes and other wildlife, such as trenches, open pits, and dewatered areas. Fence location shall be designated by the qualified biologist. Snake exclusion fencing shall be installed after vegetation removal has occurred in GGS suitable habitat areas so as not to trap any refuging snakes within the project area during vegetation removal. The fence must be maintained throughout the duration of the project and removed upon completion of the project. The exclusion fencing will be inspected regularly by the biological monitor to ensure they are being properly maintained.

All excavated areas more than 1 foot deep that could entrap GGS and would be left open overnight will be covered or, if covering the excavated area is not feasible, then the excavated area will be provided with one or more escape ramps.

Tightly woven fiber netting (mesh size less than 0.25 in), coconut coir matting, or similar material will be used for erosion control purposes. Plastic microfilament or wire mesh in straw waddles or erosion control blankets will not be used. The edge of the erosion control materials will be buried in the ground to prevent GGS from crawling underneath the material.

If a GGS is observed at any time during project activities then construction shall stop within 100 feet of the observation and the qualified biologist and/or resident engineer shall be contacted immediately for further guidance.

If there is incidental take of a GGS during project activities then a qualified biologist and/or resident engineer shall be contacted immediately and the USFWS and CDFW shall be notified within 24 hours and consulted for further guidance.

A Worker Environmental Awareness Training Program for construction personnel shall be conducted by a qualified biologist for all personnel that will be within the project area for more than 30 minutes, prior to the commencement of their responsibilities. The program shall provide workers with information on their responsibilities with regard to avoiding impacts to GGS. An overview of the life history of the GGS, information on take prohibitions, protections afforded these species under the ESA, and an explanation of the relevant terms and conditions.

All vegetation clearing within 200 feet of the banks of suitable GGS aquatic habitat will be limited to the smallest area feasible and equipment movement will be limited to designated haul routes and staging areas. Avoided GGS habitat will be flagged for avoidance.

All temporarily disturbed GGS habitat will be restored to pre-project conditions.

Compensatory Mitigation

The project will permanently and temporarily impact upland GGS habitat. To mitigate permanent and temporary impacts to GGS upland habitat the following is recommended.

- Permanent loss of GGS habitat will be compensated by purchasing creation credits at the Sutter Basin Conservation Bank or at another USFWS/CDFW approved mitigation bank with a service area that accommodates the project location. Credits shall be purchased prior to the start of construction. Table 3 shows the amount of credits that will need to be purchased.
- Temporary disturbance to snake habitat shall be restored to pre-project conditions within one (1) year of completion of construction.
 - Restoration and monitoring shall follow the USFWS Guidelines for Restoration and/or Replacement of Giant Garter Snake Habitat (1997). If restoration is unsuccessful, as determined by the USFWS, consultation will be reinitiated

Table 4 shows the amount of credits that will need to be purchased.

Table 5: GGS Mitigation Requirements

Effect	Acres	Mitigation Ratio	Required Action	Acres to be Mitigated
Upland Permanent	0.57	1:1	Purchase Credits at an Approved USFWS/CDFW GGS Mitigation Bank	0.57
Upland Temporary	1.50	N/A	Restore/Monitor	1.5
Aquatic Permanent	0.03	3:1	Purchase Credits at an Approved USFWS/CDFW GGS Mitigation Bank	0.09
Aquatic Temporary	0.17	N/A	Restore/Monitor	0.17
Total Mitigation Acres				2.33

Timing & Implementation: Prior to and during construction activities.

Enforcement & Monitoring: Butte County Department of Public Works and contractor through ongoing site inspections and monitoring. USFWS and CDFW are the regulatory enforcement agencies.

The aforementioned avoidance and mitigation measures may be modified per the terms of the USFWS Biological Opinion and/or CDFW §2081 Incidental Take Permit once issued.

Mitigation Measure 7 Western Pond Turtle

The following are avoidance and minimization measures recommended in order to avoid and minimize potential impacts to western pond turtle:

- Immediately prior to conducting in-stream work, a qualified biologist shall conduct a survey to determine the presence or absence of western pond turtles. If western pond turtles are observed where they could be potentially impacted by project activities, as determined by the on-site biologist, then work shall not be conducted within 100 feet of the sighting until the turtle(s) have left the project site or a qualified biologist has relocated the turtle(s) immediately outside of the project site.
- If turtle eggs are uncovered during construction activities, then all work shall stop within a 25 foot radius of the nest and the on-site biologist should be notified immediately. The 25-foot buffer should be marked with identifiable markers that do not consist of fencing or materials that may block the migration of young turtles to the water or attract predators to the nest site. No work will be allowed within the 25 foot buffer until the turtle eggs have hatched or the nest fails.
- All portions of the project site that could result in inadvertently trapping turtles, such as open pits, trenches, and de-watered areas will be covered and/or exclusion fencing will be installed to prevent turtles from entering these areas.

Compensatory Mitigation

No compensatory mitigation will be required since the implementation of the avoidance and minimization measures discussed above will ensure that no impacts to western pond turtle will occur.

Timing & Implementation: Prior to and during construction activities.

Enforcement & Monitoring: Butte County Department of Public Works and contractor through ongoing site inspections and monitoring.

Mitigation Measure 8 Swainson's Hawk

The following recommendations, when implemented, will avoid and minimize impacts to Swainson's hawks:

- If construction is to take place during the nesting season (March 1st – August 31st) then a pre-construction survey for Swainson's hawk will be conducted by a qualified biologist. The survey shall be conducted within seven (7) days prior to the start of construction activities to determine presence or absence of nesting Swainson's hawk.
- If a Swainson's hawk is observed nesting within the project area, or within ¼ mile of the project area, then a ¼ mile to 500-foot radius buffer will be established depending on the nesting pair's level of disturbance around construction equipment. Fencing or other appropriate equipment will be used to indicate the buffer within the County right-of way. Work will not be allowed in the buffer until the young have fledged (able to fly) and are no longer dependent on the nest or the nest fails as determined by a qualified biologist.
- All areas temporarily disturbed by construction activities within the BSA will be revegetated and restored to pre-project conditions.

Compensatory Mitigation

There will be no impacts to nesting Swainson's hawk or Swainson's hawk foraging habitat with the implementation of avoidance and minimization measures. No Compensatory Mitigation is required.

Timing & Implementation: Prior to and during construction activities.

Enforcement & Monitoring: Butte County Department of Public Works and contractor through ongoing site inspections and monitoring.

Mitigation Measure 9 Tri-colored Blackbird

While there were no tri-colored blackbirds observed within the BSA during the site visit, there is suitable habitat present within the BSA which will likely be impacted by construction activities. The following are recommended avoidance and minimization measures for tri-colored blackbird:

- Project activities related to site including grubbing and vegetation removal within the BSA shall be initiated outside of the bird nesting season (February 1 – August 31).
- If project activities that involve vegetation removal cannot be initiated outside of the bird nesting season than the following will occur:
 - A qualified biologist will conduct a pre-construction survey within 7 days of starting vegetation removal.

- If an active tri-colored blackbird nest (i.e. with egg(s) or young) is observed within 250 feet of the BSA during the pre-construction survey, then a species protection buffer will be established. The species protection buffer will be defined by the qualified biologist in consultation with CDFW. Construction activity shall be prohibited within the buffer zones until the young have fledged or the nest fails. Nests shall be monitored once per week and a report submitted to the County weekly.

Compensatory Mitigation

No compensatory mitigation will be required since the implementation of the avoidance and minimization measures discussed above will ensure that no impacts to tri-colored blackbird will occur.

Timing & Implementation: Prior to and during construction activities.

Enforcement & Monitoring: Butte County Department of Public Works and contractor through ongoing site inspections and monitoring.

Mitigation Measure 10 Western Yellow-Billed Cuckoo

The following recommendations, when implemented, will avoid and minimize impacts to this species:

- Any vegetation removal and/or ground disturbance activities will take place prior to the western yellow-billed cuckoo nesting season (June 15-August 15).
- Construction activities will remain constant from May 1 throughout the western yellow-billed cuckoo nesting season, thus deterring birds from nesting in or near the project area.
- There shall be no staging or ground disturbance activities outside of the BSA.
- Trees removed greater than 4 inches DBH will be re-planted on site at a 3:1 ratio with like kind trees and the project site will be restored to pre-project conditions.

Compensatory Mitigation

No compensatory mitigation will be required since the implementation of the avoidance and minimization measures discussed above will ensure that no impacts to western yellow billed cuckoo will occur.

Timing & Implementation: Prior to and during construction activities.

Enforcement & Monitoring: Butte County Department of Public Works and contractor through ongoing site inspections and monitoring. USFWS is the regulatory enforcement agency.

Mitigation Measure 11 Migratory Birds

To avoid impacts to avian species of special concern (i.e. yellow breasted chat) or avian species protected under the MBTA and the CFGC, the following avoidance and minimization measures are recommended.

The following are avoidance and minimization measures for California avian species of special concern and species protected under the MBTA and the CFGC.

- Any vegetation removal and/or ground disturbance activities should take place during the avian non-breeding season (September 1 – January 31).
- If construction is to begin within the avian breeding season (February 1 – August 31) then a migratory bird and raptor survey shall be conducted within the BSA by a qualified biologist. A qualified biologist shall:
 - Conduct a survey for all birds protected by the MBTA and CFGC within seven (7) days prior to construction activities, and map all nests located within 200 feet of 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. Nests shall be monitored at least once per week and a report submitted to the County monthly.
- If construction activities stop for more than ten (10) days then another migratory bird and raptor survey shall be conducted within seven (7) days prior to the continuation of construction activities.
- All staging and construction activity will be limited to designated areas within the BSA and designated routes for construction equipment shall be established in order to limit disturbance to the surrounding area.

The following are recommended exclusion and monitoring activities to avoid and minimize impacts to avian species protected under the MBTA and CFGC that have the potential to nest on the existing Ord Ferry Road Bridge.

- The removal of the current Ord Ferry Road Bridge should be conducted during the avian non-breeding season (September 1 – January 31) so as to avoid impacts to avian species that may potentially nest on the bridge.
- If the current Ord Ferry Road Bridge cannot be removed prior to the avian breeding season (February 1 – August 31) then the following exclusion and monitoring activities shall take place.

Exclusion

- All avian nests should be removed from the bridge prior to February 1, if construction will begin after March 1, so as to deter avian species from nesting on the bridge.
- Any exclusionary devices that are deemed necessary in order to prevent avian species from nesting on the existing bridge should be established by a qualified biologist prior to February 1. Exclusionary devices shall be maintained by the County or a qualified biologist until the current bridge is removed or the end of the avian breeding season.

Monitoring

- Weekly, or as necessary, monitoring or additional exclusion activities will be conducted by a qualified biologist on the current Ord Ferry Bridge after February 1 until the current bridge is removed or the end of the avian breeding season (August 31).

Project Impacts

With the implementation of avoidance and minimization measures specified above there will be no direct or indirect impacts to avian species of special concern (i.e. yellow breasted chat) or avian species protected under the MBTA and CFGC.

Compensatory Mitigation

There will be no compensatory mitigation necessary for project activities in regards to avian species of special concern (i.e. yellow breasted chat) or avian species protected under the MBTA and CFGC.

Timing & Implementation: Prior to and during construction activities.

Enforcement & Monitoring: Butte County Department of Public Works and contractor through ongoing site inspections and monitoring.

Mitigation Measure 12 Western Red Bats and Roosting Bat Species

To avoid impacts to western red bats and other tree roosting bat species, the following avoidance and minimization measures are recommended.

- Removal of trees and any trimming of trees within the BSA shall occur outside of the pupping season for western red bats (i.e. when females give birth and raise young). For the purposes of implementation of this measure, the pupping season is considered to be from April 15 through August 15.

Project Impacts

With the implementation of avoidance and minimization measures specified above there will be no direct or indirect impacts to western red bats or other roosting bat species.

Compensatory Mitigation

There will be no compensatory mitigation required for bat species of special concern, including western red bats.

Timing & Implementation: Prior to and during construction activities.

Enforcement & Monitoring: Butte County Department of Public Works and contractor through ongoing site inspections and monitoring.

Mitigation Measure 13 Wetlands and §404, §401, and §1602 Compliance

All jurisdictional waters that may be impacted by the project shall be avoided during construction activities to the greatest extent practicable. To ensure the adequate mitigation of all unavoidable impacts, the following shall be required:

1. The proponent shall enter into consultation with the USACE. If necessary, a §404 permit will be obtained before any filling, dredging or modification of jurisdictional waters can occur. The permit will be conditional and will contain minimization and mitigation measures developed through consultation with the USACE.
2. The proponent shall enter into consultation with the RWQCB. If necessary, a §401 permit will be obtained before any discharges of dredged or fill material to Waters of the United States occur including wetlands and other water bodies.

3. Per §1602 of the California Fish and Game Code, the applicant shall enter into consultation with the CDFW. If necessary, a Streambed Alteration Agreement (SAA) will be obtained before in-stream construction activities commence. If required, the agreement would contain site-specific minimization and mitigation measures identified through consultation with the CDFW.

Timing & Implementation: Prior to and during construction activities.

Enforcement & Monitoring: Butte County Department of Public Works and contractor through ongoing site inspections and monitoring. USACE, CVRWQCB, and CDFW are the regulatory enforcement agencies.

Mitigation Measure 14 Newly Discovered Cultural Resources

A note with the following statement (or its functional equivalent) shall be included on the final construction plans:

“The supervising contractor will stop all work within 100-feet of any newly discovered cultural resources (i.e. unusual amounts of shell, animal bone, bottle glass, ceramics, structure/building remains) and report any such findings to the Public Works Department, which shall retain a professional archaeologist who shall determine the significance of the newly discovered resource(s) and, if necessary, develop appropriate mitigation.”

All mitigation measures determined by the Public Works Department to be appropriate for the project shall be implemented pursuant to the terms of the archaeologist’s report.

Timing & Implementation: Prior to final plan approval and during construction

Enforcement & Monitoring: Department of Public Works and supervising contractor

Mitigation Measure 15 CVFPB Encroachment Permit Compliance

To ensure the compliance with the requirements of the CVFPB, Water Code §8710 and CCR Title 23, the following shall be required:

1. The proponent shall enter into consultation with the CVFPB. If necessary, an encroachment permit will be obtained before any modification to the floodplain, levees or areas within 300 feet of the regulated stream are conducted. The permit will be

conditional and will contain minimization and mitigation measures developed through consultation with the CVFPB.

Timing & Implementation: Prior to and during construction activities.

Enforcement & Monitoring: Butte County Department of Public Works and contractor through ongoing site inspections and monitoring. CVFPB is the regulatory enforcement agencies.