

State of California
The Resources Agency
Department of Fish and Game

MITIGATED NEGATIVE DECLARATION

The California Department of Fish & Game (DFG) has independently reviewed and analyzed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

Name of Project: M&T Chico Ranch/Llano Seco Rancho Pumping Plant Maintenance of Channel Alignment Sacramento River Mile 192.5.

Project File Number: State Clearinghouse Number 200782036.

Project Description: The proposed action would be to temporarily place 1,520 feet of rock and tree revetment on the west side of the Sacramento River and remove gravel on the east side of the river. The primary objective of placing a longitudinal stone toe with tree revetment is to stabilize the site for five years, thereby protecting the M&T Chico Ranch/Llano Seco Rancho pumping facility and the outfall for the City of Chico's Wastewater Treatment Plant while planning for a permanent long-term solution is concluded. Approximately 9,120 tons of rock would be placed to about half of the bank height to an elevation of about 120 feet above mean sea level and the base of the revetment would be about 30 feet in width. Backfilling behind the stone toe will thicken the toe and provide a medium for revegetation. The top of the bench would be an average of approximately 10 feet. Woody brush material would be incorporated into the revetment by anchoring the material with cables and partially sunken large boulders to prevent loss during overtopping flows. The brush portion of the revetment will consist of multiple, alternative clusters of trees spaced approximately 10 to 15 feet apart at two elevations to provide instream and object cover at a range of flows. The rock and tree revetment will be removed at the end of the five-year planning period unless it is incorporated into the long-term project. Independent environmental review of the long-term project will address impacts associated with the long-term habitat removal.

A gravel bar adjacent to Bidwell-Sacramento River State Park would be excavated to about five feet below the fall low flow (4,000 cfs Sacramento River Flow) water surface elevation. A temporary stream crossing over Big Chico Creek would be constructed to provide heavy equipment access. During excavation a 5- to 10-foot berm would be left on the outer edge of the dry bar to separate the Sacramento River and Big Chico Creek from construction activities. Winter flood flows would capture the excavated area and scour the outer berm completing the reconfiguration of the bar. Approximately 156,000 tons of material would be

expected to be removed once within the five-year project implementation period. The proposed depth of excavation is approximately 109 feet. Gravel removed from the bar would be relocated to an existing spoil area above the floodplain of the river. Gravel and sands from the bar would be dispersed evenly over the storage area and sloped toward the water to alleviate any ponding and eliminate low areas that may pond after flooding.

Project Location: The proposed project is located in both Glenn and Butte Counties, just west of the confluence of Big Chico Creek on the Sacramento River, River Mile 192.5. A portion of the proposed project would be located on the Capay Unit of the Sacramento River National Wildlife Refuge.

Mailing Address and Phone Number of Contact Persons:

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Copies of the Final Environmental Assessment/Initial Study which includes Responses to Comments, the Mitigated Negative Declaration and the Notice of Determination and other materials related to the propose project are maintained at the above address.

Findings:

It is DFG's independent judgment that no significant impacts will occur as a result of the project based upon the following:

- The M&T Chico Ranch/Llano Seco Rancho pumping plant was constructed as part of the M&T Pump Relocation and Fish Screen Project (Relocation Project). The original objectives of the Relocation Project would be undermined unless additional measures are taken to address affects of river meander and sedimentation. The relocated diversion was designed with a state-of-the-art fish screen system. Continued sedimentation reduces sweeping velocities across the screen potentially rendering the screens out of compliance with NMFS and CDFG fish screen criteria. The M&T Chico Ranch/Llano Seco Rancho pumping plant provides an important source of water for over 4,000 acres of wetlands owned and managed by USFWS and DFG. Key wetland habitat for waterfowl and other wetlands species depend on a reliable water supply that is made available from the M&T Chico Ranch/Llano Seco Rancho pumping plant. A reduction of pumping may jeopardize the water supply to these wetlands. In addition, as part of the relocation, the M&T Chico Ranch/Llano Seco Rancho agreed not to divert 40 cfs of their long held water right from Butte Creek to support Butte Creek fisheries, but only so long as replacement water is provided at the new diversion. Reductions in pumping at the M&T Chico Ranch/Llano Seco Rancho pumping plant may also result in a diminution of flows in Butte Creek. The proposed project is

expected to achieve a benefit to the environment by maintaining the integrity of the relocated pumping plant.

- Based upon the Environmental Assessment/Initial Study, it was determined that there would be no significant adverse environmental effects resulting from implementation of the proposed project with the inclusion of the following measures to address project-related impacts on environmental resources.

- Tree revetment in the form of orchard trees and live native trees and shrubs will be incorporated into the revetment, alternating clusters of trees spaced approximately 10 to 15 feet apart at two elevations. One layer would be installed on the top of the rock toe and the second layer would be installed at an intermediate elevation to provide instream and object cover at a range of flows;

- Installation of the revetment material will be done using long-reach excavators and draglines as opposed to dumping from the top bank in order to avoid the potential take of any special status species. Tree and brush would be placed using a crane or other appropriate machinery;

- A water truck will be present in the project area to water roadways in order to minimize dust and other particulate matter;

- Standard mitigation and best management practices will be incorporated as detailed in the Butte County Air Quality Management District's *Indirect Source Review Guidelines*;

- An Erosion Control Plan and Post Construction Storm Water Management Plan will be prepared and implemented;

- A Storm Water Pollution Prevention Plan will be prepared and implemented as required by the conditions of a National Pollution Discharge Elimination System permit;

- A Hazardous Materials Control, Spill Prevention and Response Plan to reduce the potential effects of hazardous materials use and spills and that establish strict on-site handling rules to keep construction and maintenance materials out of the drainage and waterways will be prepared and implemented;

- A recreation safety program will be developed which will include placement of signs upstream and downstream of the project;

- Training of all construction personnel in the proper use and clean up of potentially hazardous material will be conducted;

- Staging and storage areas for equipment, materials, fuels, lubricants, solvents and other possible contaminants will be away from watercourses and their watersheds;
- Sediment curtains will be placed around affected areas;
- Pre-construction surveys for sensitive biological resources will be conducted by qualified biologists;
- Potentially impacted elderberry shrubs will be transplanted to an approved area under the supervision of a USFWS approved biologist;
- Elderberry shrubs within 100 feet of construction activities will be identified and fenced with high-visibility plastic fencing;
- Temporary construction netting will be placed around nearby vegetation to provide protection from construction activities;
- The project biologist will conduct environmental awareness training programs. Construction workers will be informed by a qualified environmental monitor about any sensitive biological resources associated with the project and that the disturbance of sensitive habitat or special-status species is a violation of federal Endangered Species Act (ESA) and Section 404 of the Clean Water Act;
- A qualified biological monitor will be on site during construction;
- A qualified archaeologist will be on-site to monitor earthmoving activities associated with excavation of the tie-backs for the tree revetment. If subsurface archaeological materials are observed, earthmoving activities in the vicinity would cease until the archaeologist can document and evaluate the significance of the materials, in consultation with the Regional Archaeologist, the SHPO, and Native American tribes, as appropriate. The archaeological monitor will prepare and submit a monitoring report to the Regional Archaeologist at the conclusion of his/her monitoring effort;
- To the extent possible riparian vegetation will be avoided during gravel bar access and excavation. The contractor, CDFG, and State Parks representatives will identify access and regress routes that will be clearly marked to minimize damage to riparian species;
- Unavoidable impacts to successional riparian vegetation will be restored. Impacted plants and surrounding soil will be removed and set aside for replanting at the site of their removal upon completion of the gravel operation. If replanting removed individual saplings is infeasible then similarly sized individuals will be planted;

- Restoration and enhancement of Valley/Foothill riparian habitat at a ratio of two (2) acres for every acre removed will be provided within the affected area through planting of valley oak, cottonwood, alder and willows and other appropriate native planting material. Restoration will occur on the river bank (.35 acres of SRA habitat within the Capay Unit and 3.46 acres of Valley/Foothill riparian habitat on the Llano Seco Rancho. Restoration plantings will be maintained and monitored for five years;

- Restoration and enhancement of grassland habitat temporarily disturbed by construction activities will be provided at a ratio of one (1) acre for every acre removed through the planting of appropriate native plantings;

- Tree revetment will be removed in five years and the bank would likely be suitable for recolonization by bank swallow. If tree revetment is incorporated into a long-term project the long-term solution will undergo independent environmental review and additional measures will be identified and implemented for long-term loss of habitat;

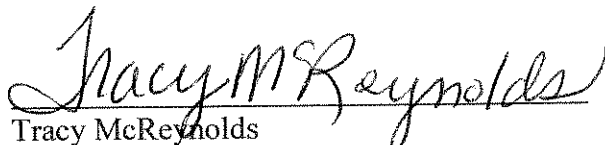
- Short-term loss of bank swallow habitat will be mitigated through the dedication of 1,520-foot long by 600-foot wide permanent conservation easement specifically located on the M&T Chico Ranch. The permanent conservation easement will mitigate for the potential impacts to bank swallow at a rate of 2:1 due to the depth of the conservation easement. The conservation easement is expected to remain (e.g., continue to erode) for a minimum of ten years and will, therefore, be in place for several years after the revetment is removed;

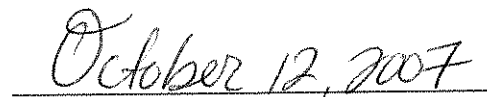
- A detailed mitigation monitoring plan describing habitat protection activities and setting forth specific reporting activities aimed at determining the level of success of mitigation measures has been developed and is adopted by DFG.

The Department of Fish and Game finds that implementing the proposed project will have no significant environmental impact.

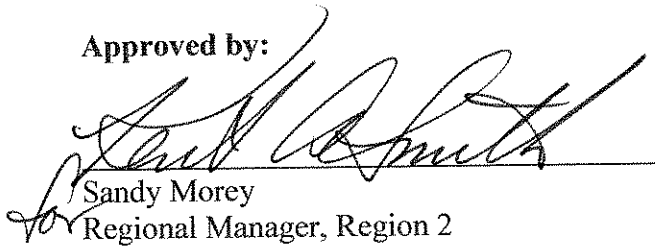
This Mitigated Negative Declaration is filed pursuant to Section 15072 of the Guidelines for the Implementation of the California Environmental Quality Act.

Recommended by:


Tracy McReynolds
Fisheries Biologist


Date

Approved by:


Sandy Morey
Regional Manager, Region 2

10/16/07
Date