

# APPENDIX A

## Permits and Conditions

1. **401 Clean Water Act Permit and Conditions**
2. **404 Army Corp. of Engineers Permit and Conditions.**
3. **1600 Fish & Game Stream Alteration Permit and Conditions**
4. **Fish & Wildlife Service Permit & Conditions**
5. **Initial Study & Approved Mitigated Negative Declaration**

1. 401 PERMIT – CLEAN WATER ACT

REGIONAL WATER QUALITY CONTROL BOARD



# California Regional Water Quality Control Board Central Valley Region

*Binder Copy*



Linda S. Adams  
Secretary for  
Environmental Protection

Redding Office  
415 Knollcrest Drive, Suite 100, Redding, California 96002  
(530) 224-4845 • Fax (530) 224-4857  
<http://www.waterboards.ca.gov/centralvalley>

Arnold Schwarzenegger  
Governor

11 August 2006

Mr. Monty Hansen  
Butte County Public Works Department  
7 County Center Drive  
Oroville, CA 95965

## **ACTION ON REQUEST FOR CLEAN WATER ACT §401 WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS FOR THE SPEEDWAY AVENUE EXTENSION PROJECT, W DID NO. 5A04CR00116, CHICO, BUTTE COUNTY**

### **ACTION:**

- 1.  Order for Standard Certification
- 2.  Order for Technically-conditioned Certification
- 3.  Order for Denial of Certification

### **WATER QUALITY CERTIFICATION STANDARD CONDITIONS:**

- 1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and §3867 of Title 23 of the California Code of Regulations (23 CCR).
- 2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 3. The validity of any non-denial certification action shall be conditioned upon total payment of the full fee required under 23 CCR §3833, unless otherwise stated in writing by the certifying agency.
- 4. Certification is valid for the duration of the described project. The Butte County Public Works Department shall notify the Regional Water Board in writing within 7 days of project completion.

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**AUG 14 2006**

*California Environmental Protection Agency*



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**ADDITIONAL CONDITIONS (for Certification Action 2):**

In addition to the four standard conditions, the applicant shall satisfy the following:

1. Butte County Public Works Department shall notify the Regional Water Board in writing of the start of any in-water activities.
2. Except for activities permitted by the U.S. Army Corps of Engineers (Corps) under §404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. The discharge of petroleum products or other excavated materials to surface waters is prohibited.
4. Activities shall not cause turbidity increases in surface waters to exceed:
  - (a) Where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases shall not exceed 1 NTU;
  - (b) Where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
  - (c) Where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
  - (d) Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTU over background turbidity as measured in surface waters 300 feet downstream from the working area. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected.

5. Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters 300 feet downstream from the project.
6. Activities shall not cause visible oil, grease, or foam in the work area or downstream.
7. All areas disturbed by project activities shall be protected from washout or erosion.
8. In the event that project activities result in the deposition of soil materials or creation of a visible plume in surface waters, the following monitoring shall be conducted immediately upstream and 300 feet downstream of the work site and the results reported to this office within two weeks:

Parameter	Unit	Type of Sample	Frequency of Sample
Turbidity	NTU	Grab	Every 4 hours during in water work
Settleable Material	mL/L	Grab	Same as above



9. Butte County Public Works Department shall notify the Regional Water Board immediately if the above criteria for turbidity, settleable matter, oil/grease, or foam are exceeded.
10. Butte County Public Works Department shall notify the Regional Water Board immediately of any spill of petroleum products or other organic or earthen materials.
11. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes §401(d) of the Clean water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
12. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional water Board deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
13. In response to any violation of the conditions of this certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
14. Butte County Public Works Department shall comply with all Department of Fish and Game 1600 requirements for the project as required in Lake & Streambed Alteration Agreement No. 1600-2006-0153-R2. Butte County Public Works Department shall comply with all requirements of Corps §404 permit reference No. 200600555.
15. If the project exceeds one acre or more of disturbed area, Butte County Public Works Department must obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activities issued by the State Water Resources Control Board.

**REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:**

Scott A. Zaitz, R.E.H.S., Redding Branch Office, 415 Knollcrest Drive, Suite 100, Redding, California 96002, (530) 224-4784, [szaitz@waterboards.ca.gov](mailto:szaitz@waterboards.ca.gov).



**WATER QUALITY CERTIFICATION:**

I hereby issue an order certifying that any discharge from the Speedway Avenue Extension Project (WDID No. 5A04CR00116) will comply with the applicable provisions of §301 ("Effluent Limitations"), §302 ("Water Quality Related Effluent Limitations"), §303 ("Water Quality Standards and Implementation Plans"), §306 ("National Standards of Performance"), and §307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under Regional Board Resolution No. R5-2003-0008 "*Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge: Type 12 Projects for which Water Quality Certification is issued by the Regional Board,*" which requires compliance with all conditions of this Water Quality Certification.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



(For) PAMELA C. CREEDON  
Executive Officer

SAZ: reb/sae

Enclosure: Project Information

cc: Mr. Thomas Cavanaugh, U.S. Army Corp of Engineers, Sacramento  
U.S. Fish and Wildlife Service, Sacramento  
Department of Fish and Game, Region 2, Rancho Cordova  
Mr. Oscar Balaguer, State Water Resources Control Board, Certification Unit, Sacramento  
Ms. Jody Gallaway, Gallaway Consulting Inc., Chico

Butte County DPW-Speedway Avenue Extension Project.doc



## PROJECT INFORMATION

**Application Date:** 26 April 2006

**Applicant:** Butte County Department of Public Works, 7 County Center Drive, Oroville, CA 95965 Attn: Mr. Monty Hansen

**Applicant Representatives:** Gallaway Consulting Inc., 115 Meyers St. Suite 120, Chico, CA 95928 Attn: Ms. Jody Gallaway

**Project Name:** Speedway Avenue Extension Project

**Regional Board:** Central Valley Regional Water Quality Board-Redding Branch Office

**Regional Board Application Number:** WDID No. 5A04CR00116

**U.S. Corps Application Number:** 200600555

**Type of Project:** Outfall Structures and Maintenance

**Project Location:** Section 32, Township 19N, Range 4E, M.D.B.&M., Latitude: 39°42'49"N and Longitude: 121°47'56"W

**County:** Butte County

**Receiving Water (hydrologic unit):** Comanche Creek, which is tributary to Butte Creek, which is a tributary to the Sacramento River. Colusa Basin Hydrologic Unit-Butte Basin Hydrologic Area No. 520.40.

**Water Body Type:** Riparian streambed and streambed un-vegetated

**Designated Beneficial Uses:** The Basin Plan for the Central Valley Regional Board has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include: Agricultural Supply (AGR); Water Contact Recreation (REC-1); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and /or Early Development (SPWN); and Wildlife Habitat (WILD).

**Project Description (purpose/goal):** Butte County Public Works Department proposes to extend Speedway Avenue to the east to allow through traffic to Highway 99. This will include the construction of a new Frontage Road traveling parallel to Highway 99. This is an infrastructure improvement to allow for more efficient traffic circulation after the development of the Frontage Road has been completed.

**Preliminary Water Quality Concerns:** Turbidity, suspended matter, settleable matter, and various pollutants associated with construction activities.



**Proposed Mitigation to Address Concerns:** Butte County Public Works Department will implement Best Management Practices (BMPs) to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. Butte County Public Works Department will conduct turbidity and settleable matter testing during water work, stopping work if Basin Plan criteria are exceeded and/or observed. Butte County Public Works Department proposes to mitigate water quality concerns by completing work in the summer of 2006. The contractor will prepare a storm water pollution prevention plan (SWPPP) consistent with the California Department of Transportation, "Storm Water Quality Handbooks, Storm Water Pollution Prevention Plan and Water Pollution and Water Pollution Control Program (WPCP) Manual."

**Fill/Excavation Area:** This project will permanently impact approximately 0.0009 acres of riparian, and 0.001 acres of unvegetated streambed.

**Dredge Volume:** N/A

**U.S. Army Corps of Engineers Permit Number:** The applicant proposes to utilize Nationwide Permit No. 7 (Outfall and Structures Maintenance) for this project. The applicant must comply with all of the conditions of the U.S. Army Corps of Engineers Permit reference No. 200600555.

**Regional Water Board Public Notice:** Information regarding this project was noticed on the Central Valley Water Board's website from 27 April 2006 to 19 May 2006. No comments were received.

**Department of Fish & Game Streambed Alteration Agreement:** Butte County Public Works Department applied for a Streambed Alteration Agreement with the Department of Fish and Game on 26 March 2006. The applicant must comply with all conditions in Lake and Streambed Alteration Agreement No. 1600-2006-0153-R2.

**Possible Listed Species:** Valley elderberry longhorn beetle, and Anadromous fish are only present in Comanche Creek during high flow events.

**Status of CEQA Compliance:** A Notice of Determination was signed on 11 April 2003 (State Clearinghouse No. 2003022103) by the Butte County Director of Public Works approving a Mitigated Negative Declaration. The Notice of Determination states that the project will not have an effect on the environment.

**Compensatory Mitigation:** The applicant must comply with the U.S. Army Corps of Engineers requirements for compensatory mitigation for the impacts to jurisdictional waters, if required.

**Application Fee Provided:** A certification fee of \$521.50 was submitted on 26 April 2006 as required by 23 CCR §3833b(2)(A) and by 23 CCR § 2200(e).



2. 404 PERMIT – ARMY CORP. OF ENGINEERS

NATION WIDE PERMIT



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95816-8900

September 29, 2006

Regulatory Branch (200600555)

Shawn O'Brian  
Butte County Department of Public Works  
7 County Center Drive  
Oroville, California 95965-3334

Dear Mr. O'Brian:

We are responding to your July 07, 2006 request for a Department of the Army permit for the Speedway Avenue Extension project. This approximately 11.4-acre project involves activities, including discharges of dredged or fill material, in waters of the United States to construct a storm water outfall. The site is located on Comanche Creek in Section 36, Township 22 North, Range 1 East, MDB&M, Latitude 039° 42' 22.4", Longitude 121° 47' 30.3", in the City of Chico, in Butte County, California.

Based on the information you provided, the proposed activity in approximately 0.196 acres of Comanche Creek is authorized by Nationwide Permit (NWP) Number 07. However, the State has not issued water quality certification under Section 401 of the Clean Water Act for this permit. The work may not proceed until certification is obtained from the State water quality agency at the address below. Work may then proceed subject to the terms and conditions of certification. Your work must comply with the general terms and conditions listed on the enclosed NWP information sheets and the following special conditions:

1) To insure your project complies with the Federal Endangered Species Act, you must implement all of the mitigating measures identified in the enclosed Fish and Wildlife Service letter of concurrence (1-1-06-I-1704 dated September 19, 2006), including those ascribed to the Corps therein. If you are unable to implement any of these measures, you must immediately notify this office and the Fish and Wildlife Service so we may consult as appropriate, prior to initiating the work, in accordance with Federal law.

You must sign the enclosed Compliance Certification and return it to this office within 30 days after completion of the authorized work.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2007. It is incumbent upon you to remain informed of changes to the NWPs. We will

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issue a public notice when the NWP's are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit.

Please refer to identification number 200600555 in any correspondence concerning this project. If you have any questions, please contact Tom Cavanaugh at our Sacramento Valley Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email [Thomas.J.Cavanaugh@usace.army.mil](mailto:Thomas.J.Cavanaugh@usace.army.mil), or telephone 916-557-5261. You may also use our website: [www.spk.usace.army.mil/regulatory.html](http://www.spk.usace.army.mil/regulatory.html).

Sincerely,



Thomas J. Cavanaugh  
Chief, Sacramento Valley Office

Enclosure(s)

Copies furnished without enclosure(s):

Jodi Gallaway, 115 Meyers Street, Suite 120, Chico, California 95928-7105  
William Marshall, Storm Water and Water Quality Certification Unit, Central Valley  
Regional Water Quality Control Board, 11020 Sun Center Drive #200, Rancho  
Cordova, California 95670-6114  
Kent Smith, California Department of Fish and Game Region 2, 1701 Nimbus Drive,  
Rancho Cordova, California 95670-4599  
U.S. Fish and Wildlife Service, Endangered Species Division, 2800 Cottage Way, Suite  
W2605, Sacramento, California 95825-3901

3. 1600 PERMIT – CALIFORNIA DEPARTMENT OF FISH &  
GAME

PROPOSED STREAM ALTERATION PERMIT



State of California - The Resources Agency  
DEPARTMENT OF FISH AND GAME  
Sacramento Valley - Central Sierra Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670  
(916) 358-2900

ARNO



May 2, 2006

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

Re: Notification of Lake or Streambed Alteration  
Notification No. 1600-2006-0153-R2  
Project Name: Speedway Avenue Extension  
County: Butte

Dear Applicant:

On April 26, 2006, the Department of Fish and Game received the requested material for your Notification of Lake or Streambed Alteration. On May 2, 2006, the Department determined that your notification is complete. By law, the Department is required to submit a draft Lake or Streambed Alteration Agreement to you within 60 calendar days from the date the notification is complete, if the Department determines that an agreement is required for the project. Hence, the Department has until July 3, 2006 to you a draft agreement or to inform you that an agreement is not required.

As explained in the notification package you received, the Department must comply with the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 *et seq.*) before it may issue a final agreement. The Department will issue a final agreement after it receives from you the signed draft agreement. If the project described in your notification is not exempt from CEQA, the lead agency must prepare an environmental document for the project. If you represent a public agency, that agency is the lead agency for the project.

If the Department does not issue you a draft agreement or inform you that an agreement is not required by July 3, 2006, you may complete the project without an agreement. If that occurs, however, the project must be the same one and conducted in the same manner as described in the notification, which would include implementing all measures to protect fish and wildlife resources identified in the notification. (Fish and Game Code section 1602(a)(4)(D).) If your project differs from the one described in the notification, you may be in violation of Fish and Game Code section 1602. Also, even though you would be entitled to complete the project without an agreement, you would still be responsible for complying with all other applicable local, state, and federal laws, including, for example, the state and federal Endangered Species Acts and Fish and Game Code sections 5650 (water pollution) and 5901 (fish passage).

If you have any questions regarding this matter, please contact me at (916) 983-6920.

Sincerely,

Gary Hobgood  
Environmental Scientist

cc: Jody Gallaway  
115 Meyers St., Suite 120  
Chico, CA 95928

Scott Zaitz (CRWQCB)  
415 Knollcrest Drive  
Redding, CA 96002

*Conserving California's Wildlife Since 1870*

#### 4. U.S. FISH & WILDLIFE SERVICE MITIGATION



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846

In reply refer to:  
1-1-06-I-1704

SEP 19 2006

Mr. Thomas Cavanaugh  
Chief, Sacramento Office  
U.S. Army Corps of Engineers  
1325 J Street  
Sacramento, California 95814-2922

Subject: Informal Endangered Species Consultation on the Speedway Avenue Extension Project (Corps File Number 200600555), Butte County, California

Dear Mr. Cavanaugh:

This is in response to your August 3, 2006, letter and supporting documentation requesting concurrence with the determination that the proposed Speedway Avenue Extension Project (proposed project) in Butte County, California is not likely to adversely affect federally-listed species. Your request was received by the U.S. Fish and Wildlife Service (Service) on August 4, 2006. At issue are the potential effects of the proposed project on the federally-threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). Our primary concern and mandate is the protection of federally-listed species pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

Butte County Department of Public Works is proposing to extend Speedway Avenue east to the vicinity of State Route 99, and south to Entler Avenue. The proposed project is south of Chico, in Butte County. We have reviewed the proposed project, including the: (1) the May 2002 *Biological Resources Assessment for the Proposed Speedway Avenue Extension Project*; (2) the April 2003 *Butte County Speedway Avenue Extension Project Final Mitigated Negative Declaration*; (3) the October 2005 *Butte County Speedway Avenue Extension Project Addendum to Initial Study and Approved Mitigated Negative Declaration*; and (4) other information available to the Service.

The proposed project site contains four elderberry shrubs (*Sambucus* sp.) located within Comanche Creek to the west of the State Route 99 overpass. Elderberry shrubs are the sole host plant for the valley elderberry longhorn beetle. A storm drain would be placed approximately 50 feet from several of the elderberry shrubs. Proposed construction activities would occur

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within 20 feet of the driplines of these elderberry shrubs. Butte County Department of Public Works has proposed the following avoidance measures in the April 2003 *Butte County Speedway Avenue Extension Project Final Mitigated Negative Declaration*: (1) all elderberry shrubs will be fenced off with orange plastic webbed protective fencing twenty feet from the driplines of the elderberry shrubs; (2) signs will be erected along the protective fence that describes the sensitivity of the elderberry shrubs and the federally-listed beetle; (3) all construction personnel will receive environmental awareness training regarding the elderberry shrubs, the status of the beetle, and the need to avoid the elderberry shrubs; (4) any damage done to areas within 100 feet of elderberry shrubs will be restored with native plant species; (5) erosion control measures will be implemented to protect the elderberry shrubs; and (6) no insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant will be used within 100 feet of any elderberry shrub.

Based on these avoidance measures, the Service has determined that the proposed project is not likely to adversely affect the valley elderberry longhorn beetle. Therefore, no further action pursuant to the Act is necessary unless new information reveals effects of the proposed action that may affect listed species in a manner or to an extent not considered; the action is subsequently modified in a manner that causes an effect to listed species or critical habitat that was not considered in this determination; or a new species or critical habitat is designated that may be affected by the proposed action.

If you have questions regarding the proposed Speedway Avenue Extension Project, please contact Rick Kuyper, staff biologist, or Holly Herod, the Sacramento Valley Branch Chief at (916) 414-6600.

Sincerely,



Peter A. Cross  
Deputy Assistant Field Supervisor

cc:

Shawn O'Brian, Butte County Department of Public Works, Oroville, California  
Jody Gallaway, Gallaway Consulting, Chico, California

5. INITIAL STUDY & APPROVED  
MITIGATED NEGATIVE DECLARATION

**Butte County  
Speedway Avenue Extension Project  
Addendum to Initial Study and Approved  
Mitigated Negative Declaration**

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**SCH#2003022103**



Submitted to:  
**BUTTE COUNTY DEPARTMENT OF PUBLIC WORKS**  
7 County Center Drive  
Oroville, CA 95965

Submitted by:



**GALLAWAY**  
CONSULTING, INC.  
115 Meyers Street, Suite 120, Chico, CA 95928  
Phone (530)343-8327 Fax (530)342-1882

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## JUSTIFICATION

Section 15164 of the California Environmental Quality Act (CEQA) address the requirements for filing of an addendum to an adopted negative declaration. Subsection "A" states that an addendum may be prepared if only minor technical changes or additions are necessary or none of the conditions described below calling for preparation of a subsequent EIR have occurred:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

It has been determined by the lead agency (Butte County) that none of the above conditions for the creation of a Subsequent Negative Declaration have occurred, and that an addendum to the Speedway Avenue Extension Project will adequately address the minor changes in the project to be implemented. The changes in the project description will not create new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The changes in the project description will require the addition of standardized federal and state agency consultation, permits and mitigation measures which do not necessitate further review by the lead agency. The process of consulting with federal and state agencies and

obtaining permits/ clearance to proceed with work will ensure that there are no significant or potentially significant impacts to the environment.

## **INTRODUCTION TO ADDENDUM**

Butte County approved the Initial Study/Mitigated Negative Declaration (IS/MND) for the Speedway Avenue Extension Project (SCH#2003022103). The initial study was prepared to identify and evaluate the potential social, economic, and environmental impacts of the proposed project. The initial study was prepared in compliance with the CEQA.

The project has undergone minor modifications since the IS/MND was prepared in February 2003. This Addendum addresses these modifications to the site design.

## **STATUTORY BACKGROUND**

Under the California Environmental Quality Act (CEQA), an addendum to a certified Environmental Impact Report (EIR) or Negative Declaration is needed if minor technical changes or modifications to the proposed project occur (CEQA Guidelines § 15164). An addendum is appropriate only if these minor technical changes or modifications do not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts. The Addendum need not be circulated for public review (CEQA Guidelines § 15164[c]); however, an addendum is to be considered along by the decision making body prior to making a decision on the project (CEQA Guidelines § 15164[d]).

This Mitigated Negative Declaration Addendum demonstrates that the environmental analysis, impacts, and mitigation requirements identified in the Speedway Avenue Extension Project remain substantively unchanged by the situation described herein, and supports the finding that the proposed project does not raise any new issues and does not exceed the level of impacts identified in the previous Mitigated Negative Declaration.

## **EVALUATION OF MODIFICATION**

The IS/MND prepared and adopted in February 2003, evaluated the extension of Speedway Avenue, including potential staging areas and intersection improvements.

In early 2005 the County identified the need to include the extension of the S.R. 99 frontage road in the Speedway Avenue Extension project. A revised Area of Potential Impacts (API) map (**Attachment C**) was created to delineate the extent of potentially impacted area.

### ***Original Project Description***

The proposed Speedway Avenue project is anticipated to extend from the existing intersection at Midway to Entler Avenue where it currently curves to parallel SR 99. The County proposes to improve the existing Speedway Avenue from Midway Avenue to the abandoned Union Pacific Railroad right-of-way and extend Speedway Avenue east to connect with the proposed Entler Avenue extension. Figures 3-3a and 3-3b illustrate the proposed roadway alignment for the proposed project. The Area of Potential Impact (API) is shown in Figure 3-4 and illustrates the area studied for this Initial Study. The proposed project includes: (1) the extension of Speedway Avenue using a typical street section design consisting of a County standard 32-foot pavement width (one 12-foot lane and 4-foot shoulder in each direction) centered along the proposed 60-

foot (variable to accommodate existing improvements) right-of-way; (refer to Figure 3-5 for a typical cross section of the roadway) (2) re-construction of the existing portion of Speedway Avenue, and (3) drainage improvements including accommodating roadside drainage through swales along the unimproved roadway frontages that drain to proposed leach trenches, subterranean and/or overland drainage systems to be designed to convey storm water from the roadway. The proposed pavement structural section is designed to the standards of an industrial collector street (T.I. = 7.5), to accommodate anticipated truck traffic. The proposed project would begin at the existing Speedway Avenue and Midway intersection. The reconstruction of the existing Speedway Avenue would be accomplished within the County's right-of-way until it reaches the Smuckers Quality Beverage facility. At this point the design of the roadway includes a small curve to the south to ensure that truck traffic from the Smuckers Quality Beverages facility can continue to use the loading dock that faces Speedway Avenue (see Figure 3-3a). The roadway would curve to the south to allow room for the semitrucks to safely enter and exit the loading dock facility. Semi trucks would be able to exit the loading dock facility using a single turning movement in either direction, but might need to use two turning movements to enter the loading dock. All turning movements needed to access the loading dock would occur outside of the roadway. The roadway would curve back into the existing Speedway Avenue 600 feet past the loading dock (see Figure 3-3a).

The continued use of the loading dock was an issue that was brought up during the scoping process, and was a design concern of the County. Two meetings were held, on May 8, 2002 and October 5, 2002, with representatives of Smuckers Quality Beverages and Butte County Department of Public Works to evaluate different design alternatives. One alternative considered but rejected was the installation of traffic lights and signs designed to temporarily stop traffic during truck movement. Of the alternatives that were considered viable, avoiding the loading dock and providing additional area for truck maneuvering was considered to be the best alternative (see Figure 3-8 for operation of the loading docks). Figures 3-6 and 3-7 (photo essay) illustrate key points throughout the project alignment. Each photo is numbered and is represented on Figures 3-3a and 3-3b. The existing Speedway Avenue intersects the abandoned Union Pacific Railroad right-of-way and dead ends. The existing Speedway is approximately 2,000 feet. Speedway Avenue would be extended east along the abandoned Union Pacific Railroad right-of-way until the roadway turns northeast through the Becky Yount parcel (see Figure 3-3b).

The Speedway Avenue extension on the abandoned Union Pacific Railroad right-of-way would be approximately 1,400 feet in length and the remaining portion of the roadway through the Yount Parcel would be approximately 600 feet long. The Speedway Roadway extension would intersect ("T" intersection) with the extension of the proposed frontage road that runs from the Entler Avenue curve parallel to SR 99 as part of this project. The extension of the frontage road from the curve on Entler Avenue to the intersection with Speedway Avenue is part of this project. (The frontage Road extension from the proposed intersection with Speedway Avenue to Fair Street is not part of the Speedway Extension Project.) The proposed project would also replace the curve on Entler Avenue with another "T" intersection at the Entler curve and the proposed frontage road (See Figure 3-3b).

## **Addendum to Project Description**

The following is a description of additional project activities which will be implemented as a result of the addition of the extension of the S.R. 99 frontage road in the Speedway Avenue Extension project. In regards to figures presented in the previously approved document, the reader/reviewer should consider the new extents of the API map included in this addendum (**Attachment C**) as the revised project boundary.

Add the following to the existing discussion in Section 3.2, pg. 21:

*The proposed addition to the project is anticipated to provide for the construction of a 40-foot wide commercial collector within the Frontage Road alignment, with curb, gutter, and sidewalk. The frontage road portion of the project will extend from Entler Avenue northerly to Comanche Creek (Formerly known as Edgar Slough). Future circulation elements include extension and tie-in of Speedway Avenue to the Frontage Road just 450-feet north of Entler Avenue. Utility relocation is expected to be very minimal. Increases in storm water runoff will be addressed with the installation of a detention pipe which will be designed to detain and release storm water over a longer period of time to create less or equal runoff to that of preconstruction status. An outfall to Comanche Creek is planned based on the least disturbing route, environmentally. A temporary cul-de-sac is planned at the north end of the Frontage Road approximately 260-feet south of Comanche Creek.*

*Environmental considerations include Elderberry bushes within the proposed area of the proposed storm water discharge near Comanche Creek. Areas of Potential Impacts (A.P.I.), have been delineated on the revised A.P.I. Map (**Attachment A and C**). A storm drain easement is an anticipated requirement in order to construct the drainage facilities to Comanche Creek for discharge.*

## **SUMMARY OF FINDINGS**

In preparing this Addendum, all of the potential impacts on the CEQA "Environmental Checklist Form" were considered. Through field studies, mapping, and a review of permitting requirements, it has been determined that impacts to biological resources have the potential to occur.

### **Additional Baseline Information**

The previously approved IS/MND addressed impacts to elderberry bushes, sole habitat for the Valley Elderberry Longhorn Beetle (federally listed as threatened). Implementation of the existing mitigation measure BR-5 will reduce the potential for impacts to a less than significant level. Mitigation measures BR-2 through BR-5 are described in the approved IS/MND in section 4.0, page 46.

The county proposed two alternative scenarios (**Attachment A**) and based upon the field surveys, will choose the least environmentally damaging practicable alternative. The least environmentally damaging alternative is Scenario I. This is the alternative chosen by the County, because of its distance from the elderberry shrubs in the Comanche Creek riparian area. Storm Drain Scenario I is located more than 100 feet away from occurrences of elderberry bushes. All the bushes exist in riparian habitat and are in good health.

Stem size and count are as follows:

	1-3 in.	3-5 in	5+ in	Presence of exit holes
Bush #1	4	3		No
Bush #2	6			No
Bush #3	Not accessible			
Bush #4	1		1	Yes (old)

No additional mitigation measures beyond what is described in BR-5 will be required for elderberry issues.

### **Edits to Document**

The modification to the Area of Potential Impacts (API) (**Attachments B & C**) will require the addition of two new mitigation measures to reduce the potential for impacts to biological resources to a level that is less than significant. The following mitigation measure shall be implemented as part of this addendum:

#### **4.4-b Biological Resources**

*Would the proposal have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Add the following to the existing discussion in Section 4.4-b, pg. 40:

*Discussion:*

*Based on the site assessment of the new API conducted July 20, 2005 by Gallaway Consulting, Inc. and the proposed installation of a storm-water drainage outfall, the project activities have the potential to impact riparian habitat within the top-of-bank of Comanche Creek. Impacts to riparian habitat are considered potentially significant in terms of the California Department of Fish and Game (CDFG) regulations. Impacts to areas within the top-of-bank require to a Section 1600 Streambed Alteration Agreement from the California Department of Fish and Game.*

Add the following to Section 4.4 mitigation measures on pg. 49:

*BR-6 (Biological Resources):*

*The objective of this mitigation measure is to meet the requirements of the CDFG in regards to potential impacts to areas within the top-of-bank of Comanche Creek*

*Prior to construction the County shall complete the following measures:*

- 1) Apply for and obtain a 1601 Streambed Alteration permit with the California Department of Fish and Game (CDFG)*
- 2) Apply for and obtain final project approval by CDFG*

*Timing: Prior to construction*

*Monitoring: Butte County Department of Public Works*

*The above mitigation measure would reduce impact b. (riparian) to a less than significant level.*

**End of edits to Section 4.4-b**

#### **4.4-c Biological Resources**

*Would the proposal have a substantial adverse effect on federally protected wetlands as defined by Section 404 or the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means)?*

*Note: On the CEQA checklist, a mark in the "less than significant with mitigation incorporated" should be added, to reflect the current scenario.*

Remove the following language from Section 4.4-c, pg. 40:

*The project site does not contain any wetlands, so the proposed project would have no impact on federally protected wetlands as defined by Section 404 of the Clean Water Act.*

Add the following language to Section 4.4-c, pg. 40:

*Based on the site assessment of the new API conducted July, 20, 2005 by Gallaway Consulting, Inc. and the proposed installation of a storm-water drainage outfall, the project activities have the potential to impact jurisdictional riparian habitat within the top-of-bank of Comanche Creek. Impacts to riparian habitat are considered potentially significant in terms of the U.S. Army Corps of Engineers (COE) and the Regional Water Quality Control Board (RWQCB)*

Add the following to Section 4.4-mitigation measures on pg. 49:

*BR-7 (Biological Resources):*

*The objective of this mitigation measure is to meet the requirements of the various state and federal agencies requirements in regards to potential impacts to jurisdictional riparian habitat and Waters of the United States.*

*Prior to construction the County shall complete the following measures:*

- 1) A water quality certification and construction storm water permit from the Regional Water Quality Control Board (Clean Water Act, Section 401)*
- 2) An Army Corps of Engineers Nationwide Permit 7 (Clean Water Act, Section 404).*

*Timing: Prior to construction*

*Monitoring: Butte County Department of Public Works*

*The above mitigation measure would reduce impact c. (Section 401 and 404 of Clean Water Act) to a less than significant level.*

**End of edits to Section 4.4(c)**

#### **4.4-g Biological Resources**

Would the proposal result in a reduction in the numbers, a restriction in the range, or an impact to the critical habitat of any unique, rare, threatened, or endangered species of animal?

Remove the following language from Section 4.4(g), pg. 45:

*There are two complexes (Resource B and C) of Elderberry bushes and their locations are illustrated on Figure 4.4-2 relative to the proposed project.*

Replace the above deletion with the following language to Section 4.4(g), pg. 45:

*There are three complexes of elderberry bushes and their locations are described on Figure 4.4-2 and Attachment A of the Addendum*

**End of edits to Section 4.4(g)**

#### **4.8-a Hydrology and Water Quality**

Would the proposal violate any water quality standards or waste discharge requirements?

Remove the following language from Section 4.8(a), pg. 66:

*This project would have minimal impact on water quality since it would not discharge into a stream, nor will there be any waste discharge. The storm water runoff for the proposed project*

would be kept on site using drainage ditches adjacent to the roadway. Therefore there is a less than significant impact.

Add the following language to Section 4.8(a), pg. 66:

*This project will have potentially significant impacts on water quality since it will discharge surface water into Comanche Creek. The potential for significant impacts will be reduced to a less than significant level through the implementation of mitigation measure BR-7 described in Section 4.4 (Biological Resources). Therefore there will be a less than significant impact.*

**End of edits to Section 4.8(a)**

#### **4.16-c Utilities and Service Systems**

Would the proposal require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Remove the following language from Section 4.16(c), pg. 107:

*The proposed project will contribute cumulative storm water runoff due to the addition of impervious surface. The 32-foot roadway pavement width represents a small portion of the overall area. Flooding in the region is typically from overcharged groundwater (see Appendix E, Investigation of Groundwater Drainage Problems) and not from area runoff. Because the road will be elevated, the runoff is expected to sheet flow into the adjacent right-of-way swales that the county would acquire from as part of the abandoned Union Pacific Railroad right-of-way. The existing right-of-way would capture the runoff from the new roadway extension and would remain on site. The proposed project would use the adjacent right-of-way and the impacts would be considered less than significant.*

Add the following language from Section 4.16(c), pg. 107:

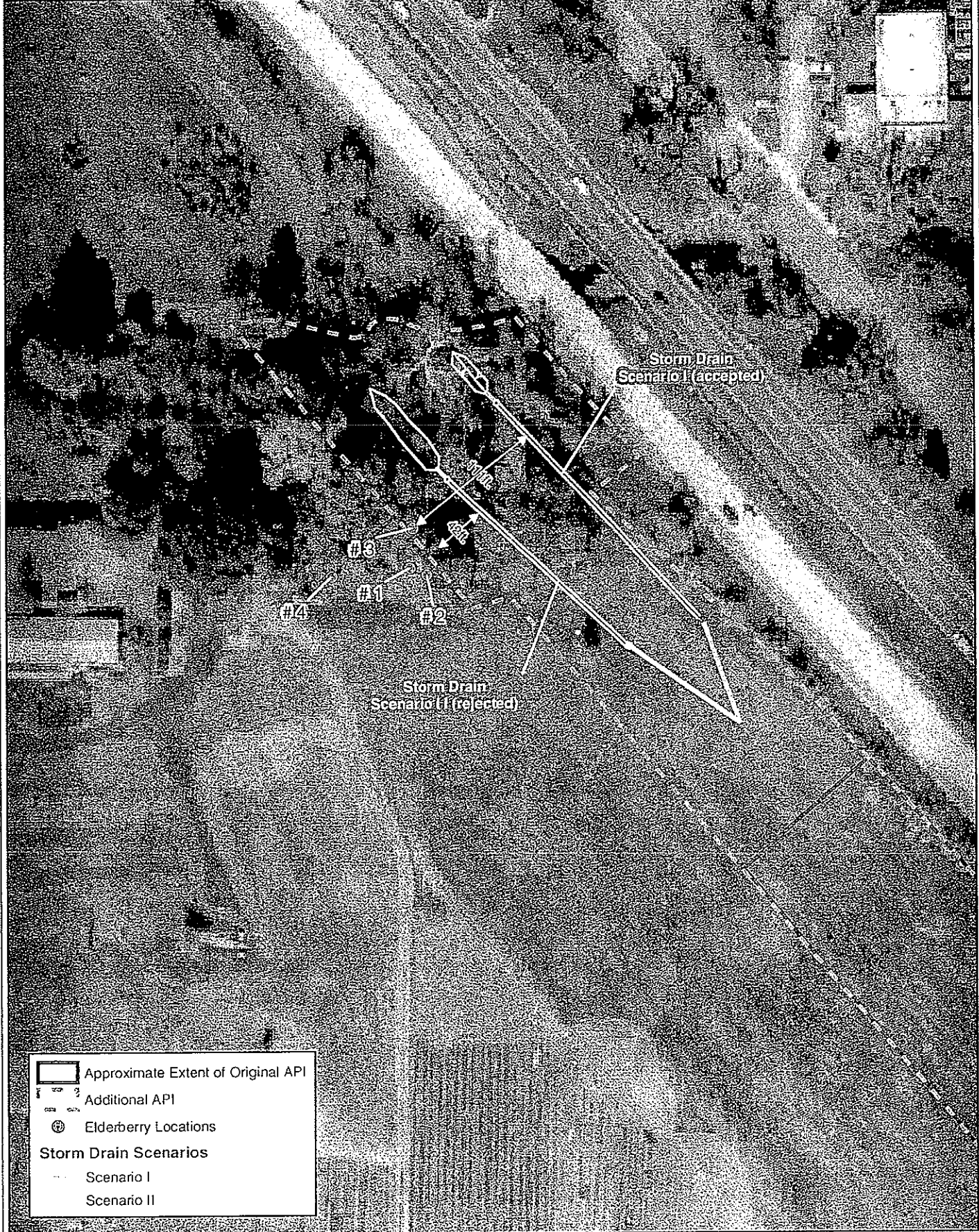
*The proposed project will contribute cumulative storm water runoff due to the addition of impervious surface. The 32 to 40-foot roadway pavement width represents a small portion of the overall area. Flooding in the region is typically from overcharged groundwater (see Appendix E, Investigation of Groundwater Drainage Problems) and not from area runoff. The road will be elevated and the runoff is expected to be accommodated by two storm water conveyance systems: (1) sheet flow into the adjacent right-of-way swales that the county would acquire from as part of the abandoned Union Pacific Railroad right-of-way. The existing right-of-way would capture the runoff from the new roadway extension and would remain on site; and, (2) a storm drainage outfall into Comanche Creek, which would accommodate the runoff from the impervious surface of the frontage road.*

*For the areas serviced by the adjacent right-of-way for storm water drainage the impacts would be considered less than significant. The environmental effects of the installation of the storm drain outfall into Comanche Creek would be reduce to a less than significant level with the implementation of Mitigation Measure BR-7 (Biological Resources)*

## **CONCLUSION**

The proposed project, the subject of this Addendum to the Initial Study, best satisfies the project purpose and need, while minimizing environmental impacts. There would be no significant environmental impacts resulting from implementation of Storm Drain Scenario I with the implementation of the aforementioned mitigation measures.

**Attachment A. – Revised API and Elderberry Occurrences**



Approximate Extent of Original API

Additional API

Elderberry Locations

**Storm Drain Scenarios**

Scenario I

Scenario II



Elderberry locations were obtained using a Trimble Geo XT GPS unit. The property boundary was derived from the Butte County Public Works project map. Date of Aerial: March 2002/Map Date: Aug 3, 2005

