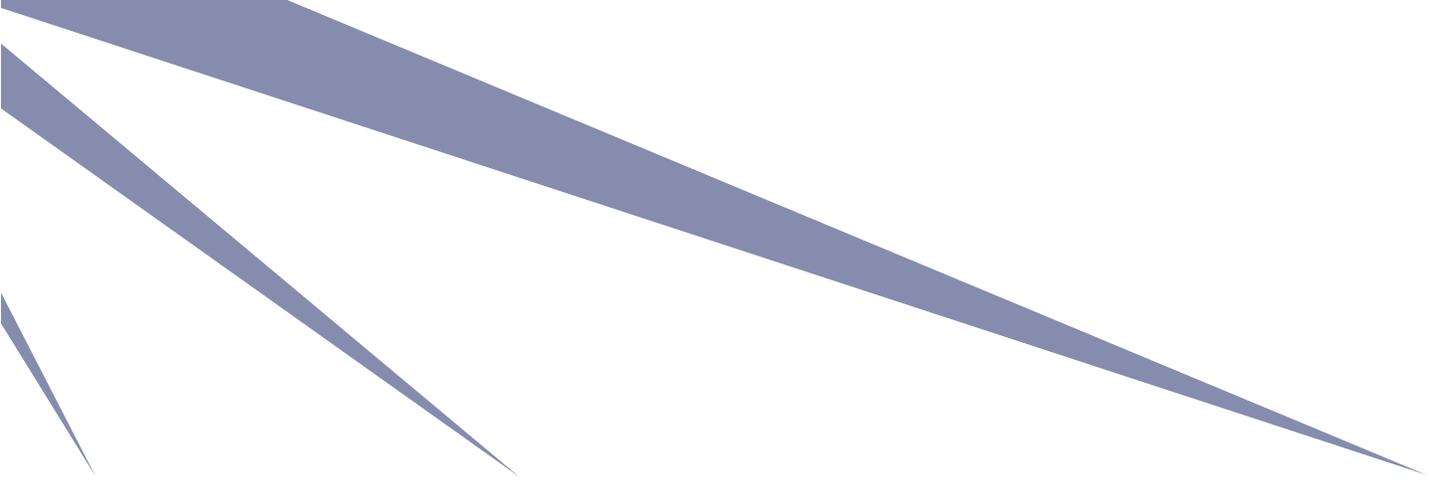


Butte County General Plan

Final EIR

August 30, 2010





Butte County General Plan

Final EIR

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I INTRODUCTION

A. Purpose of the Environmental Impact Report

This document has been prepared in the form of an addendum to the Draft Environmental Impact Report (EIR) for the proposed General Plan 2030. The Draft EIR identified the likely environmental consequences associated with the project, and identified policies contained in the proposed General Plan 2030 that help to reduce potentially significant impacts.

This Final EIR responds to comments on the Draft EIR and makes revisions to the Draft EIR as necessary in response to these comments. Revisions to the proposed General Plan 2030 made in response to these comments are presented in a memorandum that will be considered by the Butte County Board of Supervisors as part of the adoption of General Plan 2030. None of these revisions result in significant changes to the Project Description or findings of the Draft EIR that would trigger the need to recirculate the Draft EIR.

This document, together with the Draft EIR, will constitute the Final EIR if the Butte County Board of Supervisors certifies it as complete and adequate under the California Environmental Quality Act (CEQA).

B. Environmental Review Process

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public and project applicant with an opportunity to comment on the Draft EIR. This Final EIR has been prepared to respond to those comments received on the Draft EIR and to clarify any errors, omissions or misinterpretations of discussions of findings in the Draft EIR.

The Draft EIR was made available for public review on April 8, 2010. The Draft EIR was distributed to local and State responsible and trustee agencies, and the general public was advised of the availability of the Draft EIR through public notice published in the local newspaper and posted by the

County Clerk as required by law. The CEQA-mandated 45-day public comment period ended on June 7, 2010.

On April 22, 2010, a Planning Commission hearing was held to receive comments on the Draft EIR during the official public review period. The hearing was held in the Butte County Board of Supervisors Chambers, located at 25 County Center Drive in Oroville, California.

Copies of all written comments received on the Draft EIR, as well as a transcript of the Planning Commission hearing on the Draft EIR, are contained in this document.

This Final EIR will be presented at a Planning Commission hearing at which the Commission will advise the Board of Supervisors on certification of the EIR as a full disclosure of potential impacts, mitigation measures and alternatives.

However, the Planning Commission will not take final action on the EIR or the proposed project. Instead, the Board of Supervisors will consider the Planning Commission's recommendations on the Final EIR and the proposed General Plan 2030 during a noticed public hearing and make the final action with regard to certification of the Final EIR. The Board of Supervisors is currently scheduled to certify the Final EIR at a public hearing on September 29, 2010.

C. Document Organization

This document is organized into the following chapters:

- ◆ **Chapter 1: Introduction.** This chapter discusses the use and organization of this Final EIR.
- ◆ **Chapter 2: Report Summary.** This chapter is a summary of the findings of the Draft and the Final EIR. It has been reprinted from the

Draft EIR with necessary changes made in this Final EIR shown in double underline and ~~striketrough~~.

- ◆ **Chapter 3: Revisions to the Draft EIR.** Corrections to the text and graphics of the Draft EIR are contained in this chapter. Double underlined text represents language that has been added to the EIR; text with ~~striketrough~~ has been deleted from the EIR.
- ◆ **Chapter 4: List of Commentors.** Names of agencies and individuals who commented on the Draft EIR are included in this chapter.
- ◆ **Chapter 5: Comments and Responses.** This chapter contains reproductions of the letters received from agencies and the public on the Draft EIR. The responses are keyed to the comments which precede them.
- ◆ **Chapter 6: Mitigation Monitoring and Reporting Program.** This chapter lists the mitigation measures included in the Draft EIR, and identifies programs for monitoring and reporting the progress on implementing these measures.

BUTTE COUNTY GENERAL PLAN 2030
FINAL EIR
INTRODUCTION

2 REPORT SUMMARY

This is a summary of the findings of the Draft and Final EIRs. This document has been reprinted from the Draft EIR with necessary changes made in this Final EIR shown in double underline and ~~striketrough~~.

This summary presents an overview of the analysis contained in Chapter 4 of the Draft EIR: Environmental Evaluation. CEQA requires that this chapter summarize the following: 1) areas of controversy; 2) significant impacts; 3) unavoidable significant impacts; 4) implementation of mitigation measures; and 5) alternatives to the project.

A. Project Under Review

This EIR provides an assessment of the potential environmental consequences of adoption of the Butte County General Plan 2030 ~~and Airport Land Use Compatibility Plan (ALUCP) override~~. The General Plan is the principal policy document for future conservation and development in the county, and it has a 20-year planning horizon. ~~Because General Plan 2030 includes densities that are not consistent with the Airport Land Use Compatibility Zones in the ALUCP, adoption of this document requires an override of the ALUCP.~~ The proposed project is described in a greater level of detail in Chapter 3 of the Draft EIR.

B. Areas of Controversy

The County issued an official Notice of Preparation on September 15, 2008 and held a scoping meeting on October 1, 2008. The official Notice of Preparation for this Program EIR was issued to the Governor's Office of Planning and Research, and forwarded to federal, State, and local agencies, and interested parties. The official scoping period for this EIR was between September 15, 2008 and October 14, 2008, during which interested agencies and the public could submit comments about the proposed project. The comments received focused primarily on the following issues:

- ◆ Impacts related to farmland conversion and conflicts with Williamson Act contracts, and mitigation options, such as conservation easements and mitigation fees;
- ◆ Impacts related to air pollution;
- ◆ Impacts related to historical and archaeological resources;
- ◆ Impacts related to hazards;
- ◆ Impacts related to stormwater quality and drainage;
- ◆ Consistency with municipal plans;
- ◆ Impacts on public services;
- ◆ Impacts on the State Highway System;
- ◆ Strategies to reduce vehicle miles traveled and increase use of transit and alternative modes of transportation;
- ◆ Impacts related to rail safety;
- ◆ Wastewater treatment capacity; and
- ◆ Impacts related to greenhouse gas (GHG) emissions.

All of these issues were addressed in the General Plan 2030 process. To the extent that these issues have environmental impacts, they are also addressed in this EIR.

C. Significant Impacts

Under CEQA, a significant impact on the environment is defined as a substantial, or 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 and aesthetic significance.

As described in Chapter 3 of the Draft EIR, Project Description, implementation of the proposed General Plan 2030 ~~and ALUCP override~~ is anticipated to result in the development of approximately 13,700 new dwelling units and the addition of 33,800 new residents, as well as the development of 1.8 million square feet of new retail and office space and 1.1 million square feet of new industrial space by 2030. This development, in combination with long-term, region-wide growth and development, has the potential to generate environmental impacts in a number of areas, including direct construction impacts on biological and cultural resources; indirect impacts associated with use of this built environment on areas such as transportation, air quality, and noise; and capacity impacts to utilities and public services, such as water service, wastewater, solid waste, schools, and parks.

However, by incorporating policies intended to avoid environmental impacts and by steering development to existing incorporated and unincorporated cities and communities, General Plan 2030 is largely self-mitigating. Rather than mitigating impacts from implementation of General Plan 2030 through mitigation measures in this EIR, the policies and land use map in General Plan 2030 are intended to prevent the majority of environmental impacts altogether.

~~The ALUCP override also has the potential to generate environmental impacts within the county; however, the ALUCP override is not a policy document and therefore is not self-mitigating.~~

The implementation of the proposed General Plan 2030 has the potential to generate ~~24~~ 26 significant environmental impacts. Of these impacts, ~~18~~ 49 are the result of the proposed General Plan 2030 ~~and ALUCP override~~, and six are the result of General Plan 2030 combined with other cumulative development in the larger region, ~~and one is considered an impact of both the proposed General Plan 2030 and cumulative development.~~ Throughout this EIR, the terms “project” or “proposed project,” are used to refer to the implementation of General Plan 2030 ~~and the ALUCP override~~, which will govern all development in unincorporated Butte County over the life of the document.

The term “cumulative” refers to General Plan 2030 *as well as* development that will happen in the incorporated municipalities and the surrounding region.¹

The significant project impacts are in the following topic areas:

- ◆ Agriculture (two project impacts)
- ◆ Hydrology and Water Quality (two project impacts)
- ~~◆ Land Use (one project impact)~~
- ◆ Noise (one project impact)
- ◆ Transportation and Circulation (13 project impacts)

The significant cumulative impacts are in the following topic areas:

- ◆ Agriculture
- ◆ Biological Resources
- ◆ Hydrology and Water Quality
- ~~◆ Land Use~~
- ◆ Noise
- ◆ Transportation and Circulation

The significant impact considered to result from both the project and cumulative development in the region is in the GHG emissions analysis. This is because climate change is the result of cumulative global emissions. There is no single project, when taken in isolation, that can “cause” climate change, as a single project’s emissions are insufficient to change the radiative balance of the atmosphere. Because climate change is the result of GHG emissions, and GHGs are emitted by innumerable sources worldwide, global climate change is a significant cumulative impact of human development and activity. The global increase in GHG emissions that has occurred and will occur in the future is the result of the actions and choices of individuals, businesses, local governments, states, and nations. Therefore, the analysis in Chapter 4.15 of the Draft EIR addresses project and cumulative impacts in combination.

¹ See also Section B in Chapter 4.0, Environmental Evaluation, and Section D in Chapter 6, CEQA Required Assessment Conclusions, for an expanded discussion about the cumulative analysis.

General Plan 2030 contributes to all of the impacts on a programmatic level, while the ALUCP override contributes only to the project and cumulative impact in the land use topic.

All of the impacts are considered significant and unavoidable. They are discussed in the following two sections and summarized in Table 2-1.

D. Mitigation Measures

This EIR suggests specific mitigation measures to reduce the significant impacts of General Plan 2030. Of the ~~24~~ 26 significant impacts, Impacts TRAF-1 through TRAF-13 provide mitigation measures. However, they are found to be significant and unavoidable after mitigation. The mitigation measures in this EIR will form the basis of a Mitigation Monitoring and Reporting Program, provided in Chapter 6 of this Final EIR, to be implemented in accordance with State law.

E. Unavoidable Significant Impacts

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. As described in Chapter 4 of the Draft EIR, and shown in Table 2-1, ~~24~~ 26 significant unavoidable impacts were identified in the areas of agriculture, biological resources, hydrology and water quality, ~~land use~~, noise, transportation and circulation, and greenhouse gas emissions.

F. Alternatives to the Project

This EIR analyzes alternatives to the proposed project. Three alternatives to the proposed project are considered and described in detail in Chapter 5 of the Draft EIR:

- ◆ No Project Alternative
- ◆ Concentrated Growth Alternative
- ◆ Rural Extension Alternative

As shown in the alternatives analysis in Chapter 5 of the Draft EIR, the Concentrated Growth Alternative has the least environmental impact and is therefore the environmentally superior alternative. By focusing growth into the spheres of influence (SOI) of the county's municipalities and into existing unincorporated communities, the Concentrated Growth Alternative would make the least contribution to the significant and unavoidable impacts that have been identified in relation to biological resources, hydrology and water quality, noise, transportation and circulation, and greenhouse gas emissions. The Rural Extension Alternative and the No Project Alternative would have greater impacts than General Plan 2030 ~~and the ALUCP override~~.

G. Summary Table

Table 2-1 presents a summary of impacts and mitigation measures identified in this report. It is organized to correspond with the environmental issues discussed in Chapter 4 of the Draft EIR. Table 2-1 distinguishes between two types of significant impacts: on the one hand impacts that directly result from the proposed project, which is the implementation of General Plan 2030 ~~and the ALUCP override~~ and which will govern all development in unincorporated Butte County over the life of the document; and on the other hand, impacts that result from the combination of General Plan 2030 and other regional development, including in the incorporated municipalities and the surrounding region.² Although this is a programmatic EIR, CEQA defines a "project" as any action that "has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378). Im-

² See also Section B in Chapter 4.0, Environmental Evaluation, and Section D in Chapter 6, CEQA Required Assessment Conclusions, for an expanded discussion about the cumulative analysis.

pacts that are the result of the proposed project are termed “project impacts,” while impacts that are the result of the cumulative condition are termed “cumulative impacts.”

The table is arranged into six columns: 1) significant impacts; 2) classification as a project impact, as discussed above; 3) classification as a cumulative impact, as discussed above; 4) significance prior to mitigation; 5) mitigation measures; and 6) significance after mitigation. For a complete description of potential impacts, please refer to the specific discussions in Chapter 4 of the Draft EIR.

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Project Impact	Cumulative Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AESTHETICS					
<i>General Plan 2030 goals, policies, and actions are found to avoid significant impacts related to aesthetics.</i>					
AGRICULTURE					
AG-1: Although the goals, policies, actions and regulations of General Plan 2030 would reduce and partially offset the conversion of farmland, the proposed project designates approximately 4,700 acres of farmlands of concern under CEQA for non-agricultural uses.	✓		SU	These parcels are small, so they may no longer be viable for current agricultural practices. They are also located close to existing urbanized areas, which General Plan 2030 targets as appropriate locations for future growth. Placing or keeping an agricultural designation on these scattered parcels would make General Plan 2030 internally inconsistent. Therefore, this impact is <i>significant and unavoidable</i> .	SU
AG-2: Although the goals, policies, actions and regulations of General Plan 2030 would reduce and partially offset conflicts with Williamson Act contracts, the proposed project designates approximately 90 acres of lands with existing Williamson Act contracts for residential or industrial uses.	✓		SU	The parcels with Williamson Act conflicts are small, and many are located close to existing urbanized areas or established unincorporated communities, which General Plan 2030 targets as appropriate locations for future growth. Small parcels may no longer be viable for current agricultural practices. Placing or keeping an agricultural designation on these parcels would make General Plan 2030 internally inconsistent. Therefore, this impact is <i>significant and unavoidable</i> .	SU
AG-3: Although the goals, policies, actions and regulations of General Plan 2030 would reduce and partially offset regional agricultural impacts, the proposed project would contribute to cumulatively significant agricultural impacts in the region.		✓	SU	The amount of growth foreseen in the region and the decisions of surrounding counties regarding conversion of agricultural land are outside the control of Butte County. Therefore, this impact is <i>significant and unavoidable</i> .	SU

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Project Impact	Cumulative Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AIR QUALITY					
<i>General Plan 2030 goals, policies, and actions are found to avoid significant impacts related to air quality.</i>					
BIOLOGICAL RESOURCES					
BIO-1: General Plan 2030 contains extensive goals, policies, and actions that mitigate impacts to undeveloped lands that support sensitive biological resources, including special-status species, sensitive natural communities, federally-protected wetlands, and wildlife and fish movement corridors, to a less-than-significant level and that additionally minimize the effects of development on biological resources in general. Development resulting under General Plan 2030 would contribute to the on-going loss of undeveloped lands that support such sensitive biological resources in Butte County. The cumulative loss of habitat and sensitive natural communities in Butte County could potentially contribute to a general decline for the region, and might result in the loss or displacement of wildlife that would have to compete for suitable habitats with existing adjacent populations.		✓	SU	This change would occur as an intrinsic part of the land use changes allowed under General Plan 2030 to accommodate the expected continued growth of population and economic activity in Butte County over the next 20 years, and development outside Butte County would be beyond the County's ability to regulate or control. Therefore, there is no feasible mitigation available to reduce this impact to a less-than-significant level, and the impact is considered <i>significant and unavoidable</i> .	SU
CULTURAL RESOURCES					
<i>General Plan 2030 goals, policies, and actions are found to avoid significant impacts related to cultural resources.</i>					
GEOLOGY, SOILS, AND MINERAL RESOURCES					
<i>General Plan 2030 goals, policies, and actions are found to avoid significant impacts related to geology, soils, and mineral resources.</i>					

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Project Impact	Cumulative Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
HAZARDS AND SAFETY					
<i>General Plan 2030 goals, policies, and actions are found to avoid significant impacts related to hazards and safety.</i>					
HYDROLOGY AND WATER QUALITY					
HYDRO-1: Although General Plan 2030 polices and actions reduce risks associated with levee failure, they do not eliminate risks to people and property. In addition, recently-adopted policies by FEMA would de-certify a number of levees in Butte County, which indicates that larger areas of Butte County are subject to levee inundation than realized under previous policies.	✓		SU	It is not within Butte County's power to require or complete maintenance and improvements to levees in the county owned and maintained by private individuals and other public agencies. Therefore, the impact is considered <i>significant and unavoidable</i> .	SU
HYDRO-2: Although General Plan 2030 polices and actions reduce risks associated with dam failure, they do not eliminate risks to people and property.	✓		SU	It is not within Butte County's power to require or complete maintenance and improvements to dams in and around the county owned and maintained by other agencies. Therefore, the impact is considered <i>significant and unavoidable</i> .	SU
HYDRO-3: General Plan 2030 would contribute to development in levee and dam inundation areas, resulting in a significant cumulative impact.		✓	SU	It is not within Butte County's power to require or complete maintenance and improvements to levees or dams in the county owned and maintained by private individuals and other public agencies. Therefore, the impact is considered <i>significant and unavoidable</i> .	SU
LAND USE					
<i>General Plan 2030 goals, policies, and actions are found to avoid significant impacts related to land use.</i>					

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Project Impact	Cumulative Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
LU-1: General Plan 2030 includes residential densities that are inconsistent with the Airport Land Use Compatibility Plan, which necessitates the Airport Land Use Compatibility Plan override.	✓		SU	Much of the areas that are inconsistent with the ALUCP are already parcelized to a density that is similar to the General Plan 2030 designations. General Plan 2030 policies and actions would promote consistency with land use plans, policies, and regulations, but would not mitigate the significant impacts from inconsistencies with the ALUCP. Therefore, the impact is <i>significant and unavoidable</i> .	SU
LU-2: General Plan 2030 and the Chico General Plan include residential densities that are inconsistent with the ALUCP, which necessitates the ALUCP override. This contributes to a significant cumulative impact.	✓	✓	SU	Although General Plan 2030 policies and actions would promote consistency with land use plans, policies, and regulations, they would not mitigate the significant impacts from inconsistency with the ALUCP. Furthermore, decisions of the City of Chico regarding consistency with the ALUCP are outside the control of Butte County. Therefore, this cumulative impact is considered <i>significant and unavoidable</i> .	SU
NOISE					
NOISE-1: Implementation of General Plan 2030 would cause a substantial permanent increase in ambient noise levels because more people would be living, driving and flying in Butte County.	✓		SU	General Plan 2030 Health and Safety Element policies would reduce many noise exposure impacts to a less-than-significant level, but would not mitigate the significant impacts from traffic noise increases and aircraft noise increases on ambient noise levels in all cases. Since this traffic and aircraft operation is an unavoidable outcome	SU

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Project Impact	Cumulative Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
NOISE-1 <i>continued</i>				of the type of residential and commercial growth foreseen in Butte County, there is no feasible mitigation measure to reduce this impact to a less-than-significant level. Therefore, this impact is <i>significant and unavoidable</i> .	
NOISE-2: Implementation of General Plan 2030 would contribute to conditions that exceed County noise standards and that cause a substantial permanent increase in ambient noise levels, causing a significant cumulative noise impact.		✓	SU	General Plan 2030 would contribute to cumulative traffic noise conditions that exceed County noise standards. Since this traffic is an unavoidable outcome of the type of residential and commercial growth foreseen in Butte County and the surrounding counties, this impact is <i>significant and unavoidable</i> .	SU
POPULATION AND HOUSING					
<i>General Plan 2030 goals, policies, and actions are found to avoid significant impacts related to population and housing.</i>					
PUBLIC SERVICES AND RECREATION					
<i>General Plan 2030 goals, policies, and actions are found to avoid significant impacts related to public services and recreation.</i>					
TRANSPORTATION AND CIRCULATION					
TRAF-1: Implementation of General Plan 2030 would lead to unacceptable LOS F operations on State Route 32 between Muir Avenue and W. 1 st Street.	✓		S	TRAF-1: Widen State Route 32 to four lanes through this section.	SU
TRAF-2: Implementation of General Plan 2030 would lead to unacceptable LOS F operations on State Route 99 between the Sutter County Line and East Biggs Highway.	✓		S	TRAF-2: Widen and convert State Route 99 to a four-lane conventional highway through this section.	SU

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Project Impact	Cumulative Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
TRAF-3: Implementation of General Plan 2030 would lead to unacceptable LOS F operations on State Route 99 between State Route 149 and the Skyway.	✓		S	TRAF-3: Convert State Route 99 to a grade separated, limited access freeway facility through this section.	SU
TRAF-4: Implementation of General Plan 2030 would lead to unacceptable LOS F operations on State Route 99 between East 20 th Street and Cohasset Road.	✓		S	TRAF-4: Widen State Route 99 to six lanes through this section.	SU
TRAF-5: Implementation of General Plan 2030 would lead to unacceptable LOS F operations on State Route 99 between Eaton Road and Keefer Road.	✓		S	TRAF-5: Widen State Route 99 to four lanes through this section.	SU
TRAF-6: Implementation of General Plan 2030 would lead to unacceptable LOS E operations on State Route 162 between Larkin Road and State Route 70.	✓		S	TRAF-6: Widen State Route 162 to four lanes through this section.	SU
TRAF-7: Implementation of General Plan 2030 would lead to unacceptable LOS F operations on State Route 162 between State Route 70 and Lower Wyandotte Road.	✓		S	TRAF-7: Widen State Route 162 to six lanes through this section.	SU
TRAF-8: Implementation of General Plan 2030 would lead to unacceptable LOS E operations on State Route 162 between Foothill Boulevard and Canyon Drive.	✓		S	TRAF-8: Widen State Route 162 to four lanes through this section.	SU
TRAF-9: Implementation of General Plan 2030 would lead to unacceptable LOS F operations on Cohasset Road between State Route 99 and East Avenue.	✓		S	TRAF-9: Construct a raised median on this roadway section to enhance capacity.	SU

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Project Impact	Cumulative Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
TRAF-10: Implementation of General Plan 2030 would lead to unacceptable LOS D operations on Midway between Hegan Lane and the planned Southgate Extension.	✓		S	TRAF-10: Widen Midway to four lanes through this section.	SU
TRAF-11: Implementation of General Plan 2030 would lead to unacceptable LOS F operations on the Skyway between State Route 99 and Notre Dame Boulevard.	✓		S	TRAF-11: Construct a raised median on this roadway section to enhance capacity.	SU
TRAF-12: Implementation of General Plan 2030 would lead to unacceptable LOS D/E operations on the Skyway between Neal Road and Bille Road.	✓		S	TRAF-12: Convert this section of the Skyway to a four-lane limited access expressway.	SU
TRAF-13: Implementation of General Plan 2030 would lead to unacceptable LOS D/E operations on the Skyway between Bille Road and Pentz Road.	✓		S	TRAF-13: Widen the section of the Skyway between Bille Road and Wagstaff Road to a four-lane, divided arterial, and widen the section of the Skyway from Wagstaff Road to Pentz Road to a four-lane, undivided arterial.	SU
TRAF-14: Implementation of General Plan 2030 would cause increased traffic that would exacerbate existing deficiencies along regional roadways, contributing to a cumulatively significant transportation impact.		✓	SU	Because mitigation for these deficiencies is not identified and would be outside the control of Butte County, the impact is considered <i>significant and unavoidable</i> .	SU

UTILITIES

General Plan 2030 goals, policies, and actions are found to avoid significant impacts related to utilities.

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Project Impact	Cumulative Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
GREENHOUSE GAS EMISSIONS					
CC-1: Implementation of General Plan 2030 would result in GHG emissions that would contribute to cumulative GHG emissions and global climate change. The 2020 GHG forecast for the county indicates that emissions would be greater than 85 percent of current (2006) conditions, creating a significant contribution to GHG emissions and associated climate change impacts. Policies and actions would provide a comprehensive framework for reducing GHG emissions in the county, but they would not ensure that the County can meet the reduction goal.	✓	✓	SU	As part of the General Plan 2030 process, the County considered a wide range of policies and actions to reduce GHG emissions, and all feasible measures are included. However, they do not ensure that the County will meet its reduction goal, so the impact is considered <i>cumulatively significant and unavoidable</i> .	SU

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

BUTTE COUNTY GENERAL PLAN 2030
FINAL EIR
REPORT SUMMARY

3 REVISIONS FOR THE DEIR

This chapter presents specific changes to the text of the Draft EIR that are being made in response to comments made by the public and/or reviewing agencies. In each case, the revised page and location on the page is set forth, followed by the textual, tabular or graphical revision. New text is double-underlined and text removed is shown in ~~strike through~~. None of the changes constitute significant changes to the Draft EIR, so the Draft EIR does not need to be recirculated.

All changes to Chapter 2 of the Draft EIR, including changes to the Summary of Impacts and Mitigation Measures, are included in Chapter 2 of this Final EIR.

The changes to the Draft EIR reflected in this chapter are supported and explained by the responses to comments in Chapter 5. As explained further in Chapter 5, the changes to the Draft EIR include changes based on direction by the Butte County Board of Supervisors to revise General Plan 2030 to be consistent with the Airport Land Use Compatibility Plan (ALUCP), thus eliminating the need for an ALUCP override. Therefore, this chapter includes extensive changes to the Draft EIR in areas that refer to the ALUCP override and compatibility with the ALUCP.

The text on page 1-1 and the top of page 1-2 is hereby amended as follows:

This Environmental Impact Report (EIR) provides an assessment of the potential environmental consequences of adoption and implementation of the proposed Butte County General Plan 2030 ~~and Airport Land Use Compatibility Plan (ALUCP) override~~. This assessment is intended to inform county residents, decision-makers, and responsible and trustee agencies of the nature of General Plan 2030 ~~and the ALUCP override~~, and their effect on the environment. This EIR was prepared in accordance with and in fulfillment of California Environmental Quality Act (CEQA) requirements. Butte County is the Lead Agency for this EIR.

A. Proposed Action

The proposed project is a comprehensive update of the existing Butte County General Plan, as well as the associated override of the ALUCP. The General Plan is the principal policy document for future conservation and development in the county, and it has a 20-year planning horizon. ~~Because General Plan 2030 includes densities that are not consistent with the Airport Land Use Compatibility Zones in the ALUCP, adoption of this document requires an override of the ALUCP.~~ The proposed project is described in a greater level of detail in Chapter 3.

B. EIR Scope, Issues, and Concerns

This document is a countywide Program EIR that analyzes potential environmental impacts of the adoption of the proposed General Plan 2030 ~~and ALUCP override~~. Program EIRs are not project-specific and do not evaluate the impacts of specific development ‘projects’ that may be proposed under General Plan 2030. Such projects will require separate environmental review to secure the necessary development entitlement. This EIR is intended, where appropriate, to be used as a first-tier environmental document for future projects, but it is not intended to address impacts of individual development projects.

The third and fifth bullet points at the bottom of page 1-4 and the top of page 1-5 is hereby amended as follows:

This document is organized into the following chapters:

- ◆ **Chapter 3: Project Description.** This chapter describes General Plan 2030 ~~and the ALUCP override~~ in detail, including a listing of proposed land use designation changes.
- ◆ **Chapter 5: Alternatives to the Proposed Project.** This chapter considers three alternatives to the proposed project, including the CEQA-required “No Project Alternative.”

The text at the bottom of page 1-5 and the top of page 1-6 is hereby amended as follows:

Following the close of the public review period, a Final EIR will be prepared to respond to all substantive comments regarding the Draft EIR. The Final EIR will be made available for public review prior to consideration of its certification by Butte County. The County will hold public hearings to consider the certification of the Final EIR and the adoption of the Butte County General Plan 2030, and Findings of Overriding Consideration, ~~and ALUCP override~~, which may be approved as drafted or modified.

Figure 3-2 on page 3-6 is replaced as shown on the following page.

Figure 3-5 on page 3-6 is replaced as shown on page 3-5.

The text on page 3-11 is hereby amended as follows:

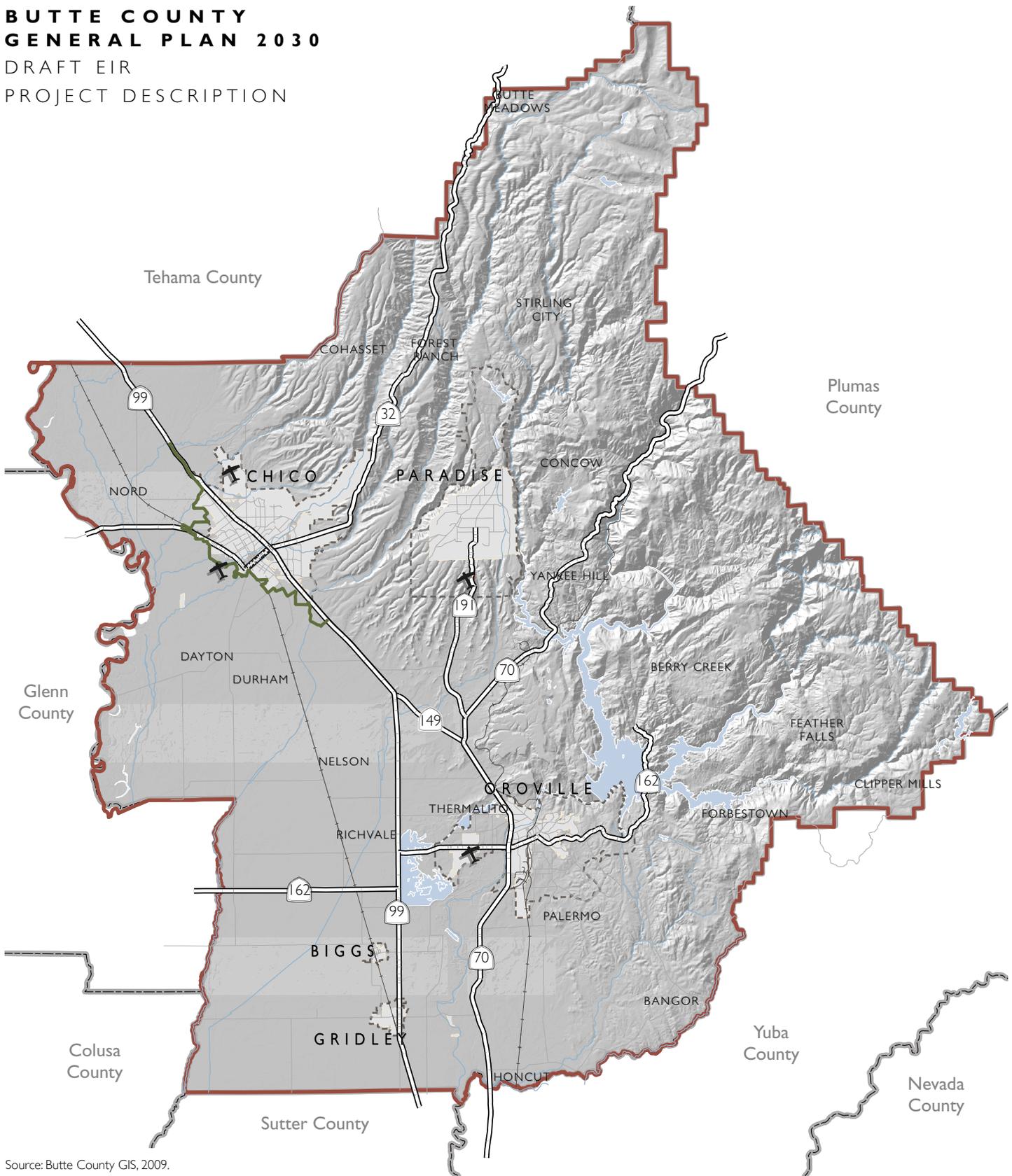
1. General Plan 2030 Process

The process to update the existing Butte County General Plan began in September 2006 and is scheduled to be completed with the adoption of the General Plan ~~and ALUCP override~~ by the Board of Supervisors, in 2010. General Plan 2030 was developed with extensive community input and reflects the community's vision for Butte County.

The text at the bottom of page 3-15 and top of page 3-16 is hereby amended as follows:

As required by State law, the Public Review Draft General Plan 2030 has been available for public comment, and this EIR will be circulated for a review period at least 45 days in length. In addition, the summary of changes to the Public Review Draft General Plan 2030 from the Butte County Board of Supervisors meetings on January 19 and 21, 2010 is being circulated for review with this EIR. During this time, the public will be allowed to submit additional comments on General Plan 2030 and this EIR. All of the comments received will be taken into consideration at the public hearings held

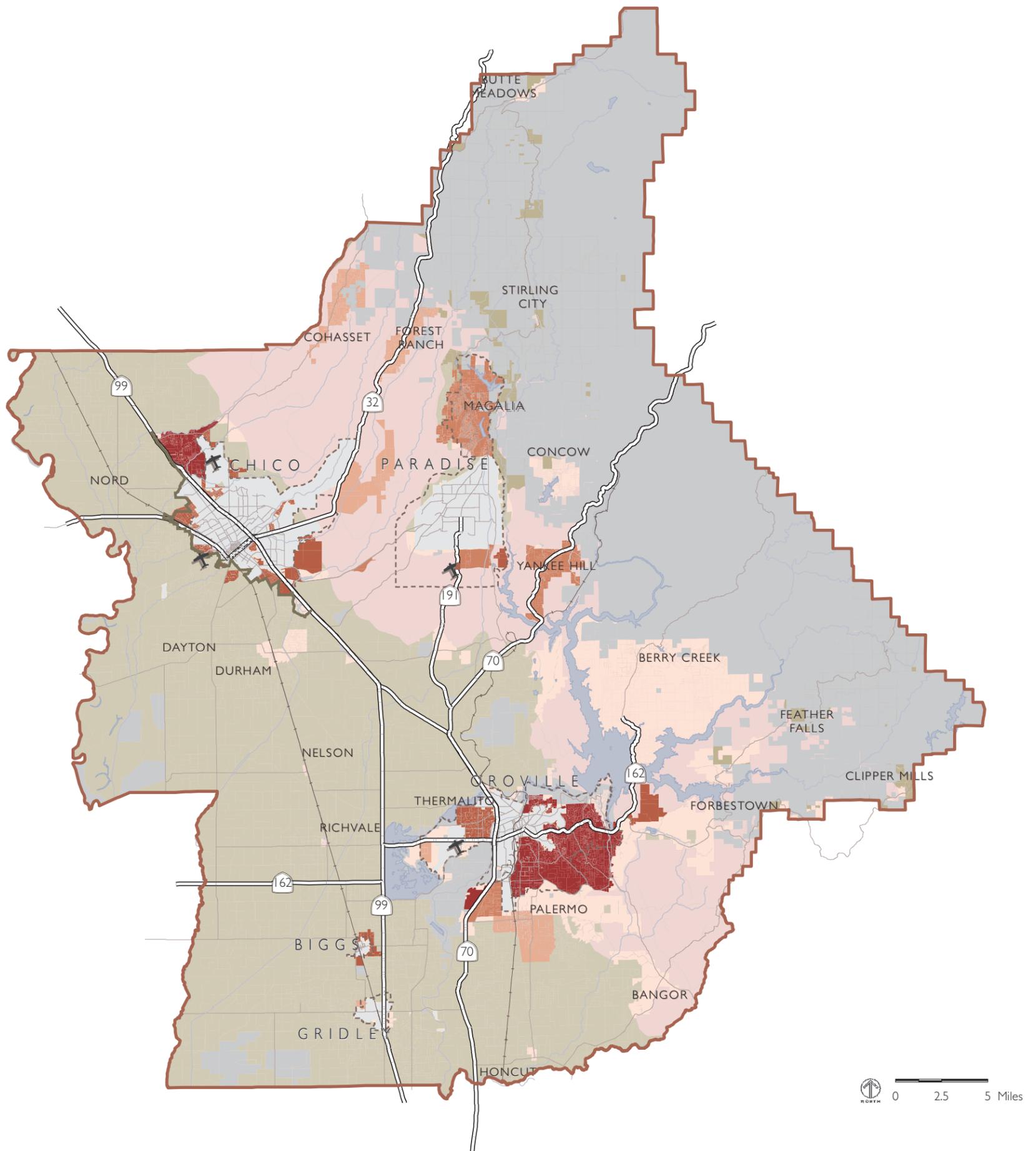
**BUTTE COUNTY
GENERAL PLAN 2030**
DRAFT EIR
PROJECT DESCRIPTION



Source: Butte County GIS, 2009.

- Airports
- Sphere of Influence
- Highways
- City/Town Limits
- Railroad
- Butte County Boundary
- Major Roads
- Other County Boundary

FIGURE 3-2
PLANNING AREA



Source: DC&E GIS, 2009. Note: Represents only residential growth. Non-residential development is not represented.

Number of Dwelling Units Estimated for Purposes of Projected 2030 Buildout

- 0 - 30
- 31 - 100
- 101 - 250
- 251 - 750
- 751 - 2700

- Deer Herd Migration Area Overlay (425 units)
- Agriculture (1,050 units)
- Timber Mountain (30 units)
- Areas Designated for Non-Residential Use (0 units)

- Airports
- Greenline
- Highways
- Railroad
- Major Roads
- Sphere of Influence
- City/Town Limits
- County Boundary

FIGURE 3-5
PROJECTED 2030 RESIDENTIAL BUILDOUT

before the Planning Commission and Board of Supervisors prior to certification of this EIR and adoption of General Plan 2030 ~~and the ALUCP override~~. In considering General Plan 2030 ~~and the ALUCP override~~, the Planning Commission and Board of Supervisors will review the comments received and this accompanying EIR.

The text at the top of page 3-34 is hereby amended as follows:

g. Airport Overlay

This overlay pertains to areas that are within Airport Land Use Compatibility Zones and are subject to additional restrictions under the ALUCP. Land uses and densities within the Airport Land Use Compatibility Zones must comply with the current adopted ALUCP where those allowed land uses and densities differ from General Plan 2030 land use designations, unless a deviation from the ALUCP is approved by a two-thirds majority of the Butte County Board of Supervisors.

Section E, beginning at the bottom of page 3-36, is hereby amended as follows:

E. Conforming Amendments to Existing Area and Specific Plans

In order to maintain consistency between General Plan 2030 and existing Area and Specific Plans, the following actions would be required at the same time that General Plan 2030 ~~and the ALUCP override are~~ is adopted. Thus, they are considered part of the proposed project evaluated by this EIR:

Footnote “c” of Table 3-5 on page 3-46 of the Draft EIR is hereby amended as follows:

^c The Timber Mountain permit history has been adjusted for the geographic area of Timber Mountain under General Plan 2030 compared to the existing General Plan. The geographic area assumed for Timber Mountain excludes the Timber Preserve areas, ~~which do not allow residential uses~~, and the National Forest areas.

The following text on pages 3-56 through 3-58 is hereby deleted:

H. Airport Land Use Compatibility Plan Override

~~The Butte County Airport Land Use Commission (ALUC) is charged with promoting land use compatibility around the county's airports in order to minimize public exposure to excessive noise and safety hazards. This is primarily accomplished through the preparation and periodic update of an ALUCP, the most recent of which was adopted in 2000. The ALUCP encompasses the four principal airports in the county: Chico Municipal Airport, Oroville Municipal Airport, Paradise Skypark Airport and the Ranchoero Airport. Public Utilities Code Section 21676 requires that the Butte County General Plan be in conformance with the ALUCP, unless the Board of Supervisors makes specific findings to overrule the ALUCP or portions of it.~~

~~General Plan 2030 includes land use designations that are not consistent with the Airport Land Use Compatibility Zones included in the ALUCP. In general, General Plan 2030 would allow more residential units to be built than would be allowed by the ALUCP within the Airport Land Use Compatibility zones. General Plan 2030 would not allow a different type of use or increased heights above what is allowed under the ALUCP. The specific inconsistencies between the land use designations in General Plan 2030 and the Airport Land Use Compatibility Zones in the ALUCP are as follows:~~

- ~~◆ **Chico Municipal Airport:** The VLDR land use designation, which allows from 1 dwelling unit per 5 acres to 1 dwelling unit per acre, is inconsistent with the B1 Compatibility Zone. The VLDR land use designation would be inconsistent with B2, C and C1 Compatibility Zones unless the zoning requires a 5 acre minimum. The VLDR land use designation is inconsistent with C2 Compatibility Zone.~~
- ~~◆ **Oroville Municipal Airport:** The Rural Residential land use designation, which allows up to 1 dwelling unit per 5 acres, would be considered inconsistent with the B1 Compatibility Zone, unless the zoning requires a 10-acre minimum.~~

- ◆ ~~Ranchero Airport: The VLDR, LDR and MDR land use designations are inconsistent with the B1 and B2 Compatibility Zones. There are two parcels in the C Compatibility Zone which are designated as VLDR. This designation would be inconsistent.~~
- ◆ ~~Paradise Skypark Airport: The Rural Residential land use designation, which allows up to 1 dwelling unit per 5 acres, would be considered inconsistent with the B1 Compatibility Zone, unless the zoning requires a 10-acre minimum. In addition, the VLDR land use designation is inconsistent with the C Compatibility Zone, unless the zoning requires a 5-acre minimum.~~

~~Therefore, in order to adopt General Plan 2030, the Board of Supervisors must also override the ALUCP. Implementation of the ALUCP override would have potential land use impacts, which are discussed in Chapter 4.9, Land Use.~~

Section I on page 3-58 is hereby amended as follows:

I. Intended Uses of the General Plan

As mentioned at the beginning of this chapter, this programmatic EIR is intended to review potential environmental impacts associated with the adoption and implementation of the Butte County General Plan 2030 ~~and ALUCP override~~, and determine corresponding mitigation measures, as necessary. Subsequent projects will be reviewed by the County for consistency with General Plan 2030, ~~the ALUCP override~~ and this EIR, and adequate project-level environmental review will be conducted as required by CEQA. Projects successive to this EIR could include the following:

Table 4.3-2 on pages 4.3-11 and 4.3-12 is replaced as shown on the following page.

TABLE 4.3-2 **AMBIENT AIR QUALITY MONITORING DATA MEASURED AT MONITORING STATIONS WITHIN BUTTE COUNTY**

Pollutant Standards	Chico			Paradise Airport Road			Paradise Fire Station		
	2006	2007	2008	2006	2007	2008	2006	2007	2008
Ozone (O₃)									
Maximum 1-hour concentration (ppm)	0.090	0.094	0.111	0.104	0.102	0.125	-	-	-
Maximum 8-hour concentration (ppm)	0.080	0.084	0.096	0.094	0.095	0.108	-	-	-
Number of days standard exceeded: ^a									
CAAQS 1-hour (>0.09 ppm)	0	0	2	8	1	3	-	-	-
NAAQS 8-hour (>0.075 ppm)	4	3	6	33	12	16	-	-	-
CAAQS 8-hour (>0.070 ppm)	19	10	14	59	30	23	-	-	-
Carbon Monoxide (CO)									
Maximum 8-hour concentration (ppm)	2.70	2.16	2.74	-	-	-	-	-	-
Maximum 1-hour concentration (ppm)	4.3	3.3	3.1	-	-	-	-	-	-
Number of days standard exceeded: ^a									
NAAQS 8-hour (\geq 9 ppm)	0	0	0	-	-	-	-	-	-
CAAQS 8-hour (\geq 9.0 ppm)	0	0	0	-	-	-	-	-	-
NAAQS 1-hour (\geq 35 ppm)	0	0	0	-	-	-	-	-	-
CAAQS 1-hour (\geq 20 ppm)	0	0	0	-	-	-	-	-	-
Particulate Matter (PM₁₀)^b									
National ^c maximum 24-hour concentration ($\mu\text{g}/\text{m}^3$)	76.0	61.9	143.5	-	-	-	52.0	116.0	31.3
National ^c second-highest 24-hour concentration ($\mu\text{g}/\text{m}^3$)	65.0	61.0	112.4	-	-	-	51.0	50.0	20.8
State ^d maximum 24-hour concentration ($\mu\text{g}/\text{m}^3$)	81.0	66.1	140.8	-	-	-	48.0	108.0	30.0
State ^d second-highest 24-hour concentration ($\mu\text{g}/\text{m}^3$)	70.0	65.0	111.6	-	-	-	48.0	47.0	20.9
National annual average concentration ($\mu\text{g}/\text{m}^3$)	26.3	21.3	27.3	-	-	-	19.6	17.5	9.2
State annual average concentration ($\mu\text{g}/\text{m}^3$) ^e	26.9	21.8	27.7	-	-	-	18.4	-	-

Pollutant Standards	Chico			Paradise Airport Road			Paradise Fire Station		
	2006	2007	2008	2006	2007	2008	2006	2007	2008
Number of days standard exceeded: ^a									
NAAQS 24-hour (> 150 $\mu\text{g}/\text{m}^3$) ^f	0	0	0	-	-	-	0	0	-
CAAQS 24-hour (> 50 $\mu\text{g}/\text{m}^3$) ^f	26	21	27	-	-	-	0	-	-
Particulate Matter (PM_{2.5})									
National ^c maximum 24-hour concentration ($\mu\text{g}/\text{m}^3$)	67.0	53.9	107.6	-	-	-	-	-	-
National ^c second-highest 24-hour concentration ($\mu\text{g}/\text{m}^3$)	59.0	53.0	93.8	-	-	-	-	-	-
State ^d maximum 24-hour concentration ($\mu\text{g}/\text{m}^3$)	76.1	83.7	190.9	-	-	-	-	-	39.0 =
State ^d second-highest 24-hour concentration ($\mu\text{g}/\text{m}^3$)	74.0	70.2	180.1	-	-	-	-	-	27.1 =
National ^b annual average concentration ($\mu\text{g}/\text{m}^3$)	13.2	10.7	16.4	-	-	-	-	-	-
State ^c annual average concentration ($\mu\text{g}/\text{m}^3$) ^e	14.6	14.4	18.2	-	-	-	-	-	-
Number of days standard exceeded: ^a									
NAAQS 24-hour (> 35 $\mu\text{g}/\text{m}^3$) ^f	29	24	37	-	-	-	-	-	-

Notes: CAAQS = California ambient air quality standards.
 NAAQS = national ambient air quality standards.
 - = insufficient data available to determine the value.

The air monitoring data for 2008 for both fine particulate matter (PM₁₀ and PM_{2.5}) and ozone were impacted by wildfires and have been submitted to the State Air Resources Board and the U.S. EPA as exceptional events.

^a An exceedance is not necessarily a violation.

^b Measurements usually are collected every 6 days.

^c National statistics are based on standard conditions data. In addition, national statistics are based on samplers using federal reference or equivalent methods.

^d State statistics are based on local conditions data, except in the South Coast Air Basin, for which statistics are based on standard conditions data. In addition, State statistics are based on California approved samplers.

^e State criteria for ensuring that data are sufficiently complete for calculating valid annual averages are more stringent than the national criteria.

^f Mathematical estimate of how many days concentrations would have been measured as higher than the level of the standard had each day been monitored. Values have been rounded.

Sources: California Air Resources Board, 2009, *CARB Databases: Aerometric Data Analysis and Management System (ADAM)*, <http://www.arb.ca.gov/html/databases.htm>, accessed September 1, 2009; US Environmental Protection Agency, January 10, 2009, *Air Data*, <http://www.epa.gov/air/data/reports.html>, accessed September 1, 2009.

The first paragraph on page 4-1 is hereby amended as follows:

This chapter consists of 15 sections that evaluate the environmental impacts of the proposed General Plan 2030 ~~and Airport Land Use Compatibility Plan (ALUCP) override~~ projected by General Plan 2030 for unincorporated Butte County, in combination with impacts from projected growth within the incorporated municipalities in Butte County and adjacent counties. Therefore, the geographic scope covered by the cumulative analysis is a larger area than the geographic scope of the proposed project, which is unincorporated Butte County. As described in Chapter 6, the projected growth in other jurisdictions was estimated based on planning documents and conversations with the applicable city or county's planning staff. In each section of Chapter 4, the cumulative impacts discussion is based on the cumulative development described in Chapter 6.

The first paragraph on page 4.1-1 is hereby amended as follows:

This chapter discusses the existing aesthetic character of Butte County and evaluates the potential impacts to aesthetics associated with General Plan 2030 ~~and the Airport Land Use Compatibility Plan (ALUCP) override~~. The following evaluation assesses visual character, scenic vistas, scenic highways, and light and glare resulting from the spatial location of development that would be allowed by General Plan 2030.

The last paragraph on page 4.1-8 is hereby amended as follows:

C. Standards of Significance

General Plan 2030 ~~and the ALUCP override~~ would have a significant aesthetics impact if ~~it~~ they would:

- ◆ Have a substantial adverse effect on a scenic vista.
- ◆ Substantially degrade the view from a scenic highway, including, but not limited to, trees, rock outcroppings, and historic buildings.

- ◆ Substantially degrade the existing visual character or quality of Butte County.
- ◆ Expose people to substantial light or glare.

The first paragraph on page 4.1-9 is hereby amended as follows:

D. Impact Discussion

The following discussion provides an analysis of potential project and cumulative aesthetic impacts that could occur as a result of implementation of General Plan 2030. ~~Implementation of the ALUCP override would have no aesthetic impact in Butte County, and is not discussed further in this section.~~

The first paragraph on page 4.2-1 is hereby amended as follows:

This chapter discusses agricultural resources in Butte County and evaluates the potential agricultural impacts associated with General Plan 2030 ~~and the Airport Land Use Compatibility Plan (ALUCP) override.~~ The following evaluation assesses farmland conversion, conflicts with Williamson Act contracts, and changes in the environment that could contribute to farmland conversion resulting from the spatial location of development that would be allowed by General Plan 2030.

The second and third paragraphs on page 4.2-8 are hereby amended as follows:

C. Standards of Significance

General Plan 2030 ~~and the ALUCP override~~ would have a significant agriculture impact if it ~~they~~ would:

- ◆ Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (or “farmlands of concern under CEQA”), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- ◆ Conflict with a Williamson Act contract.

- ◆ Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmlands of concern under CEQA to non-agricultural use.

D. Impact Discussion

The following discussion provides an analysis of potential project and cumulative agriculture impacts that could occur as a result of implementation of General Plan 2030. ~~Implementation of the ALUCP override would have no agriculture impact in Butte County and is not discussed further in this section.~~

The first paragraph on page 4.3-1 is hereby amended as follows:

This chapter discusses air quality in Butte County and evaluates potential local and regional air quality impacts associated with General Plan 2030 ~~and the Airport Land Use Compatibility Plan (ALUCP) override.~~ This chapter is based on both quantitative and spatial analyses, and was prepared using information from the California Air Resources Board, US Environmental Protection Agency, and the Butte County Air Quality Management District. Traffic conditions were modeled by the project traffic engineers, Fehr & Peers, using the CT-EMFAC, EMFAC2007, and CALINE4 computer models. Greenhouse gases are discussed in Section 4.15, Greenhouse Gas Emissions.

The last paragraph on page 4.3-14 and the top of page 4.3-15 is hereby amended as follows:

C. Standards of Significance

General Plan 2030 ~~and the ALUCP override~~ would have a significant impact on air quality if it ~~they~~ would:

- ◆ Conflict with or obstruct implementation of the applicable air quality plan.

- ◆ Violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- ◆ Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).
- ◆ Expose sensitive receptors to substantial pollutant concentrations.
- ◆ Create objectionable odors affecting a substantial number of people.

The following text on page 4.3-17 is hereby deleted:

~~Implementation of the ALUCP override would have no air quality impact in Butte County, and is not discussed further in this section.~~

A new subsection under Section A.1 on page 4.4-4 is hereby added:

f. Recovery Plan for Vernal Pool Ecosystems in California and Southern Oregon

The USFWS' Recovery Plan for Vernal Pool Ecosystems in California and Southern Oregon (Recovery Plan) identifies several core preservation areas in the northeastern Sacramento Valley vernal pool area that lie within Butte County, and part of these core areas was ultimately designated as Critical Habitat.¹ The Recovery Plan states that "alternative strategies such as development of Habitat Conservation Plans (HCPs) or other site-specific planning methods may present opportunities to conserve species habitat and meet the recovery criteria described in this plan." The Butte Regional Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP), which is described in Section A.3, is such a site-specific planning tool and includes the critical habitat for the vernal pool species included in the Recovery Plan. Therefore, this EIR discusses the protection of vernal pools and vernal

¹ US Fish and Wildlife Service, 2006, *50 CFR Part 17, Endangered and Threatened Wildlife and Plants: Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants, Final Rule, Federal Register 71:7117, February 10, 2006.*

pool species in the context of the local HCP/NCCP rather than the more regional Recovery Plan. Requirements and strategies in the HCP/NCCP must be compatible with the Recovery Plan.

The last paragraph on page 4.4-69 and the top of page 4.4-70 is hereby amended as follows:

C. Standards of Significance

General Plan 2030 ~~and the ALUCP override~~ would have a significant biological resource impact if ~~it they~~ would:

- ◆ Have a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined as a candidate, sensitive or special-status species.
- ◆ Have a substantial adverse effect on any riparian habitat or other sensitive natural community type.
- ◆ Have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act, through direct removal, filling, hydrological interruption or other means.
- ◆ Interfere substantially with the movement of any native resident or migratory fish or wildlife species, their wildlife corridors or nursery sites.
- ◆ Conflict with any local ordinances or policies protecting biological resources.
- ◆ Conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or State habitat conservation plan.

The first full paragraph on page 4.4-70 is hereby amended as follows:

D. Impact Discussion

The following discussion provides an analysis of potential project and cumulative biological resource impacts that could occur as a result of implementation of General Plan 2030. ~~Implementation of the ALUCP override would~~

~~have no biological resource impact in Butte County, and is not discussed further in this section.~~

The last paragraph on page 4.5-12 and the top of page 4.5-13 is hereby amended as follows:

C. Standards of Significance

General Plan 2030 ~~and the ALUCP override~~ would have a significant cultural resource impact if ~~it~~ they would:

- ◆ Cause a substantial adverse change in the significance of a historical resource.
- ◆ Cause a substantial adverse change in the significance of an archaeological resource.
- ◆ Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- ◆ Disturb any human remains, including those interred outside of formal cemeteries.

The first full paragraph on page 4.5-13 is hereby amended as follows:

D. Impact Discussion

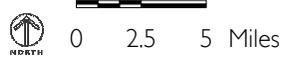
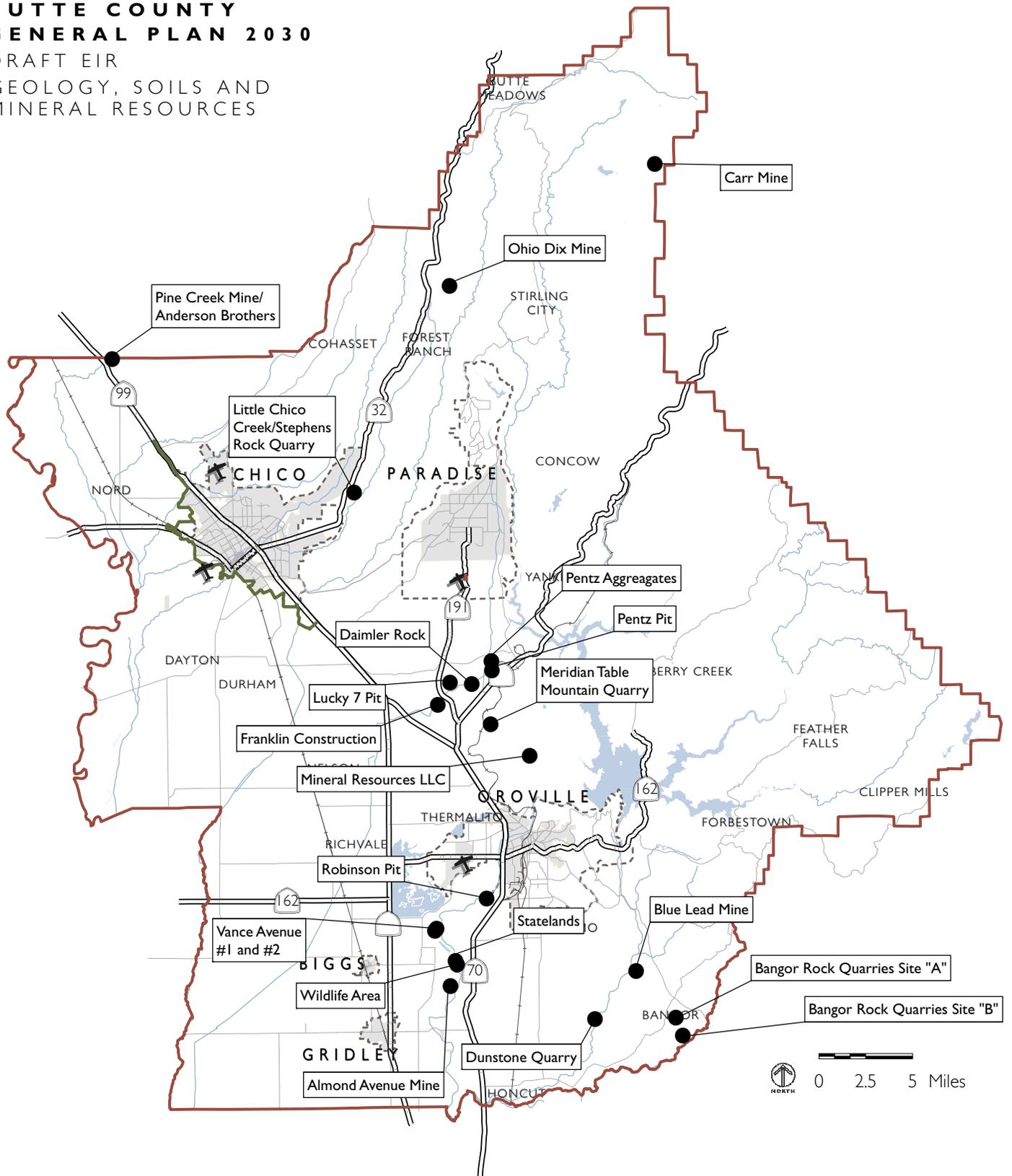
The following discussion provides an analysis of potential project and cumulative cultural resource impacts that could occur as a result of implementation General Plan 2030. ~~Implementation of the ALUCP override would have no cultural resource impact in Butte County, and is not discussed further in this section.~~

The first sentence under Section B.4 on page 4.6-14 is hereby amended as follows, and the corresponding Figure 4.6-5 is provided on the following page:

There are currently 20 mines with permits to operate in Butte County, which are shown in Figure 4.6-5.

**BUTTE COUNTY
GENERAL PLAN 2030**

DRAFT EIR
GEOLOGY, SOILS AND
MINERAL RESOURCES



Source: Butte County GIS, 2007.

- Active Mines
- ✈ Airports
- Greenline
- Highways
- +— Railroad
- Major Roads
- - - Sphere of Influence
- City/Town Limits
- ▭ County Boundary

FIGURE 4.6-5
ACTIVE MINES

The last sentence on page 4.6-16 is hereby amended as follows, and the corresponding figure is updated as shown on the following page:

These two mineral resource areas are shown in Figure ~~4.6-5~~ 4.6-6.

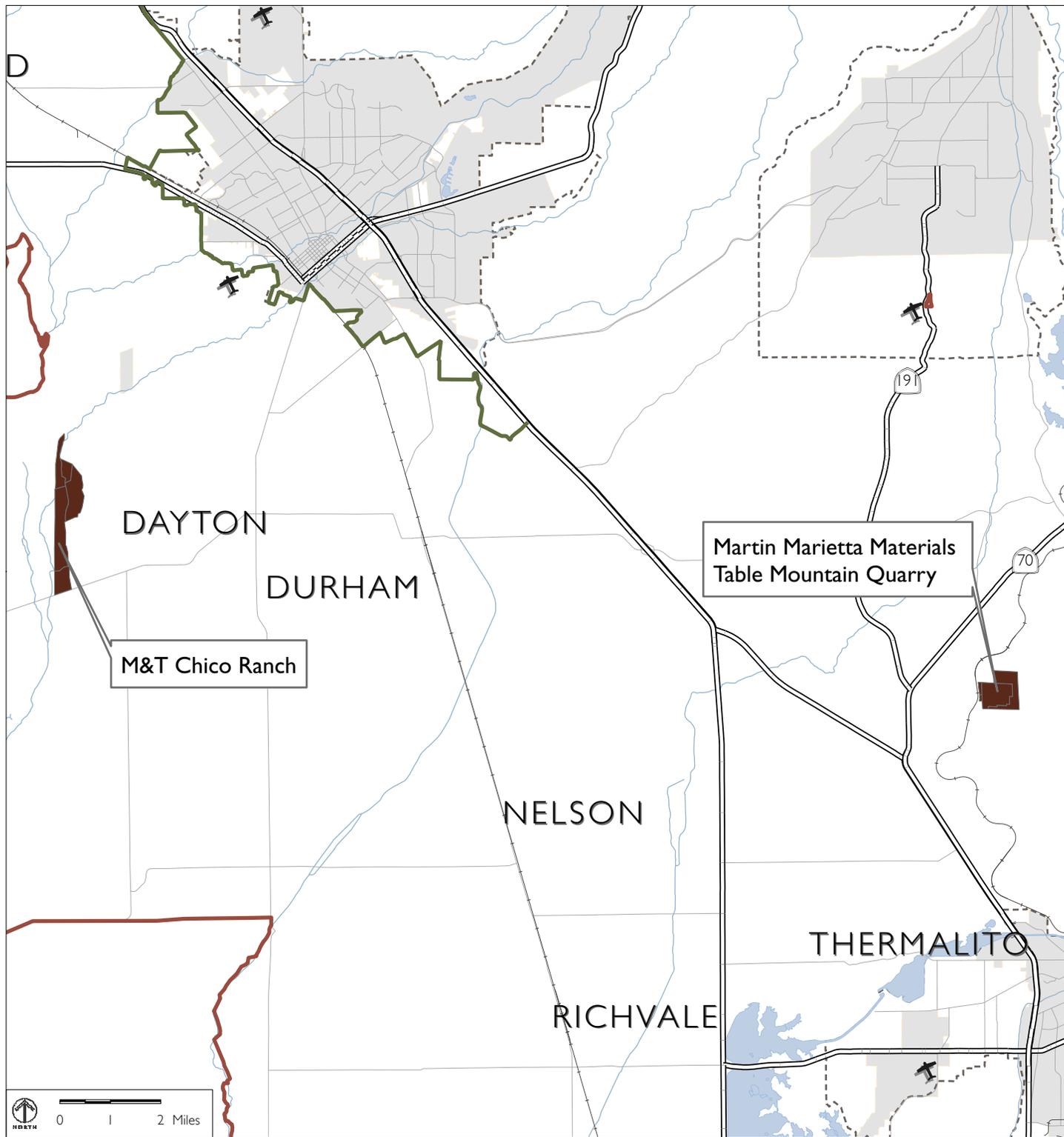
The text on page 4.6-18 and the top of page 4.6-19 is hereby amended as follows:

C. Standards of Significance

General Plan 2030 ~~and the ALUCP override~~ would have a significant impact on geology, soils or mineral resources if ~~it~~ they would:

- ◆ Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.
 - Strong seismic ground shaking.
 - Seismic-related ground failure, including liquefaction.
 - Landslides, mudslides or other similar hazards.
- ◆ Result in substantial soil erosion or the loss of topsoil.
- ◆ Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- ◆ Be located on expansive soil, creating substantial risks to life or property.
- ◆ Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater.

BUTTE COUNTY GENERAL PLAN 2030
 DRAFT EIR
 GEOLOGY, SOILS AND MINERAL RESOURCES



-  Airports
-  Greenline
-  Highways
-  Railroad
-  Major Roads
-  Sphere of Influence
-  City/Town Limits
-  County Boundary
-  Mineral Resource Zone 2 Site

Source: Butte County GIS, 2009.

FIGURE 4.6-6
MINERAL RESOURCE ZONE 2 SITES

- ◆ Result in the loss of availability of a known mineral resource that would be of value to the region or the state, or of a locally-important mineral resource recovery site delineated on a mineral resource plan, local general plan, specific plan or other land use plan.

D. Impact Discussion

The following discussion provides an analysis of potential project and cumulative geology, soils, and mineral resource impacts that could occur as a result of implementation of General Plan 2030. ~~Implementation of the ALUCP override would have no geology, soils or mineral resource impact in Butte County, and is not discussed further in this section.~~

The second paragraph in Section A.4.h on page 4.7-12 is hereby amended as follows:

~~h. Office of Emergency Services (OES)~~

h. Office of Emergency Management (OEM)

Butte County maintains an ~~Office of Emergency Services (OES)~~ Office of Emergency Management (OEM) to coordinate interagency and intergovernmental comprehensive emergency management planning, operations, and disaster assistance claims management for the county. OESM works with State and local agencies to develop effective emergency response systems within the county. OESM acts as the requesting and coordinating agency when situations require the involvement of State and other outside agencies.

Figure 4.7-1 on page 4.7-20 is replaced as shown on the following page.

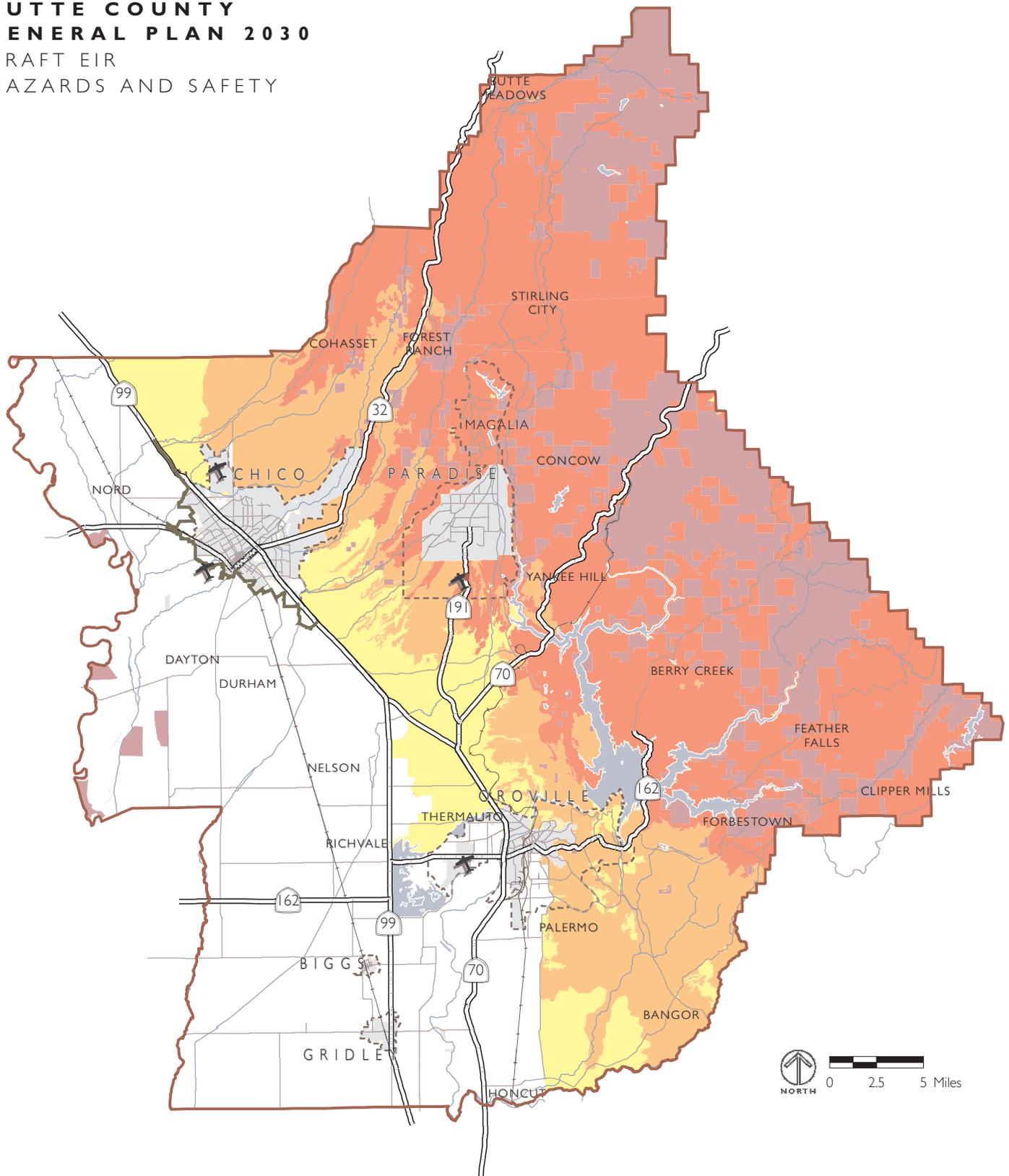
The last paragraph on page 4.7-21 and the top of page 4.7-22 is hereby amended as follows:

C. Standards of Significance

General Plan 2030 ~~and the ALUCP override~~ would have a significant hazards and safety impact if it ~~they~~ would:

**BUTTE COUNTY
GENERAL PLAN 2030**

DRAFT EIR
HAZARDS AND SAFETY



Sources: Butte County GIS, 2009; California Department of Forestry and Fire Protection, 2007.



FIGURE 4.7-1

FIRE HAZARD SEVERITY ZONES

- ◆ Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- ◆ Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- ◆ Emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.
- ◆ Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
- ◆ For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area.
- ◆ For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.
- ◆ Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- ◆ Expose people or structures to a significant risk of loss, injury, or death involving wildland fires.

The first full paragraph on page 4.7-22 is hereby amended as follows:

D. Impact Discussion

The following discussion provides an analysis of potential project and cumulative hazard and safety impacts that could occur as a result of implementation of General Plan 2030 ~~and the ALUCP override.~~

The second full paragraph on page 4.7-23 is hereby deleted:

~~Since the ALUCP does not address hazardous materials, implementation of the ALUCP override would have *no impact* regarding the routine transport, use, or disposal of hazardous materials.~~

The second full paragraph on page 4.7-24 is hereby deleted:

~~Since the ALUCP does not address hazardous materials, implementation of the ALUCP override would have *no impact* regarding reasonably foreseeable accident and/or upset conditions involving the release of hazardous materials.~~

The first full paragraph on page 4.7-25 is hereby deleted:

~~Since the ALUCP does not address hazardous materials, implementation of the ALUCP override would have *no impact* regarding hazardous materials emissions near schools.~~

The first full paragraph on page 4.7-26 is hereby deleted:

~~Since the ALUCP does not address hazardous materials, implementation of the ALUCP override would have *no impact* regarding development on hazardous materials sites.~~

The text in Sections D.1.e and D.1.f on pages 4.7-26 through 4.7-29 is hereby amended as follows:

- e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area.

As indicated in Section A.4.d, the ALUC has adopted the ALUCP, which establishes land use restrictions for the areas around the four principal airports in Butte County. As discussed further in Chapter 4.9, Land Use, General Plan 2030 requires consistency with the regulations of the ALUCP and therefore does not conflict with the ALUCP. ~~conflicts with the ALUCP's Airport Land Use Compatibility Zones in various locations around all four airports. However, with the exception of two conflict areas discussed below,~~

~~the ALUCP and General Plan 2030 both allow a similar type of residential development within these conflict areas; the conflicts are only related to the density of development allowed. These impacts from inconsistency with the ALUCP are land use impacts, and they do not relate to the safety of people residing or working in the areas around the airports.~~

~~There are two locations where the General Plan 2030 land use map designates an area for residential use and where the ALUCP prohibits residential use. At the Paradise Skypark Airport, the Rural Residential General Plan designation extends into the A Compatibility Zone, which prohibits residential uses. However, as shown in Figure 4.7-2, only a portion of each of the parcels with this designation is within the A Compatibility Zone, so any residential development on the parcels would be required to be constructed outside of the A Compatibility Zone area. In addition, at the Rancharo Airport, the Medium Density Residential General Plan designation extends into the A Compatibility Zone. However, as shown in Figure 4.7-3, only a portion of each of the parcels with this designation is within the A Compatibility Zone, so any residential development on the parcels would be required to be constructed outside of the A Compatibility Zone area. In addition, all of the parcels that extend into the A Compatibility Zone near the Rancharo Airport area are currently developed with residential uses. Therefore, no additional residential development would occur inside of Airport Compatibility Zones, so no safety impacts would occur.~~

~~As indicated in Chapter 3, because of the inconsistencies between General Plan 2030 and the ALUCP, an ALUCP override is required.~~

~~Because General Plan 2030 allows development only where development is deemed safe by is consistent with the ALUCP, it would not result in a safety hazard in the vicinity of an airport, and the impact is *less than significant*.~~

- f. For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.

As noted in Section B.2, there are two private airstrips in Butte County: the Richvale and Jones Ag-Viation private airstrips. The Richvale airstrip is approximately 1 mile west of Richvale, while Jones Ag-Viation is located just west of the Thermalito Afterbay. Both airstrips primarily serve nearby agricultural uses and are used to fertilize crops.

Both private airstrips are surrounded by the Agriculture designation under the General Plan 2030 land use map. The closest residential, commercial, or industrial land use designations under General Plan 2030 are approximately 1 mile from the Richvale airstrip. Therefore, there would be a sufficient buffer of agricultural land between the airstrip and residential, commercial, and industrial development, and the proposed project would have a *less-than-significant* impact related to potential hazards for people living or working in the project area.

~~Since the ALUCP does not address private airstrips, implementation of the ALUCP override would have *no impact* regarding hazards associated with private airstrips.~~

The fourth paragraph on page 4.7-30 is hereby deleted:

~~Since the ALUCP does not address emergency planning, implementation of the ALUCP override would have *no impact* regarding emergency planning.~~

The text on pages 4.7-30 and pages 4.7-31 is hereby amended as follows:

As discussed in Section B.3.a, much of Butte County faces threats from wild-land fires. General Plan 2030 would allow new development, particularly in the foothill and mountain areas of the county where there are high fire risks that could expose new populations to loss, injury, or death due to wildfires. Although the majority of the land within the High and Very High Fire Hazard Severity Zones is designated for Timber Mountain and Agriculture, Foothill Residential and Rural Residential land uses are also allowed in these areas. The development of single-family homes on existing vacant parcels would not

be subject to additional discretionary review or associated environmental review prior to the issuance of a building permit.

In particular, fire safety and evacuation concerns on the Upper Ridge and Paradise area present a significant challenge due to the lack of alternative circulation routes. Fire safety and evacuation concerns are even more pronounced for the Paradise Pines and Magalia communities due to a single point of ingress and egress over the Magalia Reservoir dam. A Capitol Improvement Program administered by the Butte County Department of Public Works includes a long-range plan to make road improvements along the Skyway, and to additionally improve the Skyway northward to connect with Highway 32 to provide alternative access. This plan is in the early stages and funding has not been fully acquired.

However, General Plan 2030 includes a number of goals, policies and actions that would reduce wildfire impacts. Health and Safety Element Goal HS-11 and its associated policies and actions seek to reduce risks from wildland and urban fire. Specifically, Policy HS-P11.1 requires that the County consider fire hazards in all land use and zoning decisions, environmental review, subdivisions review, and the provision of public services. Since all structures, even those without discretionary review, are subject to the provisions of the Zoning Ordinance, this policy will reduce the risk for new development on existing vacant parcels.

The second full paragraph on page 4.7-33 is hereby deleted:

~~Since the ALUCP does not address wildfire hazards, implementation of the ALUCP override would have no impact regarding wildfire hazards.~~

The last paragraph on page 4.7-34 is hereby amended as follows:

F. Impacts and Mitigation Measures

Since there are no significant impacts related to hazards and safety as a result of General Plan 2030 ~~and the ALUCP override~~, no mitigation measures are required.

The first paragraph in Section B.2.b, Groundwater Contamination, on page 4.8-13 of the Draft EIR is hereby amended as follows:

There are two large groundwater contamination plumes in Butte County: the Central Plume and the Southwest Plume. Both of these plumes are in the Chico area, originated from former dry cleaners, and involve perchloroethylene (PCE) groundwater contamination. Other groundwater contaminants of concern are found elsewhere in Butte County and include arsenic, chromium, copper, dioxin, and polynuclear aromatic hydrocarbons.

The first sentence in Section B.3, Groundwater Supply and Recharge, on page 4.8-14 of the Draft EIR is hereby amended as follows:

Approximately 75 percent of the County's residential water supply is extracted from groundwater.²

The text at the top of page 4.8-15 of the Draft EIR is hereby amended as follows:

Figure 4.8-2 illustrates the groundwater basin and subbasins within Butte County from the Basin Management Ordinance process. This figure shows hydrologic basins as depicted in California Department of Water Resources (DWR) Bulletin 118.

The first full paragraph on page 4.8-15 is hereby amended as follows:

The major sources of groundwater recharge in Butte County are percolation of rainfall, infiltration from streams, subsurface inflow, and deep percolation of applied irrigation water in agricultural areas. Subsurface inflow from higher elevations and percolation of precipitation are the major sources of groundwater recharge in the mountain areas. Some recharge probably occurs adjacent to through-flowing streams in areas of deeper soils or alluvial deposits. Deep subsurface inflow occurs in mountainous areas, flowing west to

² Glenn County Department of Agriculture, June 2005, Northern Sacramento Valley (Four County) Drinking Water Quality Strategy Document, page 6-3.

Butte County Department of Water and Resource Conservation, 2008, Butte County Water Inventory and Analysis.

recharge the adjacent valley area. Most of this recharge occurs on alluvial fans where streams have sustained flow and the soil is highly permeable. ~~Of the 3.77 MAF of annual rainfall, less than half is used.³ Therefore, more than 2 MAF are currently available for recharge or discharge via surface and subsurface outflow, although this amount will not always be available.~~

The second paragraph under Section B.5.a on pages 4.8-17 and 4.8-18 is hereby amended as follows:

In addition to the hazard areas listed above, flooding in Rock Creek and Keefer Slough, located north of Chico, occurred on several occasions in the 1980s, 1990s, and 2000s, inundating State Routes 99 and 32 and several County roadways, as well as impacting extensive residential and agricultural areas around Chico and the unincorporated community of Nord. In addition, Dry Creek-Cherokee Canal poses a flood risk to the Richvale area, including rice research grounds, rice storage, and chemical storage facilities.

The text on page 4.8-21 and the top of page 4.8-22 is hereby amended as follows:

C. Standards of Significance

General Plan 2030 ~~and the ALUCP override~~ would have a significant hydrology or water quality impact if ~~it~~ they would:

- ◆ Violate any water quality standards or waste discharge requirements.
- ◆ Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a significant lowering of the local groundwater table level.
- ◆ Substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site.

³ ~~Butte County, August 8, 2005, *General Plan Technical Update Background Report*, page 12-16.~~

- ◆ Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems.
- ◆ Provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality.
- ◆ Place occupied development within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
- ◆ Place within a 100-year flood hazard area structures which would impede or redirect flood flows.
- ◆ Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- ◆ Potentially be inundated by seiche, tsunami, or mudflow.

D. Impact Discussion

The following discussion provides an analysis of potential project and cumulative hydrology and water quality impacts that could occur as a result of implementation of General Plan 2030. ~~Implementation of the ALUCP override would have no hydrology or water quality impact in Butte County, and is not discussed further in this section.~~

The second paragraph under Section D.1.a on pages 4.8-22 to 4.8-23 is hereby amended as follows:

However, General Plan 2030 contains policies that address water quality standards and waste discharge requirements. Water Resources Element Goal W-1 and its associated policies seek to maintain and enhance water quality. Specifically, Policy W-P1.2 directs the County to cooperate with State and local agencies in efforts to identify and eliminate or minimize all sources of existing and potential point and non-point sources of pollution to ground and surface waters, including leaking fuel tanks, discharges from storm drains, auto dismantling, dump sites, sanitary waste systems, parking lots, roadways, and

logging and mining operations. Policy W-P1.3 requires that regulations that protect water quality from the impacts from agricultural activities be maintained. Policy W-P1.4 requires that new development, where appropriate, be Low Impact Development (LID) that minimizes impervious area, minimizes runoff and pollution, and incorporates best management practices. Policy W-P1.5 encourages pest-tolerant landscapes in order to minimize the need for pesticides. Policy W-P1.6 continues educational programs and outreach that promote water quality protection and limit pollution from pesticides and nutrients in urban and domestic settings. ~~Policy W-P1.8~~ W-P1.7 requires agriculture, logging, mining, recreational vehicle use, and other open space uses to follow best management practices to minimize erosion and protect water resources. ~~Policy P1.11 requires enforcement of grading and construction regulations to minimize erosion and urban stormwater runoff pollution.~~ Furthermore, Policy W-P3.3 directs the County to protect groundwater recharge and groundwater quality when considering new development projects.

The first paragraph under Section D.1.b on page 4.8-23 is hereby amended as follows:

Some urban development and agricultural uses allowed by General Plan 2030 would use groundwater. An increased demand on groundwater could result in a net deficit in aquifer volume or significantly lower groundwater levels. Proposed developments in the Ridge areas that rely on groundwater may face water supply reliability issues. In addition, new construction could include impervious surfaces, which would decrease the amount of land area available for rainfall to infiltrate into the ground and recharge the underlying water table.

The second paragraph on page 4.8-24 is hereby amended as follows:

General Plan 2030 also contains policies and actions designed to promote groundwater recharge and minimize impervious land cover. Policy W-P3.3 protects groundwater recharge and groundwater quality in new development projects. Action W-A3.1 directs the County to seek funding for and conduct comprehensive, countywide mapping of water resources and groundwater recharge areas, and Action W-A3.2 directs the County to develop standards to

preserve groundwater recharge and protect groundwater quality. In addition, Policy W-P1.4 ~~encourages~~ requires Low Impact Development where appropriate, which minimizes impervious surfaces, minimizes runoff and pollution, and incorporates best management practices. Conservation and Open Space Element Policy COS-P1.4 encourages new development to provide above-ground and natural stormwater facilities and use building designs and materials that promote groundwater recharge.

The second paragraph under Section D.1.c on page 4.8-25 is hereby amended as follows:

However, General Plan 2030 includes policies designed to minimize the impact of erosion, siltation and flooding as a result of site drainage alteration. The Water Resources Element addresses construction-related impacts through Policy W-P5.4, which requires that temporary facilities be installed as necessary during construction activities in order to adequately treat stormwater runoff from construction sites. In addition, Policy W-P1.4 requires Low Impact Development where appropriate, which minimizes impervious surfaces, minimizes runoff and pollution, and incorporates best management practices. Policy W-P1.7 requires that agriculture, logging, mining, recreational vehicle use, and other open space uses follow best management practices to minimize erosion and protect water resources. Policy W-P6.1 requires that any alteration of natural channels for flood control retain and protect riparian vegetation to the extent possible while still accomplishing the goal of providing flood control. Where removing existing riparian vegetation is unavoidable, the alteration must allow for reestablishment of vegetation without compromising the flood flow capacity. Policy W-P6.2 requires that, where streambanks are already unstable, proponents of new development prepare a hydraulic and/or geomorphic assessment of on-site and downstream drainageways that are affected by project area runoff.

The second paragraph under Section D.1.d on page 4.8-26 is hereby amended as follows:

However, General Plan 2030 Water Resources Element contains policies that address stormwater runoff capacity. Policy W-P1.4 ~~encourages~~ requires,

where appropriate, Low Impact Development, which minimizes impervious area, minimizes runoff and pollution, and incorporates best management practices. Policy W-P5.3 allows and encourages pervious pavements. Policy W-P5.5 requires that stormwater collection systems be installed concurrently with construction of new roadways to maximize efficiency and minimize disturbance due to construction activity.

The first paragraph on page 4.9-1 is hereby amended as follows:

This chapter discusses land uses in Butte County and evaluates the potential land use impacts associated with General Plan 2030 ~~and the Airport Land Use Compatibility Plan (ALUCP) override~~. The following evaluation assesses physical divisions of communities, conflicts with land use plans, and conflicting land uses resulting from the spatial location of development that would be allowed by General Plan 2030.

The last paragraph on page 4.9-29 and the first paragraph on page 4.9-30 are hereby amended as follows:

C. Standards of Significance

General Plan 2030 ~~and the ALUCP override~~ would have a significant land use impact if they would:

- ◆ Physically divide an established community.
- ◆ Conflict with any applicable plan, policy, or regulation of a government agency with jurisdiction over land in unincorporated Butte County that has been adopted for the purpose of avoiding or mitigating an environmental effect.
- ◆ Create or exacerbate a conflict between land uses.

D. Impact Discussion

The following discussion provides an analysis of potential project and cumulative land use impacts that could occur as a result of implementation of General Plan 2030 ~~and the ALUCP override~~.

The third paragraph on page 4.9-31 is hereby deleted:

~~The ALUCP override would itself not physically divide an established community, since the Plan addresses airport land use conflicts and airport safety. Therefore, the ALUCP override would have *no impact* regarding the physical division of existing communities.~~

The second full paragraph on page 4.9-32 is hereby amended as follows:

As a result of General Plan 2030 policies, implementation of General Plan 2030 ~~and the ALUCP override~~ would result in a *less-than-significant* impact in relation to conflicts with federal plans.

The first paragraph on page 4.9-33 is hereby amended as follows:

As a result of General Plan 2030 policies, implementation of General Plan 2030 ~~and the ALUCP override~~ would result in a *less-than-significant* impact in relation to conflicts with State plans.

The text on pages 4.9-34 through 4.9-40 is hereby amended as follows:

~~General Plan 2030 includes residential densities that are not consistent with the Airport Land Use Compatibility Zones in the ALUCP. Specifically, General Plan 2030 includes the following inconsistencies with the ALUCP for the Chico Municipal Airport, as shown in Figure 4.9-5:~~

- ~~◆ The Very Low Density Residential (VLDR) General Plan designation is inconsistent with the B1, B2 and C1 Compatibility Zones because it allows greater residential density. THE VLDR designation allows a density up to 1 unit per acre, while the B1 Compatibility Zone requires a minimum 10 acre lot size, and the B2 and C1 Compatibility Zones require a minimum 5 acre lot size.~~
- ~~◆ The VLDR General Plan designation is inconsistent with the C Compatibility Zone, which requires *either* a minimum 5 acre lot size *or* four dwelling units per acre density.~~
- ~~◆ The VLDR General Plan designation is inconsistent with the C2 Compatibility Zone because it would not allow sufficient residential density.~~

~~The C2 Compatibility Zone requires a minimum density of 4 dwelling units per acre, while the VLDR designation would allow a maximum of 1 unit per acre.~~

~~General Plan 2030 also includes residential densities that are not consistent with the ALUCP for the Oroville Municipal Airport, as shown in Figure 4.9.6. Specifically, the Rural Residential General Plan and zoning designation, which allows lot sizes up to 5 acres in size, is inconsistent with the B1 Compatibility Zone, which requires a minimum 10 acre lot size.~~

~~General Plan 2030 includes land uses that are not consistent with the ALUCP for the Paradise Skypark Airport, as shown in Figure 4.9.7.~~

- ~~◆ The Rural Residential General Plan designation extends into the A Compatibility Zone, which prohibits residential uses. However, only a portion of each of the parcels with this designation is within the A Compatibility Zone, and any residential development on the parcels would be required to be constructed outside of the A Compatibility Zone area.~~
- ~~◆ The Rural Residential General Plan designation is not consistent with the B1 Compatibility Zone. The Rural Residential designation allows up to 1 dwelling unit per 5 acres, while the B1 Compatibility Zone requires a minimum lot size of 10 acres.~~
- ~~◆ The VLDR General Plan designation is inconsistent with the C Compatibility Zone, which requires either a minimum 5 acre lot size or four dwelling units per acre density.~~

~~Finally, General Plan 2030 includes residential densities that are not consistent with the ALUCP for the Rancharero Airport, as shown in Figure 4.9.8.~~

- ~~◆ The VLDR, Low Density Residential (LDR), and Medium Density Residential (MDR) General Plan designations are not consistent with the B1 and B2 Compatibility Zones. The VLDR, LDR and MDR designations allow densities up to 1, 3, and 6 units per acre, respectively, while the B1 Compatibility Zone requires a minimum lot size of 10 acres and the B2 Compatibility Zone requires a minimum lot size of 5 acres.~~

- ◆ ~~There are two parcels with the VLDR General Plan designation, which allows a density up to 1 unit per acre, within the C Compatibility Zone. This would be inconsistent with the C Compatibility Zone requirement of either a minimum 5 acre lot size or four dwelling units per acre density.~~

~~In addition, the MDR General Plan designation extends into the A Compatibility Zone for the Rancharo Airport, which prohibits residential uses. However, only a portion of each of the parcels with this designation is within the A Compatibility Zone, so any residential development on the parcels would be required to be constructed outside of the A Compatibility Zone area.~~

~~As indicated in Chapter 3, because of these inconsistencies between General Plan 2030 and the ALUCP, an ALUCP override is required. The ALUCP override would recognize the inconsistency with the ALUCP, and allow the County to adopt General Plan 2030.~~

~~To make this override possible, General Plan 2030 includes policies that promote consistency with the ALUCP. Policy LU-P12.5 directs the County to consider the ALUCP in General Plan and Zoning decisions, and to be consistent with it where appropriate. Policy LU-P12.6 encourages the ALUC to revise the density requirements in some compatibility zones where there are inconsistencies with the General Plan designations.~~

General Plan 2030 encourages consistency with other land use plans, policies and regulations. Goal LU-12 and its associated policies direct the County to coordinate planning efforts within the county and region. In particular, Policy LU-P12.1 directs the County to coordinate County government plans and programs so that they are mutually supportive.

To ensure consistency with the Butte Regional HCP/NCCP, Conservation and Open Space Element Action COS-A6.1 directs the County to continue to

work with BCAG and the five municipalities to develop and implement the Butte Regional HCP/NCCP, and subsequently update it as necessary.

~~Much of the areas that conflict with the ALUCP are already parcelized to a density that is similar to the General Plan 2030 designations. Although there are a number of policies and actions that promote consistency with land use plans, policies, and regulations, they would not mitigate the significant impacts from inconsistencies with the ALUCP. Therefore, the impact is *significant and unavoidable*.~~

General Plan 2030 includes an Airport Overlay that applies to areas that are within the Airport Land Use Compatibility Zones defined in the 2000 Airport Land Use Compatibility Plan (ALUCP). Properties within the Airport Overlay are subject to additional restrictions under the ALUCP, such as restrictions on the height and location of structures. In addition, land uses and densities within the Airport Land Use Compatibility Zones must comply with the regulations of the current adopted ALUCP where those allowed land uses and densities differ from General Plan 2030 land use designations, unless a deviation from the ALUCP is approved by a two-thirds majority of the Butte County Board of Supervisors.

General Plan 2030 also includes a policy and an action that support consistency with the ALCUP. Policy LU-P12.5 directs the County to be consistent with the ALUCP in General Plan and Zoning decisions. Action LU-A12.3 directs the County and the Airport Land Use Commission to work cooperatively to update the Butte County Airport Land Use Compatibility Plan.

Due to the General Plan 2030 policies and actions discussed above, General Plan 2030 would have a *less-than-significant* impact with respect to conflicts with Butte County plans, policies and regulations.

The first paragraph on page 4.9-42 is hereby amended as follows:

Therefore, implementation of General Plan 2030 ~~and the ALUCP override~~ would result in a *less-than-significant* impact in relation to conflicts with municipal plans.

The text on pages 4.9-44 and 4.9-45 is hereby amended as follows:

~~General Plan 2030 includes land uses that are not consistent with the ALUCP, and an ALUCP override is required. The land use inconsistencies between General Plan 2030 and the ALUCP are nuisance related, and discussed fully in D.1.b of this chapter.~~

As a result of General Plan 2030 policies and the land use map, implementation of General Plan 2030 ~~and the ALUCP override~~ would result in a *less-than-significant* impact in relation to conflicts between land uses.

2. Cumulative Impacts

Future development allowed by General Plan 2030 would be subject to the policies and actions set forth in the Land Use Element, a number of which have been identified in this chapter. Implementation of the policies and actions would mitigate potential land use impacts related to physically dividing established communities and conflicts between land uses, ~~but would not mitigate impacts related to consistency with applicable land use plans due to inconsistencies with the ALUCP.~~

As noted in Section A.4, Chico is currently updating its General Plan, and the Cities of Oroville and Gridley recently updated their General Plans in 2009. The Oroville 2030 General Plan is consistent with the ALUCP for the Oroville Municipal Airport. The existing Chico General Plan is not consistent with the ALUCP for the Chico Municipal Airport, but the City intends to resolve ~~this inconsistency~~ the majority of the inconsistencies with the updated General Plan.

~~Because~~ Although there are other jurisdictions with General Plans that are not consistent with the ALUCP, General Plan 2030 ~~and the ALUCP override~~

would not contribute to a significant ~~and unavoidable~~ cumulative impact because it is consistent with the ALUCP. Overall, General Plan 2030 would have a less-than-significant cumulative impact.

E. Impacts and Mitigation Measures

Impact LU-1: ~~General Plan 2030 includes residential densities that are inconsistent with the Airport Land Use Compatibility Plan, which necessitates the Airport Land Use Compatibility Plan override.~~

~~Much of the areas that are inconsistent with the ALUCP are already parcelized to a density that is similar to the General Plan 2030 designations. General Plan 2030 policies and actions would promote consistency with land use plans, policies, and regulations, but would not mitigate the significant impacts from inconsistencies with the ALUCP. Therefore, the impact is *significant and unavoidable*.~~

Impact LU-2: ~~General Plan 2030 and the Chico General Plan include residential densities that are inconsistent with the ALUCP, which necessitates the ALUCP override. This contributes to a significant cumulative impact.~~

~~Although General Plan 2030 policies and actions would promote consistency with land use plans, policies, and regulations, they would not mitigate the significant impacts from inconsistency with the ALUCP. Furthermore, decisions of the City of Chico regarding consistency with the ALUCP are outside the control of Butte County. Therefore, this cumulative impact is considered *significant and unavoidable*.~~

Since there are no significant impacts, no mitigation measures are necessary.

The first paragraph on page 4.10-1 is hereby amended as follows:

This chapter discusses noise in Butte County and evaluates the potential noise impacts associated with General Plan 2030 ~~and the Airport Land Use Compatibility Plan (ALUCP) override.~~ The following evaluation is based on both

a quantitative and spatial analysis, and assesses human exposure to unacceptable noise levels, generation of unacceptable noise levels, groundborne vibration, and noise from airports.

The last paragraph on page 4.10-23 and the top of page 4.10-24 is hereby amended as follows:

D. Standards of Significance

General Plan 2030 ~~and the ALUCP override~~ would have a significant noise-related impact if they would:

- ◆ Expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or other applicable standards.
- ◆ Expose people to or generate excessive groundborne vibration or groundborne noise levels.
- ◆ Create a substantial temporary, periodic or permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- ◆ Expose people living or working in the project area to excessive noise from a public or private airport.

The first full paragraph on page 4.10-24 is hereby amended as follows:

The following discussion provides an analysis of potential project and cumulative noise impacts that could occur as a result of the projected 2030 buildout of General Plan 2030 ~~and the ALUCP override~~.

The last sentence on page 4.10-34 is hereby deleted:

~~Noise impacts from the ALUCP override are discussed in Section D.1.d.~~

The sentence preceding the last paragraph on page 4.10-36 is hereby deleted:

~~Noise impacts from the ALUCP override are discussed in Section D.1.d.~~

The first sentence on page 4.10-46 is hereby deleted:

Noise impacts from the ALUCP override are discussed in Section D.1.d.

Under Section D.1.d, the second paragraph on page 4.10-46 is hereby deleted as follows:

~~As discussed in Chapter 4.9, Land Use, the General Plan 2030 land use map includes land use designations that are inconsistent with the ALUCP Airport Land Use Compatibility Zones. However, as discussed in Chapter 4.6, Hazards and Safety, both General Plan 2030 and the ALUCP allow a similar type of residential development within the conflict areas; the conflicts are only related to the density of development allowed. Therefore, General Plan 2030 allows residential development only where residential development is deemed appropriate by the ALUCP. The impact from inconsistency with the ALUCP is a land use impact, and not related to the exposure of people to noise in excess of typically acceptable levels. Therefore, the ALUCP override would have a *less than significant* noise impact.~~

The first paragraph on page 4.11-1 is hereby amended as follows:

This chapter discusses population and housing in Butte County and evaluates the potential impacts associated with General Plan 2030 ~~and the Airport Land Use Compatibility Plan (ALUCP) override~~. The following evaluation is based on both a quantitative and spatial analysis, and assesses population growth and the displacement of housing and people that would necessitate the construction of housing elsewhere.

The last paragraph on page 4.11-5 and the first paragraph on page 4.11-6 are hereby amended as follows:

C. Standards of Significance

General Plan 2030 ~~and the ALUCP override~~ would have a significant population or housing impact if it ~~they~~ would:

- ◆ Induce substantial unexpected population growth or growth for which inadequate planning has occurred, either directly (for example, by pro-

posing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

- ◆ Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere.
- ◆ Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

D. Impact Discussion

The following discussion provides an analysis of potential project and cumulative population and housing impacts that could occur as a result of the projected 2030 buildout of General Plan 2030. ~~Implementation of the ALUCP override would have no population or housing impact in Butte County, and is not discussed further in this section.~~

The first paragraph on page 4.12-1 is hereby amended as follows:

This chapter discusses public services and recreation in Butte County, and includes evaluation of the impacts associated with the projected 2030 buildout of General Plan 2030 with regard to police, fire, schools, libraries, and parks and recreation. This section is based on a quantitative analysis of anticipated population growth, although it also considers the spatial distribution of population growth across public service and recreation districts. ~~Implementation of the Airport Land Use Compatibility Plan (ALUCP) override would have no public service or recreation impact in Butte County, and is not discussed further in this chapter.~~

The first paragraph on page 4.13-1 is hereby amended as follows:

This chapter summarizes the potential transportation impacts associated with implementation of General Plan 2030 ~~and the Airport Land Use Compatibility Plan (ALUCP) override.~~ This section is based on both a quantitative and spatial analysis, and considers the operations of key roadway segments in the county under three scenarios: Existing Conditions, Year 2030 Plus General Plan Projected Buildout Conditions, and Year 2030 No Project Conditions.

The second paragraph on page 4.13-27 is hereby amended as follows:

C. Standards of Significance

General Plan 2030 ~~and the ALUCP override~~ would have a significant transportation and circulation impact if it ~~they~~ would:

- ◆ Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. Specifically, cause a roadway facility to exceed, either individually or cumulatively, a level of service standard established by the State, County, or municipality that determines acceptable operations on that facility. Table 4.13-5 summarizes the level of service criteria for each jurisdiction.
- ◆ Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment).
- ◆ Result in inadequate emergency access.
- ◆ Result in inadequate parking capacity.
- ◆ Conflict with adopted policies, plans, or programs supporting alternative transportation.
- ◆ Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

The last paragraph on page 4.13-29 is hereby amended as follows:

D. Impact Discussion

This section describes how implementation of General Plan 2030 would influence Butte County's roadway segment operations, as well as other aspects of transportation and circulation, including traffic hazards, emergency access, parking supply, alternative transportation modes, and air traffic. ~~Implementation of the ALUCP override would have no transportation or circulation impact in Butte County, and is not discussed further in this section.~~

The first paragraph on page 4.14-1 is hereby amended as follows:

This chapter describes the existing water, wastewater, stormwater, solid waste, and energy service in unincorporated Butte County and discusses potential impacts associated with the projected 2030 buildout of General Plan 2030. This section is based on a quantitative analysis, although it also considers the spatial distribution of anticipated population growth across utilities districts. ~~Implementation of the Airport Land Use Compatibility Plan (ALUCP) override would have no utilities impact in Butte County, and is not discussed further in this chapter.~~

Table 4.14-1 on pages 4.14-7 is revised as shown on the following page.

The second paragraph in Section A.4.a.i on page 4.14-18 is hereby amended as follows:

PID has sufficient supplies to meet existing water demands during normal and wet rainfall years, but not during periods of drought. The District will require additional supplies to accommodate projected growth in the Town of Paradise. ~~However, since no new residential, retail/office or industrial development is projected within the unincorporated area of this District by 2030, General Plan 2030 would not impact the water supply needs of this District.~~ There is no unincorporated area within Paradise Irrigation District. Persons annexing unincorporated lands into the District will be required by District policy to mitigate the water demand as a condition of annexation.

The first paragraph in Section A.4.a.i.l on page 4.14-20 is hereby amended as follows:

The proposed General Plan 2030 Water Resources Element includes goals, policies, and actions that address the need for comprehensive planning and management of water supplies in the county to meet water demands of future growth. Action W-A2.1 commits the County to implementing and updating the Integrated Water Management Plan to ensure the sustainability of water resources within the county. Policy W-P2.6 supports water development

TABLE 4.14-1 WATER SUPPLIER OVERVIEW

Water Supplier	Water Source			Water Uses				Annual Delivery (TAF)	Storage Available (mgd)	Population Served	Treatment Capacity (mgd)	Water Supply Entitlement (TAF)
	Surface Water	Groundwater	Agricultural	Municipal and Industrial	Environmental							
Municipal												
Buztail Community Services District	✓	✓	✓	✓	✓	Unknown	0.08	75	N/A	N/A	Groundwater	
Cal Water Chico	✓	✓	✓	✓	✓	25.4	2.375	86,000	N/A	N/A	Groundwater	
Cal Water Oroville	✓	✓	✓	✓	✓	4.85	7.2	10,000	7.0	- ^a	Groundwater	
Gran Mutual Water Company	✓	✓	✓	✓	✓	Unknown	0.19	150	N/A	N/A	Groundwater	
Lake Madrone Water District	✓	✓	✓	✓	✓	34	0.145	15	N/A	N/A	Groundwater	
Del Oro Water Company	✓	✓	✓	✓	✓	1.7	1.46	10,153	- ^b	0.565 ^c	Groundwater	
Durham Irrigation	✓	✓	✓	✓	✓	0.345	0	1,300	N/A	N/A	Groundwater	
South Feather Water & Power Agency	✓	✓	✓	✓	✓	28	6.56	21,400	14.5	51	Groundwater	
Paradise Irrigation District (PID)	✓	✓	✓	✓	✓	8.6	3.9 9.5	27,468	22.8	18.3	Groundwater	
Thermalito Water and Sewer	✓	✓	✓	✓	✓	2.8	3.0	9,400	6.0 ^d	8.2 ^e	Groundwater	
Agricultural												
Biggs-West Gridley Water District	✓	✓	✓	✓	✓	161	-	N/A	N/A	N/A	161	
Butte Water	✓	✓	✓	✓	✓	100	-	N/A	N/A	N/A	100	
Dayton Mutual Water Company	✓	✓	✓	✓	✓	-	19.334	N/A	N/A	N/A	- ^e	
Durham Mutual Water Company	✓	✓	✓	✓	✓	-	44.7	N/A	N/A	N/A	- ^e	
Richvale Irrigation District	✓	✓	✓	✓	✓	168.3	-	N/A	N/A	N/A	168.3	
Western Canal Water District	✓	✓	✓	✓	✓	301.4	1,250	N/A	N/A	N/A	301.4	

^a Purchase from PG&E; no limit established.

^b Treatment provided by PID.

^c Surface water supply only; total groundwater supplies not known.

^d Expansion to 10 mgd is under construction; future expansion to 20 mgd planned for 2015.

^e Information not available.

Source: Camp Dresser & McKee, 2001, *Water Inventory and Analysis Report*. Updated with data from Butte LAFCO, June 1, 2006, *Final Municipal Service Review – Domestic Water and Wastewater Providers*, prepared by Quad Knopf.

projects that are needed to supply local demands, and Policy W-P2.5 encourages the expansion of public water systems to areas identified for future development on the General Plan land use map. Policy W-P2.2 promotes continued regional cooperation surrounding water issues; however, ~~Butte County users should be prioritized for Butte County water supplies, according to Policy W-P2.4 and W-P2.8, which.~~ Policy W-P2.4 supports the full utilization of the County's State Water Project allocation within the county ~~and.~~ Policy W-P2.8 supports Area of Origin water rights. Policy W-P2.9 requires applications for new development to demonstrate adequate water supply to meet the needs of the project. Policy W-P3.1 requires sustainable management of groundwater resources. Goal W-4 and the eight policies that follow encourage water conservation, drought-tolerant landscaping, and use of reclaimed wastewater.

The first paragraph in Section A.4.a.ii on page 4.14-21 is hereby amended as follows:

General Plan 2030 would allow development that would likely require new and/or expanded water supply facilities. Based on the projected 2030 buildout, water districts estimated to require expansion of water supply, treatment and/or storage facilities to meet the increased demand include:

- ◆ Buzztail Community Services District
- ◆ Cal Water Chico
- ◆ Cal Water Oroville
- ◆ Del Oro Water Company
- ◆ ~~Thermalito Irrigation District~~ Thermalito Water and Sewer District

The first paragraph in Section A.4.b on page 4.14-25 is hereby amended as follows:

There is a possibility that growth in other areas within the region could impact regional water supplies. The regional water supplies at risk would be the large supply of groundwater located within the permeable soils of the Sacramento Valley floor. If new development were to penetrate that supply, a water shortage could potentially develop. However, the ~~Integrated Water Resource Plan~~ Water Inventory and Analysis report, revised in 2008, indicates

that currently, there is no water supply shortfall during normal years, but that shortages occur during dry conditions in specific areas. Drought period shortages are concentrated in the southwestern portion of the county, where supply is limited by groundwater fluctuations during drier summer months, heavier agricultural use, and the geology of the aquifer.

The second paragraph in Section A.4.b on page 4.14-25 is hereby amended as follows:

The General Plan 2030 Water Resources Element addresses cooperation with regional water users to protect Butte County's water resources. General Plan Policy W-P2.2 requires the County to continue the Four-County Memorandum of Understanding (MOU) with Colusa, Glenn, Tehama, and Sutter Counties, and foster regional cooperation with other counties and water purveyors. The MOU will serve to protect the region's water supply as the region experiences increasing growth and development pressure. The Four County MOU Group was joined by Shasta County and was renamed the Northern Sacramento Valley Integrated Regional Water Management Plan Group. Therefore, implementation of General Plan 2030 would result in a *less-than-significant* cumulative impact to water supplies.

The first paragraph on page 4.15-1 is hereby amended as follows:

This chapter discusses greenhouse gas (GHG) emissions in Butte County and evaluates the potential GHG emission impacts associated with General Plan 2030 ~~and the Airport Land Use Compatibility Plan (ALUCP) override~~. This chapter is based on both a quantitative and spatial analysis, and assesses GHG levels that would result from the proposed project and impacts of projected climate change on Butte County.

The first full paragraph on page 4.15-31 is hereby amended as follows:

For the purposes of this EIR, General Plan 2030 ~~and the ALUCP override~~ would result in a cumulatively considerable contribution if GHG emissions in 2020 associated with unincorporated Butte County are greater than 85 percent of current GHG emissions. If they are, Butte County would contribute

considerably to global GHG emissions and related climate change effects. If the emissions of new development allowed by General Plan 2030, combined with the on-going emissions of existing development, are less than 85 percent of current GHG emissions, then General Plan 2030 would not contribute considerably to global GHG emissions and related climate change effects.

The first, second, and third full paragraphs on page 4.15-32 are hereby amended as follows:

Thus, for this EIR, the proposed project would result in a cumulatively considerable contribution to a significant impact if development allowed by General Plan 2030 ~~and the ALUCP override~~ is unprepared for reasonably foreseeable environmental changes that will occur due to climate change, and thus subject property and persons to additional risk of physical harm related to flooding, public health, wildfire risk and other impacts.

For the purposes of this EIR, General Plan 2030 ~~and the ALUCP override~~ would result in a cumulatively significant contribution to climate change if they would:

- ◆ Result in GHG emissions that do not achieve a 15 percent reduction from current levels by 2020.
- ◆ Subject property and persons to additional risk of physical harm related to flooding, public health, wildfire risk and other impacts resulting from climate change.

D. Impact Discussion

The following discussion provides an analysis of the project's cumulative contribution to GHG emission and climate change impacts that could occur as a result of implementation of General Plan 2030. ~~In addition, this discussion includes an analysis of the potential GHG emissions from residential land uses that would be allowed in the ALUCP area under the ALUCP override, which is a very small fraction of the projected 2030 buildout that would contribute to GHG emissions.~~

Under Section D.2.a, the first paragraph on page 4.15-33 is hereby amended as follows:

The assessment of GHG emissions in this section is based on a quantitative analysis of impacts resulting from the projected 2030 buildout of General Plan 2030. The estimate of GHG emissions in 2020 is based on projected 2030 buildout, adjusted to the year 2020. As discussed below, General Plan 2030 ~~and the ALUCP override~~ will result in cumulatively considerable GHG emissions that exceed the significance criteria noted above.

The second paragraph in Section D.b.iii on pages 4.15-60 to 4.15-61 is hereby amended as follows:

At present, it is uncertain whether areas like Butte County will experience increases, decreases, or no change in precipitation due to climate change. Atmospheric modeling at scales that can provide meaningful precipitation projections at the county level is an active area of research, and in coming decades, a better scientific foundation for forecasting this impact at the county level will likely be available. However, regional climate change modeling for northern California shows a decrease in precipitation falling as snow and an increase in rainfall during the winter, as well as an increase in the frequency of intense rainfall events.⁴ These conditions will heighten local flood risk. Furthermore, as reliability of the snowpack declines and snowmelt occurs earlier in the year, water managers must adapt infrastructure and procedures to capture and bank winter rainfall to avoid summer shortages. Shortages in surface water availability could increase the reliance on groundwater. Additionally, changes in snowmelt and stream flow could reduce groundwater recharge.

The first paragraph on page 5-1 is hereby amended as follows:

General Plan 2030 ~~and the Airport Land Use Compatibility Plan (ALUCP) override~~ have been described and analyzed in the previous sections with an

⁴ Knowles, et al., 2006, as cited in California Energy Commission, May 2009, *The Future Is Now – An Update on Climate Change Science Impacts and Response Options For California*, CEC-500-2008-071, prepared by the California Climate Change Center.

emphasis on potentially significant impacts and recommended mitigation measures to avoid those impacts to the extent feasible. The State CEQA Guidelines also require the description and comparative analysis of a reasonable range of alternatives to the proposed project that could feasibly attain the objectives of the project.

The last paragraph on page 5-2 and the top of page 5-3 is hereby amended as follows:

The three alternatives are as follows:

- ◆ **No Project Alternative.** The proposed General Plan 2030 ~~and the ALUCP override~~ would not be adopted, and the existing Butte County General Plan would remain in effect.
- ◆ **Concentrated Growth Alternative.** In this alternative, development would be directed toward the existing urban areas. Concentrated growth would occur at a county-wide scale, in which little development occurs in outlying areas, which are instead designated for very low density residential, agriculture, and resource conservation. Meanwhile, higher density development would occur in and around the existing urban areas.
- ◆ **Rural Extension Alternative.** In this alternative, development would be distributed more widely throughout the county with less emphasis on the existing urban areas. Typically, outlying areas under this alternative would allow more dwelling units than under the Concentrated Growth Alternative, and densities are often lower in and around the existing urban areas. This alternative is considered because some participants in the General Plan 2030 process suggested that lower-density development would be likely to have less environmental impact.

The last paragraph on page 5-3 is hereby amended as follows:

Table 5-1, along with Figures 5-1, 5-2, and 5-3, summarize the level of development and illustrate the likely land use pattern for each alternative, while Table 5-2 summarizes the result of analyzing each alternative against the impact factors considered for General Plan 2030 ~~and the ALUCP override~~, ac-

ording to whether it would have a mitigating or adverse effect. This analysis is presented in greater detail in the following sections.

The text on page 5-4 and the top of page 5-12 is hereby amended as follows:

C. The No Project Alternative

This section analyzes the No Project Alternative against General Plan 2030 ~~and the ALUCP override.~~

3. Principal Characteristics

Under this alternative, the proposed General Plan 2030 ~~and ALUCP override~~ would not be adopted and the existing General Plan would remain in effect. Thus, new development would occur according to the existing General Plan land use designations, as well as the County's existing General Plan policies.

The No Project Alternative differs from the proposed General Plan 2030 ~~and ALUCP override~~ in terms the amount of residential and non-residential growth proposed. The No Project Alternative would allow more residential and industrial development than the proposed project, but less commercial development, as shown in Table 5-1. The projected 2030 buildout of the No Project Alternative would be approximately:

- ◆ 14,200 new dwelling units
- ◆ 35,100 new residents
- ◆ 0.5 million square feet new retail/office space
- ◆ 1.5 million square feet new industrial space

Under Section C.2, the first sentence on page 5-12 is hereby amended as follows:

4. Impact Analysis

The No Project Alternative would have the following impacts relative to adoption of General Plan 2030 ~~and the ALUCP override.~~

The last paragraph on page 5-17 is hereby deleted:

~~The proposed project would result in a significant and unavoidable land use impact because it would conflict with the ALUCP. The No Project Alternative also conflicts with the ALUCP, so this impact would remain.~~

The last sentence on page 5-22 is hereby amended as follows:

This section analyzes the Concentrated Growth Alternative against General Plan 2030 ~~and the ALUCP override.~~

Under Section D.2, the first sentence on page 5-23 is hereby amended as follows:

2. Impact Analysis

The Concentrated Growth Alternative would have the following impacts relative to adoption of General Plan 2030 ~~and the ALUCP override.~~

The last paragraph on page 5-26 and the top of page 5-27 is hereby amended as follows:

i. Land Use

The Concentrated Growth Alternative would allow a similar type of land uses as the proposed General Plan 2030, although growth patterns would be more focused to urban areas. Neither the proposed project nor the Concentrated Growth Alternative would physically divide existing communities within Butte County, and both would include new policies and actions that would address impacts related to land use conflicts. ~~In addition, both the proposed General Plan 2030 and the Concentrated Growth Alternative would conflict with the ALUCP, require an ALUCP override, and cause a significant and unavoidable land use impact.~~ As a result, the Concentrated Growth Alternative would have substantially similar land use impacts as the proposed project.

Under Section E, the first sentence on page 5-29 is hereby amended as follows:

E. The Rural Extension Alternative

This section analyzes the Rural Extension Alternative against General Plan 2030 ~~and the ALUCP override.~~

Under Section E.2, the first sentence on page 5-30 is hereby amended as follows:

2. Impact Analysis

The Rural Extension Alternative would have the following impacts relative to adoption of General Plan 2030 ~~and the ALUCP override.~~

The second paragraph on page 5-33 is hereby amended as follows:

i. Land Use

Under the Rural Extension Alternative, the type of land uses allowed would be relatively similar to that which would occur under the proposed General Plan 2030, although growth patterns would be extended into rural areas. Neither the proposed project nor the Rural Extension Alternative would physically divide existing communities within Butte County, and both would include new policies and actions that would address impacts related to land use conflicts. ~~In addition, both the proposed General Plan 2030 and the Rural Extension Alternative would conflict with the ALUCP, require an ALUCP override, and cause a significant and unavoidable land use impact.~~ As a result, the Rural Extension Alternative would have a substantially similar impact as the proposed project with regard to land use.

The first paragraph on page 6-1 is hereby amended as follows:

As required by CEQA, this chapter provides an overview of the impacts of the proposed General Plan 2030 ~~and the Airport Land Use Compatibility Plan (ALUCP) override~~ based on the technical analyses presented in this EIR. The topics covered in this chapter include growth inducement, unavoidable significant impacts, expected significant irreversible environmental changes,

and cumulative impacts. A more detailed analysis of the project-level and cumulative effects of the proposed project on the environment is provided in Chapter 4 of this report.

The last paragraph on page 6-1 and the top of page 6-2 is hereby amended as follows:

1. Direct Impacts

The proposed General Plan 2030 ~~and ALUCP override~~ would directly induce population, employment, and economic growth by allowing development in areas not currently designated for urban growth. Implementation of the proposed project would result in the following growth under projected buildout conditions in 2030 based on the expected growth assumptions for the unincorporated county:

- ◆ Add approximately 33,800 new residents.
- ◆ Add approximately 13,700 new residential units.
- ◆ Add approximately 1.8 million new square feet of retail and office uses.
- ◆ Add approximately 1.1 million new square feet of industrial uses.

The first full paragraph on page 6-3 is hereby amended as follows:

As a result, while the proposed General Plan 2030 ~~and ALUCP override~~ would result in increased local growth, policies included in General Plan 2030 would reduce the potential for negative impacts associated with direct growth inducement to a *less-than-significant* level.

The last paragraph on page 6-3 is hereby amended as follows:

While the proposed General Plan 2030 ~~and ALUCP override~~ allows additional growth, General Plan 2030 also includes specific policies that direct growth to existing urbanized areas. For example, Policy LU-P15.2 requires that new urban development be primarily located in or immediately adjoining already urbanized areas. The proposed General Plan 2030 land use map also works to limit the expansion of urban growth by providing designations that allow urban development primarily within the SOIs for the incorporated municipalities and the existing unincorporated communities. Outside of

those areas, the General Plan land use designations would not allow urban levels of development. The principles that guided the development of the land use map for General Plan 2030 are also included as policies in the Land Use Element. In particular, Policy LU-P15.1 requires that the County prevent scattered development patterns and encourage development in existing urbanized areas, and in particular areas that have access to public services and infrastructure.

The first and second paragraphs on page 6-4 are hereby amended as follows:

In addition, the General Plan 2030 land use map provides a mixture of housing, retail, and employment opportunities within Butte County so that as the number of residents increase, they do not pressure adjacent communities to provide new commercial and employment opportunities. As a result, the proposed General Plan 2030 and ALUCP override would result in a *less-than-significant* indirect negative growth inducing impact.

B. Unavoidable Significant Impacts

While the majority of impacts associated with General Plan 2030 ~~and the ALUCP override~~ would be reduced to a *less-than-significant* level, adoption and implementation of the proposed project would result in the following *significant and unavoidable* impacts:

The second paragraph on page 6-5 is hereby deleted:

~~4. Land Use~~

~~General Plan 2030 conflicts with the ALUCP, which necessitates the ALUCP override. In addition, The City of Chico General Plan conflicts with the ALUCP, so the proposed project would contribute to a cumulative impact. No feasible mitigation is available. Therefore, the project and cumulative impacts are *significant and unavoidable*.~~

The text on page 6-7 under Sections C.1 and C.2 is hereby amended as follows:

5. Changes in Land Use that Commit Future Generations

Development allowed by General Plan 2030 and the ALUCP override would result in the conversion of vacant land to residential, commercial and industrial uses, and the intensification of underutilized areas. This development would constitute a long-term commitment to residential, commercial, industrial, parking, and other urban uses.

6. Commitment of Resources

Development allowed by General Plan 2030 ~~and the ALUCP override~~ would irretrievably commit nonrenewable resources, both from within and outside Butte County, to the construction and maintenance of buildings, infrastructure and roadways. These non-renewable resources include mined materials such as sand, gravel, steel, lead, copper, and other metals. Buildout of General Plan 2030 ~~and the ALUCP override~~ also represents a long-term commitment to the consumption of fossil fuels, natural gas, and gasoline. Increased energy demands would be used for construction, lighting, heating, and cooling of residences, and transportation of people within, to, and from the planning area. General Plan 2030 Goals COS-3 and COS-4 and their associated policies and actions would promote energy conservation, which could minimize or incrementally reduce the consumption of these resources.

Implementation of General Plan 2030 ~~and the ALUCP override~~ would also result in an irreversible commitment of limited, renewable resources such as lumber and water. General Plan 2030 Goals COS-3 and COS-4 and their associated policies and actions would also result in some savings of renewable resources.

The first paragraph on page 6-8 is hereby amended as follows:

3. Irreversible Damage from Environmental Accidents

Irreversible changes to the physical environment could occur from accidental release of hazardous materials associated with development activities. However, compliance with State and federal hazardous materials regulations and

the countywide response plan, as discussed in Section 4.7, Hazards and Safety, would reduce this potential impact to a *less-than-significant* level. No other irreversible changes are expected to result from the adoption and implementation of General Plan 2030 and the ALUCP override.

BUTTE COUNTY GENERAL PLAN 2030
FINAL EIR
REVISIONS FOR THE DEIR

4 LIST OF COMMENTORS

A. Written Comments

Written comments were received from the following agencies, organizations, and members of the public.

State and Regional Agencies

1. Scott Morgan, Acting Director, State Clearinghouse. State of California, Governor's Office of Planning and Research. June 8, 2010.
2. Lilibeth Green, District 3 Chief, Department of Transportation. State of California, Business, Transportation and Housing Agency. June 3, 2010.
3. Sandy Hesnard, Aviation and Environmental Specialist, Division of Aeronautics. State of California, Business, Transportation and Housing Agency. June 1, 2010.
4. Bill Pfanner, Supervisor, Local Energy & Land Use Assistance Unit, Special Projects Office, Fuels and Transportation Division. State of California, Natural Resources Agency. April 27, 2010.
5. Katy Sanchez, Program Analyst, Native American Heritage Commission. State of California. May 13, 2010.

County Agencies

6. Gail Williams, Senior Air Quality Planner, Butte County Air Quality Management District. June 7, 2010.
7. Paul Gosselin, Director, Butte County Department of Water and Resource Conservation. June 2, 2010.
8. John Gulserian, Emergency Services Officer, Butte County Office of Emergency Management. April 13, 2010.
9. Robert Hennigan, Chair, Butte County Airport Land Use Commission. May 10, 2010.

Local Governments and Municipal Providers

10. George Barber, District Manager, Paradise Irrigation District. May 27, 2010.
11. Brendan Vieg, Principal Planner, City of Chico. June 3, 2010.

Non-Profit Associations

12. Carol Perkins, Water Resource Advocate, Butte Environmental Council.
May 14, 2010.
13. Robin Huffman, Advocacy Director, Butte Environmental Council.
June 2, 2010.
14. Robin Huffman, Advocacy Director, Butte Environmental Council.
June 4, 2010.
15. Robin Huffman, Advocacy Director, Butte Environmental Council.
June 5, 2010.
16. Barbara Vlamis, Executive Director, AquAlliance. June 7, 2010.

Members of the Public

17. Carol Burr. CBurr@csuchico.edu. April 21, 2010.
18. Tony St. Amant. 27 Garden Park Drive, Chico, CA 95973. May 11,
2010.
19. Tony St. Amant. 27 Garden Park Drive, Chico, CA 95973. May 11,
2010.
20. Tony St. Amant. 27 Garden Park Drive, Chico, CA 95973. June 3,
2010.

B. Public Hearing Comments

Planning Commission Hearing

21. Robin Huffman, Butte Environmental Council
Gene Willet, Bangor Resident

5 COMMENTS AND RESPONSES

This chapter includes a reproduction of, and responses to, each letter received during the public review period. Each letter is reproduced in its entirety, and is immediately followed by responses to the comments in it. Letters follow the same order as listed in Chapter 4 of this Final EIR and are categorized by:

- ◆ State Agencies
- ◆ Regional Agencies
- ◆ County Agencies
- ◆ Local Agencies
- ◆ Organizations
- ◆ Private Citizens

Each comment and response is labeled with a reference number in the margin.

In addition, the chapter includes responses to comments received at the public hearing on the Draft EIR, which was held on April 22, 2010.

Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response. Where a response requires revisions to the Draft EIR, these revisions are explained and shown in Chapter 3 of this Final EIR document.

Some comments address the General Plan itself and not the Draft EIR. They do not require a response in this Final EIR, and so the statement "no response is required" is used. However, the comments will be considered by the Board of Supervisors when considering the General Plan 2030 adoption.

A. State and Regional Agencies



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

June 8, 2010

Dan Breedon
Butte County
7 County Center Drive
Oroville, CA 95965

Subject: Butte County General Plan 2030 and Associated Override of the Butte City, Airport Land Use
Compatibility Plan
SCH#: 2008092062

Dear Dan Breedon:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 7, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Acting Director, State Clearinghouse

Enclosures

cc: Resources Agency

1-1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2008092062
Project Title Butte County General Plan 2030 and Associated Override of the Butte City, Airport Land Use
Lead Agency Compatibility Plan
 Butte County

Type EIR Draft EIR
Description NOTE: Review Per Lead

This Program EIR is for the Butte County General Plan 2030 project including an associated override of the Butte County Airport Land Use Compatibility Plan.

Lead Agency Contact

Name Dan Breedon
Agency Butte County
Phone 530-538-7629 **Fax**
email dbreedon@buttecounty.net
Address 7 County Center Drive
City Oroville **State** CA **Zip** 95965

Project Location

County Butte
City Biggs, Chico, Gridley, Oroville, Paradise
Region
Lat / Long
Cross Streets general plan 2030 applies to all of unincorporated Butte County
Parcel No.

Township	Range	Section	Base

Proximity to:

Highways 99, 70, 162, 32, 191
Airports Chico, Oroville, Paradise
Railways UPRR
Waterways Feather and Sacramento River and tributaries
Schools Numerous
Land Use unincorporated area located within Butte County's boundaries

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 2; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Central Valley Flood Protection Board; Department of Water Resources; Office of Emergency Management Agency, California; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 3; Department of Housing and Community Development; Regional Water Quality Control Bd., Region 5 (Redding); Native American Heritage Commission

Date Received 04/07/2010 **Start of Review** 04/07/2010 **End of Review** 06/07/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

Letter 1: Scott Morgan, Acting Director, State Clearinghouse, State of California, Governor's Office of Planning and Research. June 8, 2010.

1-1: This comment states that the Draft EIR was submitted to select State agencies for review and acknowledges that the County has complied with the State Clearinghouse review requirements for environmental documents. No additional response is required.

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
703 B STREET
P. O. BOX 911
MARYSVILLE, CA 95901-0911
PHONE (530) 741-4025
FAX (530) 741-4825
TTY (530) 741-4509



*Flex your power!
Be energy efficient!*

June 3, 2010

032010BUT0014
Butte County General Plan Update
Draft General Plan and DEIR
SCH#2008092062

Mr. Dan Breedon
Butte County
7 County Center Drive
Oroville, CA 95965

Dear Mr. Breedon,

Thank you for the opportunity to review and comment on the Draft Butte County General Plan 2030 and Draft Environmental Impact Report (DEIR). We appreciate the County incorporating the majority of our comments into the updated document. Our October 5, 2009 letter includes a comment regarding the expansion of State Route (SR) 99 north of Chico to the Tehama County line (from a 2-lane conventional highway to a 4-lane expressway); which is not addressed in the updated document. This is a regionally significant Caltrans project that is part of the Interregional Road System (IRRS) serving the interregional movement of people and goods; this project has been discussed with the City and County, and should be included in the Circulation element of the General Plan.

If you have questions or need additional information, please contact Rupinder Jawanda, Butte County IGR Coordinator, at (530) 740-4989 or e-mail at rupinder_jawanda@dot.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Lilibeth Green".

LILIBETH GREEN, Chief
Office of Transportation Planning – North

2-1

Letter 2: Lilibeth Green, District 3 Chief, Department of Transportation, State of California, Business, Transportation and Housing Agency. June 3, 2010.

2-1: This comment states that the Circulation Element of the General Plan should include the expansion of Highway 99 north of Chico to the Tehama County line from a two-lane highway to a four-lane expressway.

The Butte County Board of Supervisors considered adding this improvement to the Circulation Element of the General Plan during a January 19, 2010 study session, based on a previous comment letter from Caltrans, but decided not to include it. In addition, this project was not assumed to be funded in the Butte County Association of Governments 2008-2035 Regional Transportation Plan. While this project would facilitate interregional travel on the State system, due to uncertain funding, it was not assumed to be constructed within the planning horizon. Because this project was not included in the proposed General Plan Circulation Element, and because it was not assumed to be constructed within the planning horizon, it was not included in the EIR traffic analysis.

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S.#40
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SACRAMENTO, CA 94274-0001
PHONE (916) 654-4959
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TTY 711



Flex your power!
Be energy efficient!

June 1, 2010

Mr. Dan Breedon
Butte County
7 County Center Drive
Oroville, CA 95965

Dear Mr. Breedon:

Re: Butte County Draft Environmental Impact Report for the Butte County 2030 General Plan Update; SCH# 2008092062

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports.

The proposal is for an update to the 2030 Butte County General Plan. According to the Environmental Impact Report (EIR), it *“provides an assessment of the potential environmental consequences of adoption of the Butte County General Plan 2030 and Airport Land Use Compatibility Plan (ALUCP) override.”* The EIR further states that *“the proposed project is a comprehensive update of the existing Butte County General Plan, as well as the associated override of the ALUCP. The General Plan is the principal policy document for future conservation and development in the county, and it has a 20-year planning horizon. Because General Plan 2030 includes densities that are not consistent with the Airport Land Use Compatibility Zones in the ALUCP, adoption of this document requires an override of the ALUCP.”*

3-1

This project description sets the stage for tying the General Plan adoption process to the ALUCP overrule appeal process, however, procedurally there is no nexus for doing this. An Airport Land Use Commission (ALUC) overrule, cannot be noticed, processed or “implemented through the EIR” until the ALUC has deliberated and voted to make a determination that the draft General Plan and its companion documents are either consistent or inconsistent with the ALUCP. Once the ALUC has made a determination of inconsistency, they would notify Butte County of their decision. Butte County could then proceed with the overrule process. The County may wish to discuss the *anticipated* inconsistencies between the General Plan densities and ALUCP criteria in a separate section of the EIR or include the overrule process as an appendix.

3-2

The EIR impact analysis and findings cannot be combined with the overrule appeal process since there are no environmental impacts associated with the procedural act of overruling the ALUCP. CEQA does not apply to an appeal of a local government land use decision or a local government overruling the ALUC. It is the General Plan densities that have direct or indirect adverse environmental impacts that would require analysis and *CEQA findings* of overriding considerations.

3-3

Additionally, language in Chapters 3 and 4 confuse the term “override findings” with “ALUCP overrule findings.” The overriding consideration findings required by CEQA for significant, but unavoidable adverse environmental impacts related to the approval of the General Plan are different than the findings needed for an ALUCP consistency overrule as required by California Public Utilities Code (PUC) Sections 21676.5(a) and 21670(a) (1 and 2). For clarity, we recommend removing from the EIR, all references to ALUCP override “impacts” and focus only on evaluating the environmental impacts of the General Plan.

3-4

3-5

The California Airport Land Use Planning Handbook, available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/documents/ALUPHComplete-7-02rev.pdf>, provides a “General Plan Consistency Checklist” in Table 5A and a “Possible Airport Combining Zone Components” in Table 5B.

3-6

Federal and State regulations regarding aircraft noise do not establish mandatory criteria for evaluating the compatibility of proposed land use development around airports with the exception of the 65 decibel (dB) Community Noise Equivalent Level (CNEL) “worst case” threshold established in the State Noise Standards for the designated “noise problem” airports. For most airports in California, 65 dB CNEL is considered too high a noise level to be appropriate as a standard for land use compatibility planning. This is particularly the case for evaluating new development in the vicinity of the airport. The 60 dB CNEL, or even 55 dB CNEL, may be more suitable for new development around most airports. Consideration should also be given to cumulative noise impacts associated with the project site’s proximity to roadways and railway lines.

3-7

Sound insulation, buyer notification and avigation easements are typical noise mitigation measures. These measures, however, do not change exterior aircraft noise levels. Noise mitigation measures are not a substitute for good land use compatibility planning for new development

PUC Section 21659 prohibits structural hazards near airports. The planned height of buildings, antennas, and other objects should be checked with respect to Federal Aviation Regulation (FAR) Part 77 criteria if development is close to the airport, particularly if situated within the runway approach corridors. General plans must include policies restricting the heights of structures to protect airport airspace. To ensure compliance with FAR Part 77 “Objects Affecting Navigable Airspace” submission of a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) may be required. Form 7460-1 is available on-line at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> and should be submitted electronically.

3-8

PUC Section 21688 states that “no payments shall be made from the Aeronautics Account for expenditure on any airport or for the acquisition or development of any airport, if the department determines that the height restrictions around the airport are inadequate to provide reasonable assurance that the landing and taking off of aircraft at the airport will be conducted without obstruction or will be otherwise free from hazards.” The airport-owner must have sufficient control over obstructions in the airspace in the vicinity of the airport to assure that height restrictions can be maintained. This control may be in the form of ownership of any land from which obstructions may

rise, air navigation (avigation) easements to guarantee maintenance of restrictions, or height limitation or land use zoning which will prohibit obstructions which would violate the obstruction standards.

**3-8
cont.**

Education Code Section 17215 requires a school site investigation by the Division prior to acquisition of land for a proposed school site located within two miles of an airport runway. The Division submits recommendations to the State Department of Education for use in determining acceptability of the site. This should be a consideration prior to designating residential uses or increasing residential densities in the vicinity of an airport. The Division's school site evaluation criteria are available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/regulations.html>.

3-9

Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353 address buyer notification requirements for lands around airports and are available on-line at <http://www.leginfo.ca.gov/calaw.html>. Any person who intends to offer subdivided lands, common interest developments and residential properties for sale or lease within an airport influence area is required to disclose that fact to the person buying the property.

3-10

Land use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife-aircraft collisions. The Federal Aviation Administration (FAA) recommends that landfills, wastewater treatment facilities, surface mining, wetlands and other uses that have the potential to attract wildlife, be restricted in the vicinity of an airport. FAA Advisory Circular (AC150/5200-33B) entitled "Hazardous Wildlife Attractants on or Near Airports" and AC 150/5200-34 entitled "Construction or Establishment of Landfills near Public Airports" address these issues. For further information, please refer to the FAA website <http://wildlife-mitigation.tc.faa.gov/>.

3-11

Aviation plays a significant role in California's transportation system. This role includes the movement of people and goods within and beyond our state's network of over 250 airports. Aviation contributes nearly 9 percent of both total state employment (1.7 million jobs) and total state output (\$110.7 billion) annually. These benefits are discussed in the study "Aviation in California: Benefits to Our Economy and Way of Life" available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/econstudy2003.html>. Aviation improves mobility, generates tax revenue, saves lives through emergency response, medical and fire fighting services, annually transports air cargo valued at over \$170 billion and generates over \$14 billion in tourist dollars, which in turn improves our economy and quality of life.

3-12

The protection of airports from incompatible land use encroachment is vital to California's economic future and should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports is both a local and State issue, airport land use commissions and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

3-13

Mr. Dan Breedon
June 1, 2010
Page 4

To ensure the General Plan's compatibility with future as well as existing airport operations, the proposal should be coordinated with the Chico Municipal Airport Manager, Dave Burkland, at (530) 896-7200 or dburkland@ci.chico.ca.us, the Oroville Municipal Airport Manager, Rick Walls at (530) 538-2420 or wallsr@cityoforoville.org, the Ranchoero Airport Manager, Gary Grigg, at (530) 342-5242 or ranchoero1@aol.com, and Paradise Skypark owner, John Franklin, at (530) 343-9600 or franklin@franklinconstruction.com.

3-13
cont.

These comments reflect the areas of concern to the Division of Aeronautics with respect to airport-related noise, safety, and regional land use planning issues. We advise you to contact our District 3 office concerning surface transportation issues.

Please contact the Division's ALUC coordinator for Butte County, Ms. Terry Farris, at (916) 653-9603, for questions regarding the ALUCP consistency issue.

3-14

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-5314 or by email at sandy.hesnard@dot.ca.gov.

Sincerely,

Original Signed by

SANDY HESNARD
Aviation Environmental Specialist

c: State Clearinghouse, Butte County ALUC, Chico Municipal Airport, Oroville Municipal Airport, Ranchoero Airport, Paradise Skypark

Letter 3: Sandy Hesnard, Aviation and Environmental Specialist, Division of Aeronautics, State of California, Business, Transportation and Housing Agency. June 1, 2010.

3-1: As noted in the revisions to the Draft EIR shown in Chapter 3 of this Final EIR, in response to this and other comments received on the Draft EIR, the Butte County Board of Supervisors has directed County staff to revise General Plan 2030 to:

- ◆ Use the Airport Overlay to require that land uses and densities within the Airport Land Use Compatibility Zones must comply with the current adopted ALUCP where those allowed land uses and densities differ from General Plan 2030 land use designations, unless a deviation from the ALUCP is approved by a two-thirds majority of the Butte County Board of Supervisors.
- ◆ Revise Policy LU-P12.5 to direct the County to be consistent with the ALUCP in General Plan and Zoning decisions.
- ◆ Delete Policy LU-P12.6.
- ◆ Add a new Action LU-A12.3 that directs the County and the Airport Land Use Commission to work cooperatively to update the ALUCP.

Therefore, General Plan 2030 would be consistent with the ALUCP, and no ALUCP override is necessary.

3-2: See response 3-1.

3-3: See response 3-1.

3-4: See response 3-1.

3-5: See response 3-1.

3-6: This comment directs the environmental evaluators to the California Airport Land Use Planning Handbook as a source for further environmental

review. It is not a comment on the adequacy of the Draft EIR, and therefore no response is necessary.

3-7: This comment discusses noise levels in the vicinity of airports and notes that mitigation measures are not a substitute for good land use planning. The purpose of the noise analysis in the Draft EIR was to address the noise impacts of implementation of General Plan 2030 on the public. As indicated in Section D.1.d on page 4.10-46 of the Draft EIR, General Plan policies HS-P1.3 and HS-P1.4 address noise impacts near airports. Cumulative noise impacts are also discussed in Section D.2 on pages 4.10-46 and 4.10-47 of the Draft EIR. In addition, as indicated in the response to Comment 3-1, General Plan 2030 has been revised to be consistent with the ALUCP. Furthermore, this is not a comment on the adequacy of the Draft EIR, and no further response is necessary.

3-8: See response 3-1.

3-9: This comment suggests further environmental evaluation should be considered for school siting, based on recommendations of the Division of Aeronautics. As indicated in the response to Comment 3-1, General Plan 2030 has been revised to be consistent with the ALUCP; all residential densities and public uses are now consistent with the ALUCP. Furthermore, this is not a comment on the adequacy of the Draft EIR, and therefore no response is necessary.

3-10: This comment provides information regarding buyer/renter disclosures for properties located within an airport influence area. It is not a comment on the adequacy of the Draft EIR, and therefore no response is necessary.

3-11: This comment provides information regarding conflict between land uses that attract wildlife populations and airports. As indicated in the response to Comment 3-1, General Plan 2030 has been revised to be consistent with the ALUCP; all public and open space uses are consistent with the

ALUCP. Furthermore, this is not a comment on the adequacy of the Draft EIR, and therefore no response is necessary.

3-12: This comment pertains to the significance of aviation in California as a means of transportation of people and goods. It is not a comment on the adequacy of the Draft EIR, and therefore no response is necessary.

3-13: This comment makes a connection between California's economic prosperity and compatible land use planning surrounding airports, and recommends that all future land use projects are coordinated with Butte County local airport managers. As indicated in the response to Comment 3-1, General Plan 2030 has been revised to be consistent with the ALUCP. Furthermore, this is not a comment on the adequacy of the Draft EIR, and therefore no response is necessary.

3-14: This comment provides follow-up contact information for the Department of Transportation District 3 and the Butte County ALUCP coordinator, and expresses Ms. Hesnard's appreciation for the opportunity to review and comment on the Draft EIR. It is not a comment on the adequacy of the Draft EIR, and therefore no response is necessary.

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



April 27, 2010

Dan Breedon
Butte County
7 County Center Drive
Oroville, CA 95965

BUTTE COUNTY
APR 29 2010
DEVELOPMENT SERVICES

Dear Mr. Breedon:

The California Energy Commission has received the Butte County's Draft EIR titled Butte County General Plan 2030 and associated Override of the Butte City Airport Land Use Compatibility Plan, SCH 2008092062 that was submitted on 4/7/2010 for comments due by 6/7/2010. After careful review, the Energy Commission has found the following:

4-1

We would like to assist in reducing the energy usage involved in your project. Please refer to the enclosed Appendix F of the California Environmental Quality Act for how to achieve energy conservation.

In addition, the Energy Commission's *Energy Aware Planning Guide* is also available as a tool to assist in your land use planning. For further information on how to utilize this guide, please visit www.energy.ca.gov/energy_aware_guide/index.html.

4-2

Thank you for providing us the opportunity to review/comment on your project. We hope that our comments will be helpful in your environmental review process.

If you have any further questions, please call Gigi Tien at (916) 651-0566.

Sincerely,

BILL PFANNER
Supervisor, Local Energy & Land Use Assistance Unit
Special Projects Office
Fuels and Transportation Division
California Energy Commission
1516 Ninth Street, MS 23
Sacramento, CA 95814

Enclosure

Appendix F

ENERGY CONSERVATION

I. Introduction

The goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include:

- (1) decreasing overall per capita energy consumption,
- (2) decreasing reliance on natural gas and oil, and
- (3) increasing reliance on renewable energy sources.

In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy.

Energy conservation implies that a project's cost effectiveness be reviewed not only in dollars, but also in terms of energy requirements. For many projects, lifetime costs may be determined more by energy efficiency than by initial dollar costs.

II. EIR Contents

Potentially significant energy implications of a project should be considered in an EIR. The following list of energy impact possibilities and potential conservation measures is designed to assist in the preparation of an EIR. In many instances, specific items may not apply or additional items may be needed.

- A. Project Description may include the following items:
 1. Energy consuming equipment and processes which will be used during construction, operation, and/or removal of the project. If appropriate, this discussion should consider the energy intensiveness of materials and equipment required for the project.
 2. Total energy requirements of the project by fuel type and end use.
 3. Energy conservation equipment and design features.
 4. Initial and life-cycle energy costs or supplies.
 5. Total estimated daily trips to be generated by the project and the additional energy consumed per trip by mode.
- B. Environmental Setting may include existing energy supplies and energy use patterns in the region and locality.
- C. Environmental Impacts may include:
 1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project's life cycle including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
- D. Mitigation Measures may include:
 1. The effects of the project on local and regional energy supplies and on requirements for additional capacity.
 2. The effects of the project on peak and base period demands for electricity and other forms of energy.
 3. The degree to which the project complies with existing energy standards.
 4. The effects of the project on energy resources.
 5. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.
- E. Alternatives should be compared in terms of overall energy consumption and in terms of reducing wasteful, inefficient and unnecessary consumption of energy.
- F. Unavoidable Adverse Effects may include wasteful, inefficient and unnecessary consumption of energy during the project construction, operation, maintenance and/or removal that cannot be feasibly mitigated.
- G. Irreversible Commitment of Resources may include a discussion of how the project preempts future energy development or future energy conservation.
- H. Short-Term Gains versus Long-Term Impacts can be compared by calculating the energy costs over the lifetime of the project.
- I. Growth Inducing Effects may include the estimated energy consumption of growth induced by the project.

Letter 4: Bill Pfanner, Supervisor, Local Energy & Land Use Assistance Unit, Special Projects Office, Fuels and Transportation Division, State of California, Natural Resources Agency. April 27, 2010.

4-1: This comment confirms receipt of the Draft EIR by the California Energy Commission. The comment also states that the Commission would like to assist in reducing the energy usage involved in the project and refers environmental reviewers to Appendix F of the California Environmental Quality Act (CEQA). It is not a comment on the adequacy of the Draft EIR, and therefore no response is necessary.

4-2: This comment provides information on the Energy Commission's *Aware Planning Guide*. The comment also expresses appreciation from the California Energy Commission for the opportunity to review and comment on the Draft EIR. Additional environmental review is not recommended by the comment. It is not a comment on the adequacy of the Draft EIR, and therefore no response is necessary.

4-3: This comment presents Appendix F of the CEQA Guidelines which describes how an EIR may address energy conservation. The specific EIR contents described in Section II of Appendix F are tailored to project-specific EIRs which analyze site design, construction and operation of a building or buildings. Appendix F acknowledges that it may not be possible to analyze each of these components at a programmatic level, stating that “[i]n many instances, specific items may not apply.”

Both General Plan 2030 and the Draft EIR address energy consumption and conservation. Specifically, the Draft EIR includes a program-level analysis of the General Plan's electricity and natural gas consumption and energy efficiency measures in three locations:

- ◆ Chapter 4.14, Section E.4.a.i, on pages 4.14-59 and 4.14-60, which presents a programmatic analysis of energy consumption under General Plan 2030.

- ◆ Chapter 4.15, Sections D.2.a.ii and D.2.a.iii on pages 4.15-39 to 4.15-42, which analyzes how the energy efficiency and conservation measures in General Plan 2030 would affect GHG emissions.
- ◆ Chapter 6, Section C.2, on page 6-7, which discloses that “[b]uildout of General Plan 2030 and the ALUCP override also represents a long-term commitment to the consumption of fossil fuels, natural gas, and gasoline. Increased energy demands would be used for construction, lighting, heating, and cooling of residences, and transportation of people within, to, and from the planning area. General Plan 2030 Goals COS-3 and COS-4 and their associated policies and actions would promote energy conservation, which could minimize or incrementally reduce the consumption of these resources.”

The Draft EIR appropriately addresses the potential energy impacts of the proposed General Plan 2030.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
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(916) 653-4082
(916) 657-5390 - Fax



May 13, 2010

Dan Breedon
Butte County
7 County Center Drive
Oroville, CA 95965

RE: SCH#2008092062 Butte County General Plan 2030 and associated Override of the Butte Cty Airport Land Use Compat; Butte County.

Dear Mr. Breedon:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

5-1

Sincerely,

A handwritten signature in blue ink that reads "Katy Sanchez".

Katy Sanchez
Program Analyst
(916) 653-4040

CC: State Clearinghouse

Native American Contact List
Butte County
May 11, 2010

Berry Creek Rancheria of Maidu Indians
 Cultural Resources Rep
 #5 Tyme Way Tyme Maidu
 Oroville , CA 95966
 gmix@berrycreekrancheria.
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 (530) 534-1151 FAX

Mechoopda Indian Tribe of Chico Rancheria
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 Greenville , CA 95947
 (530) 284-1601

Butte Tribal Council
 Ren Reynolds
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 Oroville , CA 95966
 (530) 589-1571

KonKow Valley Band of Maidu
 Patsy Seek, Chairperson
 1706 Sweem Street KonKow / Concow
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Mooretown Rancheria of Maidu Indians
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Mooretown Rancheria of Maidu Indians
 James Sanders, Tribal Administrator
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 Oroville , CA 95966 KonKow/Concow
 (530) 533-3625
 (530) 533-3680 FAX

5-2

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2008092062 Butte County General Plan 2030 and associated Override of the Butte City Airport Land Use Compat; Butte County.

Native American Contact List
Butte County
May 11, 2010

Berry Creek Rancheria of Maidu Indians
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gmix@berrycreekrancheria.
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(530) 534-1151 FAX

April Wallace Moore
19630 Placer Hills Road
Colfax , CA 95713
530-637-4279

Nisenan - So Maidu
Konkow
Washoe

Enterprise Rancheria of Maidu Indians
Art Angle, Vice Chairperson
3690 Olive Hwy Maidu
Oroville , CA 95966
eranch@cncnet.com
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(530) 532-1768 FAX

Enterprise Rancheria of Maidu Indians
Glenda Nelson, Chairperson
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(530) 532-1768 FAX

Mechoopda Indian Tribe of Chico Rancheria
Mike DeSpain, Director - OEPP
125 Mission Ranch Blvd Mechoopda Maidu
Chico , CA 95926 Concow
(530) 899-8922 ext 219
(530) 899-8517 - Fax

**5-2
cont.**

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2008092062 Butte County General Plan 2030 and associated Override of the Butte County Airport Land Use Compat; Butte County.

Letter 5: Katy Sanchez, Program Analyst, Native American Heritage Commission, State of California. May 13, 2010.

5-1: This comment states that, to comply with CEQA, the County is required to assess whether the project will have an adverse effect on historical resources, and lists the steps required to adequately assess and mitigate project-related impacts.

The actions necessary to comply with CEQA, as recommended by the Native American Heritage Commission (NAHC), were all completed for the Draft EIR. These actions include: conducting a records search of the project area at the Northeast Information Center, requesting a sacred lands search and Native American representative list from the NAHC, consulting with local Native American representatives provided by the NAHC, and analyzing potential impacts to cultural resources resulting from the project. Additionally, because this is an update to a General Plan, a list for tribal consultation in accordance with Senate Bill (SB) 18 was requested from the NAHC, and those individuals and groups were contacted by the County. This information is presented in Chapter 4.5 of the Draft EIR.

5-2: This comment provides a “Native American Contact List” for Butte County, dated May 11, 2010. At the outset of the General Plan 2030 project, the County contacted Native American tribes that were identified by NAHC in November 2006 as having traditional lands or cultural places located within the General Plan 2030 project area. The list of tribes that were identified in 2006 is slightly different from the list provided in this comment due to changing knowledge and records of tribal resources. This comment is not a comment on the adequacy of the Draft EIR, and no additional response is necessary.

B. County Agencies

2525 Dominic Drive, Suite J
Chico, CA 95928

(530) 891-2882
(530) 891-2878 Fax



W. James Wagoner
Air Pollution Control Officer

Robert McLaughlin
Asst. Air Pollution Control Officer

June 7, 2010

Dan Breedon, Principal Planner
Butte County DDS
7 County Center Drive
Oroville, CA 95965

Re: Draft Program Environmental Impact Report (DEIR) for Butte County General Plan 2030

Dear Mr. Breedon:

Thank you for providing the Butte County Air Quality Management District (District) the opportunity to review DEIR for the Butte County General Plan 2030. Our comments concern the Air Quality, Greenhouse Gas Emissions, Transportation and Circulation, and Appendix A & B Sections in the DEIR. In addition the District reviewed several sections of the proposed Butte County General Plan 2030 (Plan) particularly the Land Use, Circulation and Conservation, and Open Space Elements.

6-1

Based on the information reviewed the District considers the DEIR analysis to be comprehensive and consistent with the District's CEQA Air Quality Handbook. Although the Plan 2030 will by its nature result in significant and unavoidable impacts to County environmental resources the District is encouraged by the smart growth principles within the Plan which promote more livable communities and reduce the emission impacts of development.

Please note corrections to Table 4.3-2: The air monitoring data for 2008 for both fine particulate matter (PM10 & PM2.5) and ozone were impacted by wildfires and have been submitted to the State Air Resources Board and the U.S. EPA as exceptional events. In addition, Paradise Fire Station did not have PM2.5 monitoring data in 2008.

6-2

The District appreciates the opportunity to comment on the proposed project. If you have any questions, please contact the District at 891-2882 extension 105.

Sincerely,

A handwritten signature in blue ink that reads "Gail Williams".

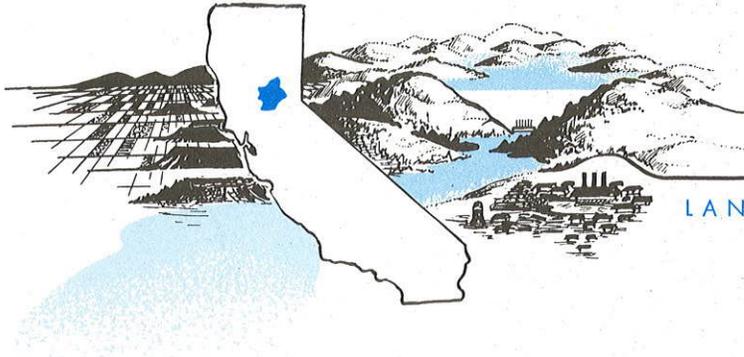
Gail Williams
Senior Air Quality Planner

File No 3457

Letter 6: Gail Williams, Senior Air Quality Planner, Butte County Air Quality Management District. June 7, 2010.

6-1: This comment expresses appreciation by the Butte County Air Quality Management District for the opportunity to review the Draft EIR. The comment also states that the District finds the Draft EIR to be compatible with the District's CEQA Air Quality Handbook and encouraging in its effort to reduce the emission impacts of development. It is not a comment on the adequacy of the Draft EIR, and therefore no response is necessary.

6-2: This comment provides corrections to Table 4.3-2. These corrections have been incorporated into Table 4.3-2, as shown in Chapter 3 of this Final EIR.



Butte County

LAND OF NATURAL WEALTH AND BEAUTY

WATER AND RESOURCE CONSERVATION
308 NELSON AVENUE • OROVILLE, CALIFORNIA 95965-3302
(530) 538-4343 • FAX: (530) 538-3807 • bcwater@buttecounty.net

PAUL GOSSELIN
Director

INTERDEPARTMENTAL MEMORANDUM

To: Dan Breedon, Principle Planner
Department of Development Services

From: Paul Gosselin, Director
Department of Water and Resource Conservation

Date: June 2, 2010

Re: The Butte County Water Commission Comments on the Draft Environmental Impact Report for the Butte County General Plan 2030

On June 2, 2010, the Butte County Water Commission approved comments on the Draft Environmental Impact Report (DEIR) for the Butte County General Plan 2030. The Water Commission focused their review on water resource the sections of the DEIR. The Water Commission considered the completeness of Significant Impacts sections, linkage to the draft General Plan 2030 and improvement to the clarity. The Water Commission believes that its comments will strengthen the DEIR.

7-1

Overall the Water Commission finds that the DEIR is comprehensive, clear and adequately assessed potential significant impacts to water resources. The Water Commission offers some general comments. First, the completeness of the cumulative impact analyses should be further evaluated to assure adequacy and completeness. Second, the DEIR primarily references policies from the draft General Plan. The Water Commission recommends that action items related to the policies be incorporated into the DEIR. Lastly, the Water Commission recommends the following changes to the DEIR to improve its accuracy or to fully incorporate General Plan policies that mitigate impacts.

7-2

7-3

4.8 Hydrology and Water Quality

7-4

Comment 1 – On Page 4.8-22, the following policies from the draft General Plan 2030 should be added to section 1. Project Impact, a.

- **W-P1.3** Regulations that protect water quality from the impacts from agricultural activities shall be maintained.

- **W-P1.4** New development shall where appropriate be Low Impact Development (LID) that minimizes impervious area, minimizes runoff and pollution, and incorporates best management practices.
- **W-P1.5** Pest-tolerant landscapes shall be encouraged to minimize the need for pesticides.
- **W-P1.6** Educational programs and outreach shall be continued to promote water quality protection and limit pollution from pesticides and nutrients in urban and domestic settings.
- **W-P3.3** The County shall protect groundwater recharge and groundwater quality when considering new development projects.

7-4
cont.

Comment 2 – On Page 4.8-22 in the last sentence, the reference to Policy **W-P1.8** should be changed to **W-P1.7**.

7-5

Comment 3 – On Page 4.8-23 under section b., a general statement should be added after the first sentence of that section to state that the increased demand on groundwater could cause a decline in groundwater levels and/or create a net deficit in groundwater supply. The following sentence is suggested, “An increased demand on groundwater could result in a net deficit in aquifer volume or significantly lower groundwater levels. Particular concern is in the Chico and Durham areas that have experienced a decline in groundwater levels. Proposed developments in the Ridge areas that rely on groundwater may face water supply reliability issues.”

7-6

Comment 4 – On Pages 4.8-24 and 4.8-26, the description of **W-P1.4** should be consistent with the language in the draft General Plan 2030. The description should read, “**Policy W-P1.4 requires where appropriate Low Impact Development, which minimizes impervious surfaces, minimizes runoff and pollution and incorporates best management practices.**”

7-7

Comment 5 – On Page 4.8-25, **Policy W-P1.4** should be included in the second paragraph.

7-8

4.14 Utilities

Comment 6 – On Page 4.14-20, the sentence in the middle of the page that references Policy W-P2.2 makes an inappropriate linkage to Policies W-P2.4 and W-P2.8. The sentence should state the three policies as mitigation measures without any qualification. The suggested change is, “**Policy W-P2.2 promotes continued regional cooperation surrounding water issues. Policy W-P2.4 supports the full utilization of the County’s State Water Project allocation within the county. Policy W-P2.8 supports Area of Origin water rights.**”

7-9

Comment 7 – On Page 4.14-21, the Thermalito Irrigation District is now called the Thermalito Water and Sewer District.

7-10

Comment 8 – On Page 4.14-25, in the first paragraph the Integrated Water Resource Plan should be changed to the Water Inventory and Analysis report.

7-11

Comment 9 – On Page 4.14-25, in the second paragraph add the following sentence before the last sentence, “The Four County MOU Group was joined by Shasta County and was renamed the Northern Sacramento Valley Integrated Regional Water Management Plan Group.”

7-12

4.15 Greenhouse Gas Emissions

Comment 10 – on Page 4.15-61, at the end of the first sentence at the top of the page add the following sentence, “Shortages in surface water availability could increase the reliance on groundwater. Additionally, changes in snowmelt and stream flow could reduce groundwater recharge.”

7-13

Letter 7: Paul Gosselin, Director, Butte County Department of Water and Resource Conservation. June 2, 2010.

7-1: This comment states that the Butte County Water Commission has approved comments to the Draft EIR, and overall, finds the Draft EIR to be comprehensive, clear, and adequately assessed with regards to potential significant impacts to water resources. No response is required.

7-2: This comment states that the completeness of the cumulative impact analysis should be evaluated to ensure adequacy and completeness. The approach to the cumulative analysis is fully described in Section D of Chapter 6 on pages 6-8 and 6-9 of the Draft EIR. As described in that section, cumulative effects are those that combine impacts from implementation of the project in the unincorporated county with effects of development in other portions of the region, including the incorporated municipalities and the surrounding counties. The potential cumulative effects of the proposed project are discussed at the regional level within each section of Chapter 4, Environmental Evaluation, of the Draft EIR.

7-3: This comment recommends that the Draft EIR incorporate all of the relevant actions, so that the Draft EIR consistently references appropriate actions. The Draft EIR consistently references policies and actions that would reduce potential environmental impacts to a less-than-significant level. The Draft EIR impact discussions focus on those policies and actions that are required; however, some non-required policies and actions are cited when they are particularly relevant to the impact discussion and would support the mitigation of the potential impact, but not fully mitigate on their own.

7-4: This comment states that additional General Plan 2030 policies should be cited in the discussion about project impacts related to violations of water quality standards or waste discharge requirements. The discussion has been revised to cite these additional policies, as shown in Chapter 3 of this Final EIR.

7-5: The comment identifies an error on page 4.8-22 of the Draft EIR. Chapter 3 of this Final EIR document contains the correction to this error. No further response is required.

7-6: The comment recommends adding a new statement on page 4.8-23 of the Draft EIR. Chapter 3 of this Final EIR document contains this addition. No further response is required.

7-7: The comment recommends rewording language on pages 4.8-24 and 4.8-26 of the Draft EIR. Chapter 3 of this Final EIR document contains these edits. No further response is required.

7-8: This comment suggests additional text on page 4.8-25 of the Draft EIR. Chapter 3 of this Final EIR document contains this addition. No further response is required.

7-9: This comment recommends rewording language on page 4.14-20 of the Draft EIR. Chapter 3 of this Final EIR document contains these edits. No further response is required.

7-10: This comment identifies an error on page 4.14-21 of the Draft EIR. Chapter 3 of this Final EIR document contains the correction to this error. No further response is required.

7-11: This comment identifies an error on page 4.14-25 of the Draft EIR. Chapter 3 of this Final EIR document contains the correction to this error. No further response is required.

7-12: This comment suggests additional text on page 4.14-25 of the Draft EIR. Chapter 3 of this Final EIR document contains this addition. No further response is required.

7-13: This comment suggests additional text on page 4.15-61 of the Draft EIR. Chapter 3 of this Final EIR document contains this addition. No further response is required.

COMMENT LETTER #8

From: Gulserian, John
Sent: Tuesday, April 13, 2010 1:18 PM
To: Breedon, Dan
Subject: EIR Update
Hello Dan,

Concerning the EIR the Hazards & Safety Element Page 4.7-12 Para h. It has our Office as the Office of Emergency Services. Last year we changed our name to Office of Emergency Management (OEM). If that could be updated that would be great.

8-1

Thanks,
John

John Gulserian
Emergency Services Officer
Butte County Office of Emergency Management
25 County Center Drive Suite 200
Oroville, CA 95965

530-538-7373
Fax 530-538-7120

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Letter 8: John Gulserian, Emergency Services Officer, Butte County Office of Emergency Management. April 13, 2010.

8-1: This comment identifies an error on page 4.14-12 of the Draft EIR. Chapter 3 of this Final EIR document contains the correction to this error. No further response is required.

COMMENT LETTER #9

Robert N. Hennigan
5130 Anita Road
Chico, CA 95973

May 10, 2010

Dan Breeden, Principal Planner
Butte County Department of Development Services
7 County Center Drive
Oroville, CA 95965

Re: the Butte County General Plan 2030 Draft EIR, April 8, 2010
conflicts with Airport Land Use Commission Comprehensive Land Use Plan

California law¹ specifically requires a local agency to bring their General Plans into conformity with the ALUC plan, not vice versa. The Department's claim that the Supervisors *opinion* is sufficient to trump scientific studies and to subject citizens to safety hazards, noise, and annoyance while jeopardizing the future viability and long term benefits of Butte County airports is both unconscionable and illegal.

In 1967, the California Legislature established the existence of a compelling public interest in preserving the usefulness of public airports. Airports provide for public and private transportation including the movement of freight. Military veterans will recognize the dictum that "mobility is a force multiplier." In commerce that mobility provides the edge described by "just in time" business scenarios.

Amazingly, a survey conducted by the Chamber of Commerce in the early 1990's found that a large number of the businesses that sent out as many as 100 overnight packages and letters a week (at almost twice the cost of next-day-air) were certain that they would locate in Chico even if there were no airport. They failed to see any connection between the airport and their business effectiveness.

Surrounding the airport with subdivisions prevents the business and economic community from the opportunity of someday having a regional airport.

Airports provide for emergency services and disaster relief such as fire fighting and air ambulance, including bases for search and rescue operations and the delivery of emergency personnel and supplies. Why would someone want to replace a neighborhood fire station with one almost an hour away.

Oroville, Paradise and the foothill communities have the security of being minutes away from one of only 13 CalFire fixed wing aviation facilities. If firefighting aircraft reload at Redding there would be almost an hour between retardant drops.

The general lack of vision and understanding about an airport's utility explains why the Airport Land Use Commission is tasked to represent the public interest, not the public's, or even Supervisor's opinions.

The planning process dictated by the legislature requires the County Airport Land Use Commission to create a plan for the area near the airport based on four criteria:

- 1) Protection of the physical airspace for the safe operation of aircraft
- 2) Safety of people on the ground based on statistical distribution of historical accidents (see fig. 1)

¹ California Public Utilities Code commencing with Section 21670

- 3) Noise issues with the public based on the actual measurement of existing airport noise and a projection of how that may change over time, and
- 4) Overflight concerns of the public based on studies of how the noise and proximity of low flying aircraft frighten or annoy people near operating airports.

State law requires that in order to override ALUC the county must study and address the same four areas of special concern and demonstrate that the county’s plan is superior to the ALUCP in protecting both the public from the airport activities and the viability of the airport for future generations.

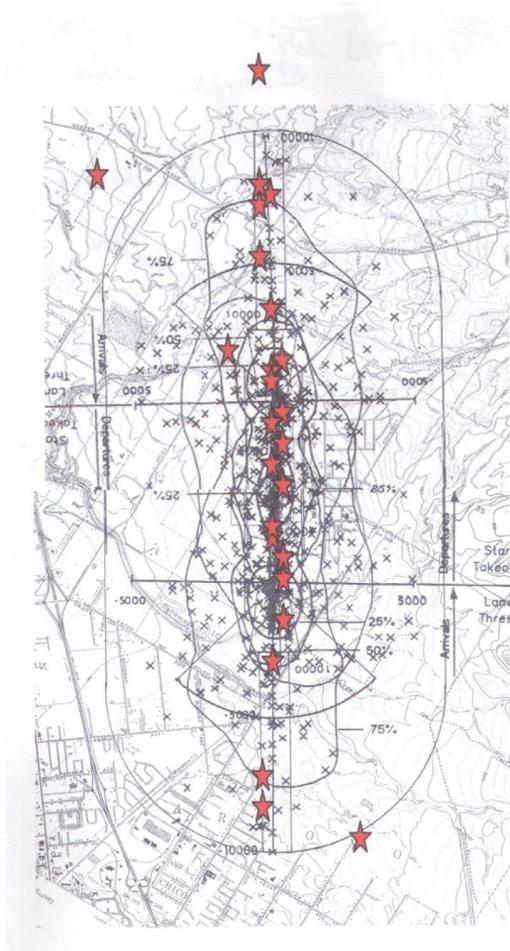


Fig. 1 (left) shows the co-occurrence of UC Berkeley Institute of Transportation Studies Accident Scatter (X's) with an overlay of actual CMA accidents (red stars) relating to take-offs and landings from the period of 1975 to 1993. There were actually 43 accidents noted during that time but only 28 could be reliably located from NTSB reports or local newspaper accounts.

To legally override ALUC’s safety criteria, for example, the county must enter into the public record (at a properly noticed hearing) a more authoritative study that comes to a different conclusion regarding the location of safety hazards to the public than the one used by ALUC.

The inadequacy of this draft EIR is demonstrated by the admission that conflicts between the draft General Plan and the ALUCP are “significant and unavoidable”.

9-1
cont.

9-2

Action required: (1) Remove the discussion of ALUCP-General Plan compatibility from the DEIR; (2) Remove the land use policies from the draft general plan that inappropriately attempt to overrule the current Butte County ALUCP²; and (3) Comply with California Public Utilities Code Section 21676.5.

9-3

9-4

Sincerely,

Robert N. Hennigan, Chair
Butte County Airport Land Use Commission

² Draft Butte County General Plan 2030, p. 83: in LU-P12.5, delete “and be consistent with it where appropriate” and delete all of LU-P12.6.

Letter 9: Robert Hennigan, Chair, Butte County Airport Land Use Commission. May 10, 2010.

9-1: This comment states that under California law, local agency General Plans are required to be compatible with an Airport Land Use Commission (ALUC) Plan. This comment also discusses the importance of airports, and the planning process required for an ALUC Plan. It is not a comment on the adequacy of the Draft EIR, and therefore no response is necessary.

9-2: See response 3-1.

9-3: See response 3-1.

9-4: This comment recommends land use policies be removed from the Butte County 2030 Draft General Plan that pertain to the ALUCP override, and to generally comply with Public Utilities Code Section 21676.5. See response 3-1 for an explanation of how General Plan 2030 has been revised to be consistent with the ALUCP and why an ALUCP override is no longer necessary.

COMMENT LETTER #10

From: George Barber [gbarber@paradiseirrigation.com]

Sent: Thursday, May 27, 2010 8:23 AM

To: Breedon, Dan

Subject: General Plan Comment

Sorry I didn't catch this earlier, but my staff provided me with the following comments:

Comments on Draft Program EIR for Butte County General Plan 2030

Table 4.14-1 lists Paradise Irrigation District's available storage as 3.9 million gallons. The correct value is 9.5 million gallons.

Section 4.14.A.4.a.i (page 4.14-18) states: *"However, since no new residential, retail/office or industrial development is projected within the unincorporated area of this District by 2030, General Plan 2030 would not impact the water supply needs of this District."* There is no unincorporated area within Paradise Irrigation District. So while the conclusion may be correct the reason is somewhat misleading. Perhaps this language could be replaced by: *"There is no unincorporated area within Paradise Irrigation District. Persons annexing unincorporated lands into the District will be required by District policy to mitigate the water demand as a condition of annexation."*

10-1
10-2

Thanks

*George Barber
District Manager
Paradise Irrigation District
530-877-4971 Phone
530-876-0483 Fax*

When the well is dry, we know the worth of water-Benjamin Franklin



**Letter 10: George Barber, District Manager, Paradise Irrigation District.
May 27, 2010.**

10-1: This comment identifies an error in Table 4.14-1 on page 14.14-7 of the Draft EIR. Chapter 3 of this Final EIR document contains the correction to this error. No further response is required.

10-2: This comment identifies an error on page 4.14-18 of the Draft EIR and recommends revised language. Chapter 3 of this Final EIR document corrects this error using the recommended language. No further response is required.



PLANNING SERVICES DEPARTMENT

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Chico, CA 95927 http://www.ci.chico.ca.us

BUTTE COUNTY

June 3, 2010

JUN 04 2010

DEVELOPMENT SERVICES

Mr. Dan Breedon, Principal Planner
Butte County Department of Development Services
7 County Center Drive
Oroville, CA 95965

Re: Comments on the Butte County 2030 General Plan Draft Environmental Impact Report (SCH# 2008092062)

Dear Mr. Breedon:

The City of Chico appreciates this opportunity to provide comments on Butte County's 2030 General Plan Draft Environmental Impact Report (Draft EIR), dated April 8, 2010. As both jurisdictions are updating their respective General Plans, we have a unique opportunity to better collaborate and coordinate our planning efforts.

11-1

The City believes that the Draft EIR does a good job of identifying impacts associated with implementation of the County's proposed 2030 General Plan Update, especially as it relates to identifying cumulative environmental impacts that will occur from future residential and non-residential development necessary to accommodate a growing population for the year 2030 and beyond. However, in the area of air quality, it may be that the Draft EIR has not reached a proper conclusion.

Butte County is in the Northern Sacramento Valley Air Basin (NSVAB), which is in non-attainment status for several criteria pollutants, including ozone and particulate matter. It is the City's understanding that it is not feasible to fully offset future air pollutant emission impacts for these non-attainment criteria pollutants. Subsequent construction and development activity under the County's proposed General Plan Update, in combination with cumulative development in the Sacramento Valley Air Basin, would therefore result in emissions in excess of the Butte County Air Quality Management District's (BCAQMD) thresholds.

11-2

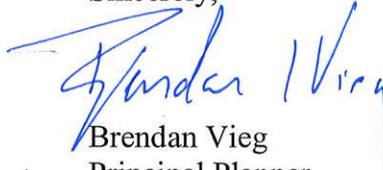
Implementation of the proposed General Plan Update policies and actions, and inclusion of BCAQMD mitigation measures in future projects, would reduce cumulative air quality impacts; however, the County's contribution would still be considered cumulatively considerable and thus a significant and unavoidable impact. Because there are no feasible mitigation measures that can completely offset air pollutant emissions from subsequent development under the County's proposed General Plan Update, the City believes that the Draft EIR's conclusion of a less than significant impact should be reconsidered.



The City of Chico looks forward to continued collaboration in the development and implementation of our respective General Plans. If you have any questions, please free to contact me at 879-6806.

11-2
cont.

Sincerely,



Brendan Vieg
Principal Planner

cc: Chico City Council (7)
Planning Commission (7)
CM Burkland
IPD Wolfe
PP Vieg
BDSM McKinley
Tim Snellings, Development Services Director, Butte County
Jane Dolan, Supervisor, Butte County
Maureen Kirk, Supervisor, Butte County
Butte Environmental Council

Letter 11: Brendan Vieg, Principal Planner, City of Chico. June 3, 2010.

11-1: This comment expresses appreciation by the City of Chico for the opportunity to provide comments on the Draft EIR, and states that the Draft EIR has done a good job identifying cumulative environmental impacts from future development. No further response is required.

11-2: This comment suggests that General Plan 2030's contribution to air quality impacts would be cumulatively considerable, and that the Draft EIR's conclusion of a less-than-significant impact should be revised to indicate a significant and unavoidable impact.

The commentator is correct that it may not be feasible to fully offset criteria pollutant emissions from future development. However, the cumulative analysis for air quality is not based on offsetting emissions associated with General Plan 2030, but rather on how implementation of General Plan 2030 will affect regional pollutant levels relative to the existing conditions, in consideration of the significance thresholds in the Butte County Air Quality Management District (BCAQMD) *CEQA Air Quality Handbook*. As shown in Table 4.3-7, compared to existing conditions, the proposed General Plan 2030 will result in net decreases in all nonattainment pollutants from traffic operations, which typically represent the largest source of regional emissions associated with the General Plan. It is likely that emissions from non-vehicle sources will also occur as a result of implementation of General Plan 2030. However, the reductions in traffic emissions, as shown in Table 4.3-7, are anticipated to outweigh any increases in non-vehicle emissions resulting from implementation of General Plan 2030 and development in the Sacramento Valley Air Basin. In addition, development would be subject to the requirements of the applicable air quality district and General Plan policies of the applicable municipality or county that address air quality.

Furthermore, the BCAQMD CEQA guidelines require that General Plans be evaluated for consistency with the most recently adopted Air Quality At-

tainment Plan (AQAP) and/or State Implementation Plan (SIP). Consistency with the AQAP and SIP is, essentially, a cumulative analysis, because the AQAP and SIP look at all projects and emissions within the region. As indicated in Pages 4.3-17 through 4.3-21 of the Draft EIR, General Plan 2030 was evaluated for consistency with the Northern Sacramento Valley Planning Area 2006 AQAP, and it was found that the project would not exceed countywide growth estimates, would incorporate numerous transportation control measures, and would result in net decreases in vehicle miles traveled (VMT) and emissions. Consequently, it was concluded General Plan 2030 would not obstruct efforts to achieve federal and State air quality standards.

Therefore, the less-than-significant conclusion is appropriate for the air quality cumulative analysis.

Butte Environmental Council



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Nora Burnham

Mike McLaughlin

John Scott

May 14, 2010

Dan Breedon, Principal Planner
Butte County Department of Development Services
7 County Center Drive
Oroville, CA 95965

Re: Water □Draft General Plan 2030□ Draft EIR, dated April 8, 2010

The following is a draft of Butte Environmental Council's comments to the DEIR for early review today by the Water Commission sub-committee for the General Plan. Since the DEIR is connected to the Draft General Plan 2030, some comments provide further input to the Water Element. The Water Element must address specific and comprehensive monitoring and enforcement systems for management of our local water resources. All proposed policies and actions must promote long-term sustainability of Butte County's water resources for all the various uses projected to affect water users in the county: agricultural, residential, recreational, transfers out of the region for the profit of a few, and species.

12-1

BEC continues to be concerned about the future increase in the privatization of water resources, including potential water bottling and bulk export of water for water bottlers. The General Plan should address this issue as mass export of drinking water could significantly affect water resources and the environment; having a strong policy in place before a project is proposed will help save everyone a lot of time and money.

All impacts on water that could be significant should be addressed in the DEIR. Certain lands tentatively approved for rezoning for residential uses could result in significant impacts on the hydrology of the areas. The Tuscan golf course is a prime example. Already the available groundwater for the golf course grass has been iffy. The additional water demand of housing in that general area should be studied for the DEIR for this and other areas approved for rezoning. The study should address the significance of the impact on water supply and quality for the environment and for residents who live in those watersheds where the rezoning is to take place.

12-2

12-3

Section D.1.b. □states that □some□urban development and agricultural uses would use groundwater. To be able to accurately assess needs and source it needs to be clearly identified that urban development in certain tentatively approved growth areas will be dependent on groundwater. Butte County does not have infrastructure to move existing surface supplies. If stated action items are not concretized, the impacts will be significant.

12-4

12-5

Though the DEIR states that maximum theoretical buildout is not expected, the DEIR should nevertheless analyze impacts on water resources for probable buildout. Further, building housing in open space areas of the county promotes sprawl, which goes against all current best practices and the Butte County General

12-6

12-7

Plan 2030 guiding principles. Instead of studying the impacts on the environment for such areas to be rezoned, such areas should be eliminated from the plan. Growth should be in the existing cities, and there is plenty of land within those cities to supply the projected housing needs of the county to 2030 and beyond. (Before the Draft General Plan returns to the Supervisors, the county should recommend doing an economic analysis to see what the economic effect of probable buildout in the approved growth areas would likely have on the county's budget.) The DEIR should make this analysis because the impacts of sprawl will have very significant impacts on the environment, not the least being water resources.

12-8

12-9

A recent sewage spill into the headwaters of Dry Creek, an important agricultural water supply, leaves the environmental community questioning how the General Plan policies will prevent similar situations. Though the spill happened from a poorly located wastewater system in Paradise, which has fairly rigorous water treatment standards, would the county allow the same mistakes? (The project was also built within about 100 feet of a residential area, and smells emitted from the system have plagued its operation.)

12-10

The proposed general plan and DEIR fails to address the impacts of additional water supply requirements for land use decisions and development per existing area plans.

12-11

The Durham-Dayton-Nelson Plan is another example that needs study in the DEIR. Current details of the plans should be made available as part of the record for the general plan, as they will be grandfathered-in under the 2030 Master EIR. Policy 2.9 and supporting Action 2.2 must address existing area plans.

12-12

12-13

Chapter 33 refers to safe yield, however, we have not been able to assess safe yield or determine conditions of overdraft since this ordinance was codified in 1996. We must have an action item in the General Plan that ensures we can meet this legal obligation, and safe yield and the effect on the environment of going beyond safe yield should be at least mentioned in the DEIR.

12-14

12-15

The General Plan addresses land use, development, and conservation policy specifically geared toward population growth whether in urban centers or rural. It is negligent to not indicate in the DEIR how this growth would be served and that it could be served by groundwater. In a state where water rights currently exceed developed water supply by 8.5 times, the sources of water and the sustainability of those sources should be addressed in the DEIR. In addition, most of our surface water supplies are not near our urban centers. These facts must be included everywhere they are relevant, including the section on agriculture.

12-16

12-17

12-18

The primary water source in Butte County is surface water, which serves 69 percent of the county's water needs, followed by groundwater, serving 31 percent of the water needs.¹

The DEIR fails to identify Dry Creek's Cherokee Canal in the section on Flood Hazards.

Cherokee Canal poses a serious flood concern to the Richvale area and the rice research grounds, rice storage, and chemical storage facilities and all future growth or industrial development in the area.

12-19

¹ Draft General Plan 2030, last paragraph, p. 128

BEC has noted some concerns and suggestions regarding water resources and the DEIR in this letter, and we look forward to working with you as the process moves forward.

12-20

Sincerely,

Carol Perkins
Water Resource Advocate

Copy furnished:
Butte County Water and Resource Conservation

Letter 12: Carol Perkins, Water Resource Advocate, Butte Environmental Council. May 14, 2010.

12-1: This comment provides recommendations regarding the General Plan 2030 Water Element. This is not a comment on the adequacy of the Draft EIR, and no response is required.

12-2: This comment states that land proposed for residential uses may result in significant hydrology impacts from increased water demands, noting the Tuscan Ridge golf course as an example. The Draft EIR addresses potential impacts from increased water demands resulting from implementation of General Plan 2030 in Chapters 4.8 and 4.14:

- ◆ Section D.1.b of Chapter 4.8 on pages 4.8-23 and 4.8-24 provides a qualitative assessment of groundwater supply impacts.
- ◆ Section A.4.a.i of Chapter 4.14 on pages 4.14-15 through 4.14-21 provides a quantitative assessment of surface water supply impacts for each water service provider district.

Both of these sections conclude that the proposed project would have a less-than-significant impact on water supplies due to the numerous policies and actions in General Plan 2030 that address water supplies, in conjunction with the Butte County Integrated Water Resource Plan, Butte County Groundwater Management Plan, and other State and federal regulations. For example, Water Resources Element Policy W-P2.9 requires that applicants for new major development projects demonstrate adequate water supply to meet the needs of the project, including an evaluation of potential cumulative impacts to surrounding groundwater users and the environment, and Policy W-P3.1 directs the County to ensure the sustainability of groundwater resources through a basin management objective program that relies on management at the local level, utilizes sound scientific data, and assures compliance.

The Draft EIR analyses cited above do not call out specific Planned Unit Development (PUD) areas, such as the Tuscan Ridge PUD, nor other specific

areas that are proposed for residential development. Instead, the Draft EIR provides a programmatic analysis for the entire county. Subsequent project-level analyses for individual development projects will be required to include a water supply assessment for new major projects.

In addition, as indicated in the response to Comment 7-6, the discussion of groundwater supply impacts on page 4.8-23 in Section D.1.b of Chapter 4.8 has been augmented to further explain potential groundwater impacts from development in the Tuscan Ridge areas. This expanded discussion is provided in Chapter 3 of this Final EIR.

12-3: This comment states that the Draft EIR should address water supply and water quality impacts within the watersheds of areas proposed for residential uses. See the response to Comment 12-2 for a discussion of the Draft EIR's water supply analyses. The Draft EIR also provides an assessment of water quality impacts resulting from implementation of General Plan 2030 in Chapter 4.8, Sections D.1.a (pages 4.8-22 and 4.8-23), D.1.c (pages 4.8-25 and 4.8-26), and D.1.e (page 4.8-27). In these sections, the Draft EIR finds less-than-significant water quality impacts due to the numerous policies and actions proposed in the Water Resources and Health and Safety Elements, as well as the Butte County Stormwater Management Program, Butte County Stormwater Management and Discharge Control Ordinance, and other State and federal regulations.

12-4: This comment states that the Draft EIR should clearly identify which areas designated for urban development will be dependent on groundwater. As indicated in the response to Comment 12-2, Water Resources Element Policy W-P2.9 requires that applicants for new major development projects demonstrate adequate water supply to meet the needs of the project. The sources of water for future development projects cannot be determined at this time, since they will depend on a number of factors, including the availability of groundwater supply to meet the demands of the development project. Although the locations of some areas proposed for urban development are not currently within the district boundary of a surface water service pro-

vider, such areas may need to find surface water sources in order to demonstrate adequate water supply. Therefore, at this programmatic level, the Draft EIR cannot accurately identify those areas where urban development may occur in the future that would be dependent on groundwater.

12-5: This comment states that Butte County does not have infrastructure to distribute surface water supplies, which could lead to significant impacts. As indicated in the response to Comments 12-2 and 12-4, the source of water for future development projects cannot be determined at this time, but if the water source is groundwater, the Draft EIR has evaluated the potential impacts, and found them to be less than significant. The Draft EIR also evaluates the potential impacts from expanding water infrastructure. Section A.4.a.ii of Chapter 4.14 on pages 4.14-21 through 4.14-24 considers potential environmental impacts caused by the construction or expansion of water facilities. This section finds the potential impacts to be less than significant due to proposed General Plan 2030 policies and actions and the fact that additional project-specific environmental analysis for water system improvements would be completed pursuant to CEQA.

12-6: This comment states that the Draft EIR should evaluate impacts on water resources from probable buildout. Throughout the document, the Draft EIR does evaluate impacts from the probable buildout of General Plan 2030 (i.e. the “reasonably foreseeable” outcome of General Plan 2030). The probable buildout is termed “projected 2030 buildout” in the Draft EIR, and it is explained further in Chapter 3, Section F, on pages 3-39 to 3-55. In addition, as described in Section G of Chapter 3 (pages 3-55 and 3-56), the Draft EIR also estimates the “maximum theoretical buildout” of General Plan 2030, and each evaluation chapter in the Draft EIR includes a qualitative assessment of the potential impacts under maximum theoretical buildout.

12-7: This comment states that building housing in open space areas promotes sprawl, which is counter to the General Plan 2030 Guiding Principles and best planning practices. This is not a comment on the adequacy of the Draft EIR. However, General Plan 2030 includes a number of policies that

direct growth to existing urbanized areas. Specifically, Policy LU-P15.2 requires that new urban development be primarily located in or immediately adjoining already urbanized areas. In addition, Policies LU-P8.3, LU-P8.4, LU-P8.5, and LU-P15.3 promote efficient infill development near public facilities.

12-8: This comment states that growth should be focused to existing urbanized areas and avoid open spaces, noting that there could be potential fiscal impacts to the County if development occurs in outlying areas. This is not a comment on the adequacy of the Draft EIR, and no response is required. In addition, see response 12-7.

12-9: This comment states that the Draft EIR should evaluate the impacts of sprawl on the environment, and in particular water resources. The Draft EIR evaluates the potential impacts from implementation of General Plan 2030. As explained in Chapter 3 of the Draft EIR, implementation of General Plan 2030 is based on the distribution and pattern of land uses included in the General Plan 2030 land use map (Figure 3-3, page 3-21) and the development allowed by that land use map (Section F of Chapter 3, pages 3-39 to 3-55). The pattern and amount of development allowed by General Plan 2030 is evaluated throughout the Draft EIR, including the water resources and supplies analyses in Chapters 4.8 and 4.14.

12-10: This comment notes that a recent sewage spill into the headwaters of Dry Creek occurred, and asks how General Plan 2030 policies would prevent a similar situation. As indicated in Section B.4.a.i in Chapter 4.14 (page 4.14-40), municipal and community wastewater facilities are regulated by the Central Valley Regional Water Quality Control Board (RWQCB) and its wastewater treatment requirements. Furthermore, this is not a comment on the adequacy of the Draft EIR, and no further response is required.

12-11: This comment states that the Draft EIR fails to address the impacts of the additional water demands of the land uses and development allowed by the existing Area Plans. As indicated on pages 3-31 and 3-32 of the Draft EIR,

an Area Plan, Neighborhood Plan or Specific Plan has already been developed and adopted for the following areas:

- ◆ North Chico
- ◆ Chapman-Mulberry
- ◆ Durham-Dayton-Nelson
- ◆ Stringtown Mountain

The General Plan 2030 land use designations within these areas are generally consistent with the applicable Area, Neighborhood, or Specific Plan. Where they are not consistent, the proposed project also includes conforming amendments to Area and Specific Plans in order to make them consistent with General Plan 2030.

As indicated in the response to Comment 12-9, the pattern and amount of development allowed by General Plan 2030, including development within Area Plan boundaries, consistent with adopted Area Plans, is evaluated throughout the Draft EIR, including the water resources and supplies analyses in Chapters 4.8 and 4.14. Therefore, the Draft EIR did evaluate the impacts associated with development under the existing Area Plans. The response to Comment 12-2 describes the water supply impact analyses in the Draft EIR.

12-12: This comment states that the Durham-Dayton-Nelson Area Plan is an example of an Area Plan that requires study in the Draft EIR. The responses to Comments 12-2 and 12-11 address this comment.

12-13: This comment states that the details of existing Area Plans be made available as part of the record for the General Plan and EIR. The existing Area Plans are public documents available for review at the County Development Services office, as they have been since their adoption.

12-14: This comment suggests that General Plan 2030 include an action to ensure that the County meets its safe yield legal obligation under Chapter 33 of the Butte County Municipal Code. General Plan 2030 does not include actions related to the implementation of existing programs. However, Gen-

eral Plan 2030 does include a number of policies and actions that further protect the sustainability of water resources, including the policies supporting Goal W-3 to sustain groundwater resources, and Policy W-P2.9 and Action W-A2.2, which address the consideration of water resource sustainability and water supply in land use decisions. In addition, page 4.8-6 of the Draft EIR describes Chapter 33 of the Butte County Municipal Code. This is not a comment on the adequacy of the Draft EIR, and no further response is required.

12-15: This comment states that the safe yield and the potential impacts of going beyond safe yield be mentioned in the Draft EIR. Safe yield is defined in Chapter 33 of the Butte County Municipal Code as “the maximum quantity of water which can be withdrawn annually from an aquifer under a given set of conditions without causing overdraft or adverse water quality conditions.” While the thresholds of significance under CEQA do not specifically call out safe yield, the following thresholds address potential overdraft and related water quality impacts:

- ◆ “Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a significant lowering of the local groundwater table level?” This threshold is evaluated in pages 4.8-23 and 4.8-24 of the Draft EIR.
- ◆ “Would the project violate any water quality standards or waste discharge requirements?” This threshold is evaluated in pages 4.8-22 and 4.8-23 of the Draft EIR.
- ◆ “Would the project provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality?” This threshold is evaluated in page 4.8-27 of the Draft EIR.

12-16: This comment states that the Draft EIR should indicate what water sources will serve development allowed by General Plan 2030. The responses to Comments 12-2, 12-4, and 12-5 provide a response to this comment.

12-17: This comment states that the Draft EIR should address water sources and the sustainability of those water sources. The response to Comment 12-2 responds to this comment.

12-18: This comment notes that most of the surface water supplies in Butte County are not near urban centers, and suggests that the Draft EIR recognize this situation where relevant, including in the section on agriculture. The Draft EIR provides a map of the district boundaries of existing water service providers in Figure 4.14-1 on page 4.14-8. In addition, Table 4.14-1 on page 4.14-7 of the Draft EIR identifies the water sources for each water service provider that is shown in the figure. Therefore, the Draft EIR maps the boundaries of surface water supplier districts; these water suppliers include agricultural water providers. Furthermore, the Draft EIR analyzes the potential environmental impacts from constructing new or expanding existing water infrastructure, as explained in the response to Comment 12-5.

12-19: This comment suggests that the Draft EIR recognize Dry Creek-Cherokee Canal as a flood hazard. The existing conditions section on page 4.8-18 of the Draft EIR has been revised to reflect this suggestion, as shown in Chapter 3 of this Final EIR.

12-20: This comment provides concluding remarks for the letter, and no response is needed.

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Nora Burnham
Mike McLaughlin
John Scott

June 2, 2010

Dan Breedon, Principal Planner
Butte County Department of Development Services
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Supplemental BEC Comments to Water Commission on Draft General Plan 2030 DEIR

BEC comments were submitted to the county and Water Commission on May 14, 2010 for consideration. The following are supplemental comments from BEC for the Water Commission's consideration at today's meeting. Comprehensive comments with so many errors in the DEIR and Draft General Plan make definitive comments difficult. Some details and questions have been submitted in recent e-mails, and we await the county's reply. Some policies referenced in the DEIR, for example, cannot be found in the updated draft GP. Water tables and maps in the Setting and Trends report remain incomplete and inconsistent; yet, these are referenced in the DEIR and draft GP. Fix the inconsistencies and publish an updated DEIR, draft General Plan, Setting and Trends report, Policy Alternatives document, and General Plan Land Use map.

Overall, the DEIR is difficult to follow. The General Plan is to a large extent a plan for urban expansion, with specific growth areas studied for change. The DEIR fails to make impacts to the environment from certain areas, those given a nod for a change in land use and zoning in the draft general plan, understandable for each of these change areas. Restated, the way the DEIR is organized makes it very difficult to understand the impact on the environment for each such area. In particular, for this comment letter to the Water Commission, the general source of sufficient water for each individual change area is not clearly indicated or studied for potential impacts to the associated environment. Clearly show each growth area and analyze the environmental impacts for each individually.

Overall, the need for each of the growth areas is not clearly delineated. The general plan update process is largely, to date, land owner and developer driven rather than driven by policy. This is not a new critique; we have been reassured along the way that policies would guide the process after the consideration of what land owners and developers propose; however, we do not see in the DEIR that the growth areas are called for. The DEIR fails to show that the existing residential zoning within municipalities and reasonable spheres of influence, which are not easily decipherable in the DEIR, are insufficient for population growth to 2030 and beyond. Clearly show each SOI as it exists and each SOI as proposed and why urban growth beyond those areas is needed.

The DEIR fails to clearly estimate the probable types of jobs available, income levels, and types of residential units that justifiably should be built to accommodate that need. Moreover, the type of housing proposed does not appear to be the type of housing that is most needed for growth. Lower income housing is needed; however, the residential uses proposed are largely for single family units that tend to be expensive and classic sprawl. This is status quo growth, not sustainable growth and not in any way relating to current best practices for sustainable uses of land, air, and water. Clearly show in the DEIR that the areas proposed for urban expansion will meet the needs of the majority of people for the projected population growth.

Respectfully submitted,

[Handwritten signature of Robin Huffman]

Robin Huffman
Advocacy Director

Copy furnished: Butte County Water and Resource Conservation

- 13-1
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Yahi Group of the Sierra Club
PO Box 2012
Chico, CA 95927
530-345-2696

Butte Environmental Council
116 W. 2nd St., Suite 3
Chico, CA 95928

Dear Robin Huffman;

The Executive Committee the Yahi Group of the Sierra Club reviewed the *Supplemental BEC Comments to Water Commission on Draft General Plan 2030 DEIR* and concur with the comments and recommendations made. The Ex-Comm voted unanimously 4-0 to support and endorse the supplemental comments made by Butte Environmental Council.

13-11

Respectfully

Dave Garcia
June 3, 2010

Yah Group of the Sierra Club Chair

Letter 13: Robin Huffman, Advocacy Director, Butte Environmental Council. June 2, 2010.

13-1: This comment references Letter 12, noting that the comments in this letter are supplemental. The comment also notes that the Draft EIR and General Plan 2030 include errors, which makes a definitive list of comments difficult. This comment does not provide any specific instances of errors in the Draft EIR. The Draft EIR was reviewed by County staff for accuracy. Chapter 3 of this Final EIR notes changes and corrections in the Draft EIR in response to specific comments from other commentors. Without specific errors listed, additional response is not feasible.

13-2: This comment states that policies referenced in the Draft EIR are not found in General Plan 2030, and that questions have been submitted to County staff. As noted in the response to Comment 13-1, the Draft EIR was reviewed for accuracy, and without specific errors provided, it is difficult to respond to these comments. Comment 7-5 noted one instance in which a policy number was incorrectly cited in the Draft EIR, and this has been corrected in Chapter 3 of this Final EIR. In addition, Development Services staff received the noted emails from the Butte Environmental Council (BEC) on June 2, 2010, and responded via email to BEC on June 2, 2010 and met with BEC Advocacy Director Robin Huffman on this same date to address the emails and further questions.

13-3: This comment states that the Draft EIR references incomplete and inconsistent water tables and maps from the Setting and Trends Report. The water resources information included in the Draft EIR and Setting and Trends Report is based on best available data. See the response to Comments 13-1 and 13-2. Since the comment does not provide any specific comments on the adequacy of the Draft EIR, no further response is necessary.

13-4: This comment directs the County to fix inconsistencies and publish updated versions of the following documents: Draft EIR, General Plan 2030,

Setting and Trends Report, Policy Alternative, and General Plan 2030 land use map. As indicated in the response to Comments 13-1 through 13-3, the commentor does not list any specific errors or inconsistencies in the Draft EIR. Any specific errors or inconsistencies in the Draft EIR that have been identified are corrected in Chapter 3 of this Final EIR. As described in Sections 15088 and 15088.5 of the CEQA Guidelines, in response to comments on the Draft EIR, the lead agency may revise the content of the Draft EIR during the Final EIR phase. Recirculation of the Draft EIR is only required when significant new information is provided, such as a new significant environmental impact, a substantial increase in the severity of an impact, or a new feasible project alternative or mitigation measure, or if the Draft EIR was fundamentally inadequate and conclusory in nature. The corrections to the Draft EIR provided in Chapter 3 of this Final EIR do not provide significant new information, and the findings in the Draft EIR were based on substantial evidence and not conclusory in nature, which allowed meaningful public review and comment. Therefore, recirculation of the Draft EIR is not necessary.

13-5: This comment states that General Plan 2030 is a plan for urban expansion, with specific “growth areas” studied for change, and directs that the Draft EIR analyze the environmental impacts for each “growth area.” This comment also implies that the analyses for the “growth areas” should be more focused than the analyses provided in the Draft EIR.

Neither General Plan 2030 nor the Draft EIR identifies “growth areas.” General Plan 2030 is a countywide plan that provides land use designations and related policies for all unincorporated areas under the County’s jurisdiction. The Draft EIR evaluates this countywide plan, not just specific areas of the county.

In Section F.2 of Chapter 3 (pages 3-43 to 3-53), the Draft EIR describes how the development allowed by General Plan 2030 was assumed to be distributed throughout the county for the EIR analyses that are based on a geographic distribution of projected 2030 buildout. These are not areas that are targeted

for growth; rather, these are the areas where General Plan 2030 would allow for some type of development. As shown in Table 3-5 and Figure 3-5 on pages 3-44 to 3-47 of the Draft EIR, these areas cover most areas of the county, since even the Timber Resources and Agriculture General Plan land use designations allow some development. Although some development would be permitted, in order to allow landowners economic use of their property, the amount and type of development outside of urbanized areas is limited by the land use designations and related policies of General Plan 2030, as discussed in response 12-7.

Therefore, the countywide approach to evaluating potential impacts resulting from implementation of General Plan 2030 is appropriate.

In addition, the programmatic approach of the Draft EIR is appropriate. As indicated in Section B of Chapter 1 of the Draft EIR (pages 1-6 to 1-3), program EIRs are not project-specific and do not evaluate the impacts of specific development ‘projects’ that may be proposed under General Plan 2030. Such projects will require separate environmental review to secure the necessary development entitlement. This EIR is intended, where appropriate, to be used as a first-tier environmental document for future projects, but it is not intended to address impacts of individual development projects. Tiering subsequent development projects from this EIR will be guided by CEQA Guidelines Section 15183.

13-6: This comment states that the need for “growth areas” is not delineated, and that General Plan 2030 is landowner- and developer-driven rather than policy-driven. This is not a comment on the adequacy of the Draft EIR, and no response is needed.

13-7: This comment directs the Draft EIR to demonstrate why urban growth beyond the municipalities and the Spheres of Influence (SOI) of those municipalities is needed to accommodate future population growth. The comment also directs the Draft EIR to show each SOI as it exists and as it is proposed. The Draft EIR maps the current boundaries of each SOI in a

number of figures, including Figure 3-2 on page 3-6 of the Draft EIR. General Plan 2030 does not propose to change the boundaries of any of the SOIs, nor is it within the jurisdiction of Butte County to determine changes to the SOI of any incorporated municipality. In addition, the Draft EIR provides a map of the existing County General Plan land use designations within the SOIs in Figure 4.9-3 on page 4.9-13, as well as a map of the proposed General Plan land use designations within the SOIs in Figure 3-3 on page 3-21. This comment is not a comment on the adequacy of the Draft EIR, so no further response is required.

13-8: This comment states that the Draft EIR does not estimate the probable types of jobs available or income levels and the types of residential units that would be needed to accommodate such employment opportunities. As indicated in the response to Comment 12-6, the Draft EIR evaluates impacts from the projected 2030 buildout of General Plan 2030 (i.e. the “reasonably foreseeable” outcome of General Plan 2030). The projected 2030 buildout is based on the General Plan 2030 land use map, as well as assumptions about how much of the maximum theoretical buildout allowed by the land use designations would occur by 2030; these assumptions are documented in Section F of Chapter 3 of the Draft EIR. The process to determine projected 2030 buildout is reasonable, adequate, and based directly on the proposed project.

13-9: This comment states that the type of housing proposed in General Plan 2030 is not the type of housing needed in Butte County; instead of single-family housing, lower income housing is needed. The County has adopted a Housing Element that provides for housing at all levels. Furthermore, this is not a comment on the adequacy of the Draft EIR, and no additional response is required.

13-10: This comment directs the Draft EIR to demonstrate that the areas proposed for urban expansion will meet the needs of the majority of the future population. The response to Comment 13-9 responds to this comment.

13-11: This comment is an attachment letter that supports the comments included in Letter 13. See the responses to Comments 13-1 through 13-10.

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June 4, 2010

Dan Breedon, Principal Planner
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Subject: Website, Maps, Follow-up, and New Comments on the Draft General Plan 2030 DEIR

BEC comments were submitted to the county and Water Commission on May 14, 2010 and June 2, 2010 for consideration. The following are supplemental comments on the DEIR for the Draft General Plan 2030, and another longer letter will follow shortly focusing on other issues. (I've seen both June 4 and June 7 given as deadlines.) Due to a number of factors, including errors in the DEIR and Draft General Plan, I had asked for an extension to the comment period. While you were unable to grant the extension, I understand that you will continue to take comments throughout the next step of the process.

14-1

I encourage you to provide a corrected and updated DEIR in July to the Planning Commission and the Board of Supervisors, even if that means another comment period would be required, so that the draft that goes to the Board of Supervisors in the fall will be a more perfect document, more understandable and in need of fewer corrections.

14-2

Thank you for meeting with me and Carol Perkins, BEC's Water Resources Advocate, after the Water Commission meeting on June 2 and for providing written feedback and discussion about previously e-mailed questions and letters submitted. You indicated at that meeting that you will soon provide all the related documents to the Draft General Plan 2030 and DEIR in one section, or link, on the www.buttegeneralplan.net homepage, and that you will include in that section or link a document that is a running tally, periodically updated with the changes that you plan to recommend for the DEIR and related documents. These measures will be very much appreciated. Surely other members of the public will also appreciate these measures and this level of transparency. We appreciate this very much as we continue to follow the process for getting the best General Plan 2030 as achievable in as short a time as possible.

14-3

The documents needed to be in one place online, all up-to-date, are the DEIR, the draft General Plan, the Setting and Trends Report, the Policy Alternatives document, the Guiding Principles (not previously mentioned, but it would be a good place for them to be), the running tally of recommended changes, the upcoming zoning documents, and at least one key map or set of maps.

Such access to a map or maps, separate from the documents, would be helpful. One candidate is in the General Plan, Fig. LU-3, General Plan Land Use Designations. Another is in the DEIR, Fig. 3-5, Projected 2030 Residential Buildout, which is what we mainly used in our discussion with you on June 2, though it doesn't show areas for other types of development, such as industry.

The rest of this letter will mainly be about maps. As you know, layering is an essential tool in planning. If you have the technical ability to layer maps electronically, please provide that capability to the public to see the layers. If not, please find an alternative way for the public to see the layers needed. Such maps are needed in the DEIR to see how the environment may be impacted.

14-4

Especially in Butte County, maps should not be flat, they should be topographical to show where the property lines are in relationship to the fingers, canyon rims, and canyons of the Buttes. Property lines and elevation lines are two kinds of mapping that need to be overlaid to show the environmental context on which properties are found for a proper environmental review, and this is a major deficiency with the DEIR.

14-5

The DEIR fails to include a map showing important hydrologic areas overlaid with a map of areas to be available for urbanization or other development. That's another layer that is necessary to understand the potential impacts of General Plan 2030 on the environment. The county should

14-6

include a tentative map of the probable recharge zones, even while the county's firm knowledge of hydrologic zones remains incomplete.

14-6
cont.

If the upcoming Tuscan Study will be used in any way in support of the changes in land use or zoning for the General Plan 2030, this potential needs to at least be mentioned with a map to show if any areas to be studied are the same as the areas to be available for urbanization or other development. In an article "Tuscan Aquifer project may take next step" in the Paradise Post on June 3, Butte County Senior Planner Chris Thomas is reported to have said, "The information [from monitoring data] will help, but not totally identify, a sustainable amount of water use from the underground reserves," and "Such information will help assess sustainable use for [water] inside the county and outside requests for water transfers." The map of the study areas for the Tuscan Study, since it is purportedly designed to "help assess sustainable use for inside the county" should be included in the DEIR and should be layered with a map showing areas available for urbanization or other development. **Many of the areas being opened for development in the General Plan 2030 are in the very areas that are potential recharge zones, in the east side of the county.** The potential impacts on the hydrology need to be identified in the DEIR and before rezoning takes place. Once rezoned, it is much easier for individual projects to occur on the land, and they can, one project at a time according to the zoning. In that scenario the DEIR fails to identify cumulative impacts to the environment.

14-7

14-8

For the record I will note here, particularly since the Water Commission has not been producing minutes that have detail as to who from the public spoke or generally what was said by anyone, that the Water Commission did consider BEC's June 2 letter on June 2; however, they did not feel they had time to adequately consider including suggestions in their recommendations, just as they did not have adequate time to consider BEC's comments in their recommendations to the Board of Supervisors for the draft General Plan 2030. This is unfortunate and partly because I did not get BEC's comments to the Commission until the same day that they were discussing their recommendations. My intention was to provide comments sooner. Still, the fact remains that the Water Commission felt they did not have enough time in both cases to consider incorporating any of our input into their recommendations to the Board.

14-9

Respectfully submitted,

Robin Huffman
Advocacy Director

Copy furnished: Butte County Water and Resource Conservation

Letter 14: Robin Huffman, Advocacy Director, Butte Environmental Council. June 4, 2010.

14-1: This comment contains introductory language for the letter. No response is required.

14-2: This comment encourages the County to prepare a corrected and updated Draft EIR to make it more perfect, more understandable, and in need of fewer corrections. The response to Comment 13-4 responds to this comment.

14-3: This comment expresses appreciation for County staff's response to the commenter's concerns about the availability of information on the project website. The comment also includes requests regarding the organization and contents of this information on the website. This is not a comment on the adequacy of the Draft EIR, and no response is required.

14-4: This comment requests that map layers be made available to the public. The Draft EIR presents maps describing existing conditions and the General Plan land use designations proposed for General Plan 2030 and the project alternatives. This information has been presented in the Draft EIR in a standard map format that is typical and acceptable in EIRs. The County does not have the resources to provide electronic, layered maps to the public. However, the County has provided a website service for the public to look up the General Plan 2030 land use designation for individual parcels at the following website: http://gp_butte_county.chicomapworks.com/.

14-5: This comment states that the maps in the Draft EIR should show topographical information and parcel boundaries. The maps presented in the Draft EIR show existing conditions information in a format that is clear and readable. It is difficult to show many different types of information on a single map while maintaining clarity. Each map contains the information that is the focus of the map (e.g. land use, agricultural lands, and fault lines) without

extraneous information in order to clearly display the map's intent. On some figures, such as the General Plan land use map, parcel boundaries are shown because they directly relate to the focus of the map. However, topography is not shown in any of the maps in the Draft EIR; in most cases, topographic information would make the maps less clear. Chapter 3 of this Final EIR includes a revised Figure 3-2, Planning Area, which shows topographic information. Other maps can be compared to this figure in order to relate them to topography.

14-6: This comment states that the Draft EIR should show a map of important hydrologic areas overlaid with a map of areas proposed for development. The comment also states that the Draft EIR should include a map of the probable groundwater recharge zones. The Draft EIR contains maps showing hydrologic areas and other water resources, and explains how General Plan 2030 adequately addresses the protection of water resources and recharge areas. Surface water features are displayed in Figure 4.8-1 on page 4.8-11 and groundwater basins and subbasins are displayed in Figure 4.8-2 on page 4.8-16 of the Draft EIR. These hydrologic features can be compared to the General Plan land use designations shown in Figure 3-3 on page 3-21 of the Draft EIR to compare the location of the features to the General Plan land use designations.

The Setting and Trends Report, the background document for General Plan 2030, contains the tentative maps showing potential recharge areas. Essentially, a substantial portion of the foothill area and the entire valley portion of the county have some recharge capacity. However, those maps are not yet finalized, and the County does not consider the data to be a reliable basis for analysis and conclusions under CEQA, so the Draft EIR does not display them. As explained in Section D.1.b of Chapter 4.8 of the Draft EIR (page 4.8-24), General Plan 2030 includes a number of policies and actions that protect groundwater recharge areas. Policy W-P3.3 and Actions W-A3.1 and W-A3.2 recognize the need to protect recharge areas with the understanding that different areas have specific capacities to contribute to recharge.

14-7: This comment references an upcoming County study called the Tuscan Aquifer Project, and states that if the study will be used to support changes in land use for General Plan 2030, it should be described in the Draft EIR. The Tuscan Aquifer Project is a discrete research project and is not directly related to General Plan 2030 or the Draft EIR. It comprises a scientific data gathering effort that is intended to improve upon existing data and analyses. It would be too early to draw any conclusions from the Tuscan Project that would have any meaningful significance to the Draft EIR.

The data from the study are not directly applicable to General Plan 2030. However, future discretionary approvals will need to be consistent with both General Plan 2030 and any applicable chapter and section of the Butte County Code. Specific projects, whether developments or actions, pursued through General Plan 2030 will have to undergo project-specific environmental reviews, including analysis of potential impacts to groundwater. Data developed through the Tuscan Aquifer Project will thus be incorporated as applicable into environmental review for specific projects pursuant to the General Plan 2030 Water Resources Element.

14-8: This comment states that many areas in which General Plan 2030 allows development are also potential recharge zones, and that potential impacts on hydrology need to be identified before the land use designations for these areas are changed. The comment also states that the Draft EIR does not identify cumulative hydrology impacts. As indicated in the response to Comment 14-6, the Draft EIR evaluates potential impacts related to recharge areas in Section D.1.b of Chapter 4.8 on page 4.8-24. In addition, cumulative hydrology impacts are discussed in Section D.2 on page 4.8-34 of the Draft EIR. This section finds a less-than-significant cumulative hydrology impact due to General Plan 2030 policies and actions, Best Management Practices, and other RWQCB regulations in the region.

14-9: This comment notes that the comments provided in Letter 13 were reviewed by the Water Commission, but that the Water Commission did not have adequate time to review the letter in advance of its meeting. This is not

BUTTE COUNTY GENERAL PLAN 2030
FINAL EIR
COMMENTS AND RESPONSES

a comment on the Draft EIR, and no response is required. Comments on the Draft EIR from the Butte County Water Commission are included as Letter 7 in this Final EIR.

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June 5, 2010

Dan Breedon, Principal Planner
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Subject: New Comments on the Draft General Plan 2030 and DEIR

The following are additional BEC comments on the DEIR for the Draft General Plan 2030 in time for the June 7 deadline. As you know I have been following the process from the very first session several years ago, attending many meetings and participating in many discussions in my formal role as Paradise Town Councilwoman, as a citizen of the county, and now for Butte Environmental Council. I admit at the outset that I have not read the DEIR cover-to-cover word-for-word. I will make these new comments as specific as possible and try not to repeat what I have previously submitted by e-mail or letter for the DEIR, anticipating that those comments will receive adequate attention.

15-1

This first section organizes my comments by areas accepted for development, which is how I have suggested that the DEIR be organized to make it more understandable. After that I will go through the DEIR as it is currently organized. The presentations to the Planning Commission and to the Board of Supervisors should look at the impacts on the environment by proposed growth area.

15-2

But first, let me say that the county should have a goal to change the way that the Butte County Association of Governments (BCAG) distributes the State's annual allocation to the county for accommodating the projected population growth. Currently, as you know, the methodology is to distribute the population growth equally among the municipalities and county by current population. There is another way that would have less impact on the environment. The current method induces sprawl throughout the county. Directing the majority of the population growth to Oroville should be adopted as a means of the population growth having less impact on the environment. Oroville has a large area accepted for growth, and it could be planned to have the least impact on the environment while being appreciated to improve the economies of scale in Oroville for increased business opportunities, public transit, and other public services. Oroville is also closer for commuters to the Sacramento area and to the Bay Area, and growth at the southern end of Butte County to the east of the best soils for agriculture and within a generally urbanized area makes a lot of sense for sustainable development. Why this has not already been part of the planning scenario discussion could be because this idea didn't fit the meeting agendas somehow.

15-3

Overall, because of the Oroville option, there is no justifiable reason to prematurely rezone land that has the potential to have significant and unavoidable detriments to the environment in areas that have significant environmental constraints and sensitivities.

Comments on Specific Growth Areas

Magalia: Though the plan for Magalia is to zone for fewer residential units than are currently allowed, the area nevertheless is a growth area in the draft General Plan 2030. The topography of the area has constraints, more or less identified in the DEIR and associated documents. The cumulative effect of the lot-by-lot development that is the probable scenario for most all of the growth will make Magalia a more unsafe place to live. Given the current population and the lack of a reasonable circulation route, Magalia is effectively on a dead end and will remain on a dead end even should FH171 be paved to Butte Meadows. Any additional residential units means more lives at stake because Magalia is in forests surrounded by canyons with no evacuation route except a one lane road over Magalia dam, which is not the direction to go if the big fire occurs below Magalia. Magalia, specifically, currently needs a real fire evacuation route more than any other area in the county. The county should state a goal with action items, such as asking legislators for assistance, that Clark Road, SR191, be made a through route to SR32, much as BCAG's May 9, 1994 Feasibility Study of State Route 191 Extension in Butte County proposed. The alternative for a tall bridge would have the least environmental impact, coupled with strong support for the

15-4

protection of the very sensitive Forks of Butte Creek area. The county is seeking to widen the road over the Magalia dam; however, not as aggressively as possible given its lower priority to projects in the valley. There are also alternatives that should be considered again more seriously, such as using Bader Mine Road and Coutolenc Road and finding ways to achieve the goal of better circulation in and through Magalia. In fact, Figure 3-5 does not even show the name Magalia, which seems really odd. Magalia is not part of Paradise, though it is in their sphere of influence, except for those properties that go beyond the sphere. The second big constraint and safety issue is water for fighting fires as well as for safe yield, which the area is at the brink of breaching even in normal hydrologic years. The impact on the environment of allowing more homes to be built in Magalia before the circulation and water constraints are solved would be the source of increased environmental disaster for Magalia. Magalia really needs a specific plan and more infrastructure and safety personnel and facilities, police and fire, before any more development occurs, and this needs to be emphasized in the DEIR more than it is now.

15-4
cont.
15-5

15-6

Paradise: The southeast area of Paradise has two big areas projected for residential buildout that also have serious environmental constraints and significant impacts on air quality, biological resources, hazards and safety, hydrology and water quality, land use, and just about every other area of environmental evaluation that could, in fact, be avoided by Paradise simply choosing infill and compact growth as a strategy and/or by the County choosing the Oroville option. Paradise still has some unique farmland not identified on Figure 4.2-1, perhaps because it is within a sphere of influence; yet, some unique farmland within the Oroville sphere of influence appears in that map.

15-7

15-8

Skyway: Do not approve any more rezones on the Skyway between Paradise and Chico that will be sprawl inducing, such as residential units. The hazards and safety that development along the Skyway induce are significant and avoidable by not developing there. There is no proof that recreational uses would suffer by not approving additional housing, only testimonials. There will be proof that watering Blue Oaks like watering to keep grass green will lead to environmental degradation.

15-9

Butte Creek Canyon: Include a special planning area to preserve the historic and rural nature of the area as well as to increase the safety of recreational uses so that the environment is not harmed.

15-10

Chico: There is much concern about the growth in the north between the airport and SR99. This area should have a unique agricultural overlay zone such as in an area of Oroville. At the other end of Chico at 99 and Honey Run road, the tentatively approved sprawl is too close to Butte Creek Canyon. In the Doe Mill area along Hwy 32 to the canyon rim overlooking Butte Creek Canyon, this is also unnecessary sprawl that will have environmental impacts that are avoidable. None of these should be part of any general plan. The environmental impacts are significant and avoidable as stated above.

15-11

Butte Valley: A special planning area is called for in this most special part of the county where lot-by-lot splits and ranchettes are becoming all too common and threatening the agricultural uses and the environmental sustainability of the area.

15-12

Yankee Hill: The deep brick color on the map of dwelling units estimated for buildout without accompanying jobs and businesses really seems unwise, especially given the topography and generally arid environment, subject to periodic fires going through.

15-13

In short, the county has little business providing extensive growth areas. This is what the municipalities should provide, cities whose growth would not impact agricultural soils, some of the most prime in the world. Growth should especially be targeted for concentrated growth in the City of Oroville, which has indicated growth would be appreciated where it would be appropriate. Other higher density buildout proposed east of Oroville, east of SR162 by Forbestown, I defer to people more familiar with the area. The best alternative to the proposed project is concentrating most growth in Oroville.

15-14

15-15

DEIR 4.1-4.15

4.1 – Aesthetics

Seek to include the Skyway as a California Scenic Highway. This has been proposed but has been deferred to future consideration. County Scenic Highways and Scenic Highway Zoning should be expanded and enhanced. There are many scenic vistas along the Skyway and along other roads of the county that should be preserved that the draft General Plan 2030 does not adequately protect.

15-16

4.2 – Agriculture

This section, like the previous section is very general, so it is difficult to make specific comments. Agricultural lands within spheres of municipalities needs to be better indicated. The Figure 4.2-1 map is very general, a summary that could use more detail and comparison with other available and well regarded soil mapping.

15-17

4.3 – Air Quality

Since the Butte County Air Quality is currently and periodically out of compliance with state and federal standards for health and safety, more needs to be done to come into compliance. Compact urban development incorporating more non-motorized forms of transportation along with more availability of public transportation will help bring Butte County into compliance and provide healthier air for its citizens. Sprawl of urbanization into rural areas decreases air quality, and this is an avoidable impact by directing development towards higher density zoning in existing incorporated areas and unincorporated pockets within those areas. Public transit and “complete streets” transportation systems are more feasible when development is compact.

15-18

4.4 – Biological Resources

More needs to be included in this section about the Butte Regional Conservation Plan and the significance of this plan to the conservation of biological resources in Butte County. Certain areas should be singled out as priorities for conservation, particularly areas which have been consistently threatened by development, such as, but not exclusive to, Butte Creek Canyon, Butte Valley, and their canyon rims.

15-19

15-20

It is odd that Paradise and Magalia reservoirs are not identified in the Reservoirs section, since they are of major significance to the second most highly urbanized areas in the county. Indeed, the water use is of more urban significance to water users in Butte County than the water from the Oroville Reservoir which mostly goes out of county.

15-21

The restoration of Butte Creek, as a primary example of protection of waterways, should be supported by the county more so than by recognizing the “Anadromous Fish Restoration Program (AFRP) and other organizations”. The county should instead take a lead in establishing the goal and associated policies and action items to restore Butte Creek and its natural flows throughout Butte County.

15-22

The migratory deer herd areas map has been questioned by a number of people, and it appears to Butte Environmental Council that the number of deer has been underestimated. To exclude all of the Paradise Ridge and Magalia from the Deer Herd mapping and simply give the area over to urbanization is wrong, an unnecessary “unavoidable” impact. Instead, there should be a way for the deer to be accommodated even within and near Paradise and Magalia and Butte Creek Canyon and Butte Valley, instead of being killed by cars in mass numbers. There should be wildlife corridors provided through these areas after a study of where these corridors could safely and most readily be provided through these and other urbanized and semi-rural areas.

15-23

4.5 – Cultural Resources

This section is entirely too general. Specific areas of the county having certain or concentrated cultural resources should be mapped. Certainly Butte Creek Canyon is one such concentrated area

15-24

in need of more organized county protection of cultural resources. Magalia Depot is as of yet unprotected. The Historic Sawmill Trail and the rest of the old railroad grade from Chico to Stirling City and beyond is also largely available for preservation and continued public use. Many significant cultural resources could be preserved and conserved with an increased transit occupancy tax supporting a county tourism department and with more related stated goals and associated policies and action items in the draft General Plan 2030.

15-25

4.6 – Geology, Soils, and Mineral Resources

Environmental priorities should be indicated in this section, such as clean-up of existing dredge mining before premature loss of prime agricultural lands for aggregate mining. The types of known mineral resources left in Butte County are not specified or mapped, which is puzzling, though some particular mines are mentioned as having “mineral resources” and mapped. Existing mining operations are not mapped, and should be, along with an overlay of elevations and hydrologic layers, and perhaps property lines.

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15-28

4.7 – Hazards and Safety

Already mentioned are circulation concerns and fire hazards, especially for Paradise and Magalia. Magalia is not identified on the map, again in Figure 4.7-1, and the priority for roads and a moratorium on building is not indicated as significant and avoidable. There is only a description of the hazards, not a description of the significance of the buildout expected or possible given the land use on the Ridge in the proposed General Plan 2030.

15-29

15-30

Land use designations and zoning in and around existing airports could be better allocated away from airports to avoid the noise impacts and increase safety for people. “Downzoning” in areas that are inappropriately designated residential would be appropriate and worth pursuing near airports, wherever this is still possible.

15-31

4.8 – Hydrology and Water Quality

The well spacing requirements should be related to the actual geology of the area, which varies considerably in different areas of the county. The well spacing in the mountains, foothills, canyons, and valley should not be a “one size fits all” requirement. Likewise with wastewater requirements, which are under review and critical to preserving water quality since large urbanized areas of the county are on septic systems, many near reservoirs, rivers, creeks, and streams and in recharge zones.

15-32

The County could play a role in regulating the purchase and subsequent use of pollutants of various urban types, and increase their advocacy for curtailing agricultural pollutants and converting to a truly green, organic devolution.

Development in known flood zones, and in areas with the potential for flooding, should be accompanied with special building standards to avoid environmental impacts in a flood event.

15-33

We question the statement that “approximately 75 percent of the County’s residential water supply is extracted from groundwater.” What is the significance of this statement? Shouldn’t particular municipalities be identified as to their use of ground and surface water? Section 3 is a particularly general section. Figure 4.8-2 is also very general. What is the significance of a “basin”, such as the East Side Basin? Are these not recharge zones for the basins? The DEIR should at least speculate what will happen when massive development occurs in the East Side Basin, as is arguably probable given the draft General Plan 2030, that is, probable - versus maximum - theoretical buildout. The DEIR fails to analyze the probable theoretical buildout adequately.

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4.9 – Land Use

Note in the DEIR that FH171 is mostly not in Lassen National Forest, but through private land, and that the paving of FH171 from Stirling City to Butte Meadows could be sprawl inducing

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without specific general plan goals, policies, and action items to discourage this scenario, either from lot-by-lot development or larger projects or both.

15-37
cont.

The land use maps Figures 4.9-2 and 4.9-3 are not easily understood by their titles. What does “existing” mean? Are these “existing” in the old general plan or in the draft General Plan 2030? Clarify this in the titles. Same with the “existing” zoning map, figure 4.9-4. If “existing” means the old general plan, then indicate (in any case) what these maps have to do with the impact on the environment of the draft General Plan 2030 by overlaying the old and the new land use maps and zoning maps so the differences become visible. The significance of these visuals to the DEIR is not easily apparent, though it may be clear in the text.

15-38

4.10 – Noise

The comparison charts of existing and future traffic noise levels shows significant noise impacts along many sections of state routes and major corridors. These could be avoided by not sprawling into some of these areas, instead increasing the densities in existing urban areas, providing for more public transit, and providing for more non-motorized vehicle corridors.

15-39

4.11 – Population and Housing

The statement on page 4.11-10 that there are no significant impacts related to population and housing as a result of General Plan 2030 is counterintuitive for people like me who live here. Page 4.11-6 makes a blanket statement that “the majority of the new residential units are projected to develop within the Spheres of Influence (SOIs) of the incorporated municipalities and in existing unincorporated communities.” There is no analysis community by community as to the need of the sprawl into SOIs and other county areas. There is an assertion that 33,800 new residents would be added to county areas, but there is no indication of the total new residents to the county or whether those 33,800 could also fit within the incorporated municipalities instead of within the SOIs or unincorporated communities. The point is that large areas of county lands are poised to be unnecessarily rezoned to potentially accommodate 33,800 new residents sprawled through environmentally sensitive areas of the county, contributing to air pollution and unsustainable type development, and there is no indication in the DEIR that this is at all called for. On the contrary to the closing statement on page 4.11-10, mitigation measures are surely required for the loss of habitat of the sensitive species that live in the areas to be rezoned, the loss of water to recharge zones, among other environmental concerns from noise to lighting to circulation to health and safety, not to mention the economic effect of spreading 33,800 new residents throughout the unincorporated areas of the county, people who will need public services of many types.

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15-41

4.12 – Public Services and Recreation

The finding that the fire protection service impacts would be “less than significant” is from the county’s perspective in that they have a policy of not providing services to rural areas to the standard of urban areas; however, this policy has been less than satisfactory to rural residents. Magalia, with a density as high or higher than Oroville, is considered to be rural by county standards and is notably underserved by sheriff and fire personnel. They have been underserved recreationally as well. Isolated subdivisions in newly urbanized areas that are not large enough to pay for their own safety personnel will be underserved as well; this should be considered instead “significant” and such development should certainly not be part of a general plan. At the least, significant mitigation measures should be put in place for the developers and new residents to pay for the public services and recreation that people moving into the new developments will surely expect, including reasonable access to public education for K-12 students that does not adversely impact the already stressed economics of the current residents of the county.

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4.13 – Transportation and Circulation

Besides the issues already mentioned above, there are many deficiencies in transportation and circulation. Paradise, for example, does not have a budget to improve or to maintain roads much

15-45

beyond fixing major potholes. In the fire of 2008 it was very apparent that Pentz road in Paradise needs to be widened to accommodate two lanes downhill and one lane uphill in the event of an emergency evacuation. Other improvements are needed, but there is no money. The “existing deficient roadway segments” map, figure 4.13-2 is very generous in its showing only one or two short segment of road each in Chico, Paradise and Oroville. Public transit discusses only the bus system; what is missing is improvements to rail systems, or identifying and planning to retain corridors for future rail systems. The bicycle system should include a future class 1 along the Durham Pentz Road from the class 1 on the Midway to Butte College, and there should be class 1 routes planned in Butte Valley. Horse trails should also be planned in places like Butte Valley. Complete Streets development should be considered feasible for all areas of the county and implemented in conjunction with development everywhere development occurs and planned for in existing communities of all densities.

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cont.

15-46

15-47

15-48

4.14 – Utilities

It is interesting that given changes to the way energy is expected to be used with new State regulations, according to the DEIR, that the new development is considered not significant relating to future energy consumption. If energy transmission lines, for example, are not needed to new developments between municipalities, that would be a less than significant impact regarding electricity; however, that will not likely be the case. This example is curiously not cited.

15-49

4.15 – Greenhouse Gas Emissions

The impact is considered cumulatively significant and unavoidable. Could the impacts be avoidable with compact urban growth within existing municipalities instead of the sprawl proposed in the General Plan 2030? This scenario does not appear to be adequately addressed throughout the DEIR; however, it is noted in the alternatives section in general as the Concentrated Growth Alternative. The maps provided, however, include study areas that were rejected for development. The maps were based on proposed study areas, and three alternatives for those given areas, not on guiding principles for the county as a whole. A map that shows concentrated growth according to principles of smart growth would best show a true concentrated growth alternative for the county, which best matches the county’s guiding principles.

15-50

The product to date, the draft General Plan 2030 and the accompanying DEIR is an imperfect document based on an imperfect process. How can we make these documents and the next steps in the process more perfect from here? In addition to the suggestions above, I urge you to compare the products to date to the guiding principles, and slowing down with the introduction of the rezone documents.

15-51

Respectfully submitted,



Robin Huffman
Advocacy Director

Letter 15: Robin Huffman, Advocacy Director, Butte Environmental Council. June 5, 2010.

15-1: This comment contains introductory language for the letter. No response is required.

15-2: This comment suggests that the Draft EIR should be organized by “areas accepted for development” or “proposed growth area.” Draft General Plan 2030 presents land use designations for the entire County, but does not target specific areas for development, nor guarantee that any development will occur. Therefore the term “proposed growth area” is inaccurate and misleading. The Draft EIR considers the allowed development that would be reasonably foreseeable Countywide under the land use designations and policies in Draft General Plan 2030, consistent with CEQA requirements. It is organized according to the topics in the CEQA Appendix G Environmental Checklist form, consistent with widely accepted industry standards. The Draft EIR covers the complete set of topics required by CEQA and is consistent with the findings of the scoping period and Initial Study. It is not necessary to reorganize the Draft EIR in response to a single request to do so.

15-3: This comment states that the County should change the way BCAG allocates growth projections to jurisdictions in the county and should direct population growth to Oroville. This is not a comment on the adequacy of the EIR, so no response is required. It should be noted that, while it is outside of the County’s jurisdiction to direct growth to any incorporated city, Draft General Plan 2030 does include policies to support coordinated planning with BCAG, LAFCO, and incorporated cities. For example, Policy LU-P12.3 says “The County shall work closely with the Local Agency Formation Commission to ensure that spheres of influence and land use plans in all areas of the county are supported by the County,” and Action LU-A12.1 is to “Develop a coordinated countywide growth and annexation strategy in close coordination with LAFCO.”

In addition, as noted in response 12-7 above, General Plan 2030 includes a number of policies that direct growth to existing urbanized areas. Specifically, Policy LU-P15.2 requires that new urban development be primarily located in or immediately adjoining already urbanized areas. In addition, Policies LU-P8.3, LU-P8.4, LU-P8.5, and LU-P15.3 promote efficient infill development near public facilities.

15-4: This comment discusses constraints to growth in the Magalia area, specifically relating to fire hazards and adequate evacuation routes. The comment acknowledges that the Draft EIR identifies these constraints. Wildland fire hazards are analyzed in Chapter 4.7, Section D.1.h on pages 4.7-30 through 4.7-33 of the Draft EIR. Potential impacts to evacuation plans are analyzed on in Chapter 4.7, Section D.1.g on page 4.7-30. This comment does not question the adequacy or conclusions of these sections. Instead, it suggests specific actions that the County should take to improve evacuation routes in the Magalia area. Since this is not a comment on the EIR, no additional response is required.

15-5: The commentor mentions that Figure 3-5 of the Draft EIR lacks a place name for the community of Magalia. In response to this comment, this figure has been revised to add the name Magalia, as shown in Chapter 3 of this Final EIR.

15-6: This comment states that the Draft EIR should emphasize the public safety impacts of allowing additional residential development in Magalia due to high wildland fire hazards in the area. In response to this comment, the discussion of wildland fire hazards on pages 4.7-30 and 4.7-31 has been revised as shown in Chapter 3 of this Final EIR to provide additional information more specific to the Magalia area.

However, the addition of this information does not change the conclusion of the Draft EIR that the extensive policies in General Plan 2030 to protect new development from fire hazards would reduce potential impacts to a less-than-significant level. Specifically, as cited on pages 4.7-31 to 4.7-32 of the Draft

EIR, Policy HS-P11.4 requires that new development meet current fire safe ordinance standards for adequate emergency water flow, emergency vehicle access, signage, evacuation routes, fuel management, defensible space, fire safe building construction, and wildfire preparedness, and Policy HS-P12.4 requires all developments in wildland urban interface areas in High or Very High Fire Hazard Severity Zones to provide, at a minimum, small-scale water systems for fire protection.

15-7: This comment states that the Town of Paradise should “choose infill and compact growth” and that the County should direct growth to Oroville. See response to Comment 15-3, above.

15-8: This comment states that there is unique farmland within the Paradise Sphere of Influence (SOI) not identified on Figure 4.2-1. The types of farmland identified on Figure 4.2-1 are based on the categories established by the State of California Department of Conservation Farmland Mapping and Mitigation Program (FMMP). The FMMP defines “Unique Farmland” as “[f]armland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.” This definition does not include other land that may be cultivated in a unique manner and/or used for unique crops, and land that does not meet the FMMP definition for Unique Farmland.

The types of farmland identified on Figure 4.2-1 are based on data collected in 2006 and published on June 24, 2008, which was the best available data from the FMMP at the time the Notice of Preparation (NOP) for the Draft EIR was issued. In response to this comment, the EIR consultant team reviewed more recent FMMP data for Butte County, collected in 2008 and published on February 26, 2010. This more recent data does not identify any additional agricultural land in any category within the Paradise SOI beyond that already shown on Figure 4.2-1. Therefore, no revisions to Figure 4.2-1 are needed.

15-9: This comment states that the County should not rezone land along the Skyway to allow more residential units in order to avoid impacts to public safety. This is a comment on the appropriate zoning for this area and not on the analysis in the Draft EIR, so no response is required.

15-10: This comments states that the County should establish a special planning area for Butte Creek Canyon. It is not a comment on the EIR, so no response is required. However, it should be noted that on July 27, 2010, the Board of Supervisors acted to include a new action item under Goal COS-6: “Work with Butte Creek Canyon residents and local groups toward adopting a planning strategy for a Butte Creek Canyon overlay. The purpose of the planning strategy is to facilitate the protection and preservation of the historical and ecological foundation of Butte Creek Canyon, including the survival of salmon, steelhead and other sensitive plants and animals such as the East Tehama Deer Herd, preservation of historical sites, ecological preserves, and the optimum balance of recreation and residential use.”

15-11: This comment supports the application of the Unique Agriculture Overlay designation to the area north of Chico. It also states that General Plan 2030 should not allow “unnecessary sprawl” south of Chico or in the Doe Mill area due to unspecified environmental impacts. The Draft EIR analyzes the potential environmental impacts of reasonably foreseeable development allowed under General Plan 2030, including some additional residential development in the area both north and south of Chico. Comments about the type and amount of development that should be allowed are comments on the land use designations and policies of General Plan 2030 and not on the Draft EIR. Therefore, no further response is required.

15-12: This comments states that the County should establish a special planning area for Butte Valley. It is not a comment on the EIR, so no response is required.

15-13: This comment refers to the depiction of Yankee Hill on Figure 3-5 of the Draft EIR, Projected 2030 Buildout. As explained in the accompanying

Table 3-5, on page 3-46 of the Draft EIR, the 2030 buildout estimates developed for the Draft EIR assume that 150 additional units would be developed in Yankee Hill by 2030, equivalent to 10 percent of the total residential development that would be allowed under General Plan 2030 designations and policies. As explained in the text in Draft EIR Chapter 3, Section F.2.b, on page 3-52, Yankee Hill is considered an established, unincorporated community. Although development pressure in most of these communities is relatively low, they are the types of already urbanized locations to which General Plan 2030 directs future growth. Therefore, established unincorporated communities that include potential for development based on the General Plan 2030 land use map are considered 2030 development areas for the purposes of the 2030 buildout projections used for the Draft EIR.

However, as explained in Chapter 3, Section F.1 on page 3-42 of the Draft EIR, “The projected 2030 buildout estimate is used as a basis for the environmental assessment, but it does not restrict or specify the actual physical location of future development that will be permitted under General Plan 2030.... [G]eographic areas or potential development projects for which development is assumed in this EIR are not in any way “pre-cleared” for development or privileged for special consideration by County staff or the Board of Supervisors; development in those areas still requires normal review under regular County policies that are spelled out in General Plan 2030, the Butte County Zoning Ordinance, and other County regulations.” [Emphasis added.]

This comment is a comment on the amount and type of development that should be allowed in Yankee Hill, and not a comment on the analysis in the Draft EIR, so no further response is required.

15-14: This comment states that the County should focus growth in the City of Oroville. See response 15-2, above.

15-15: This comment states that the best alternative to General Plan 2030 is “concentrating most growth in Oroville.” The Draft EIR identifies the Concentrated Growth Alternative, which would direct development toward exist-

ing urban areas like Oroville, as the environmentally superior alternative on page 5-35. Since this comment agrees with the conclusion of the Draft EIR, no further response is necessary.

15-16: This comment states that the Skyway should be designated a California Scenic Highway. It is not a comment on the Draft EIR, so no response is required.

15-17: This comment states that different methodology should be used to map agricultural lands in the county. The commentor is correct that other approaches to soil mapping are available. Figure 4.2-1 of the Draft EIR, Agricultural Land, presents 2006 data, the most recent available, from the State of California FMMP. This figure, and the accompanying analysis in Chapter 4.2, Section D.1.a, on pages 4.2-9 through 4.2-13 of the Draft EIR, directly correspond to the standard of significance used to evaluate impacts to agricultural land. The standard of significance, presented in Chapter 4.2, Section C, on page 4.2-8, is whether the proposed project would “[c]onvert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (or “farmlands of concern under CEQA”), *as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program* of the California Resources Agency, to non-agricultural use.” [Emphasis added.] Therefore, it is appropriate to use the data from the California FMMP, as opposed to other sources of soil mapping, as the basis for this analysis.

15-18: This comment states that compact urban development would improve air quality in Butte County. As explained in response 11-2, above, Table 4.3-7 of the Draft EIR shows that the proposed General Plan 2030 would result in net decreases in all nonattainment pollutants from traffic operations compared to existing conditions. This is partially a result of General Plan 2030 policies that focus development in urbanized areas, such as Policies LU-P8.3, LU-P8.4, LU-P8.5, LU-P15.2 and LU-P15.3, and support public transit and alternative transportation, such as Policies CIR-P2.1, CIR-P2.2, CIR-P2.4, CIR-P3.1, CIR-P3.2, CIR-P3.3, CIR-P3.4, CIR-P3.5, CIR-P3.6, CIR-P3.9, CIR-P4.1, CIR-P4.2, CIR-P4.3, CIR-P4.6, CIR-P5.1, CIR-P5.2, CIR-P5.3,

CIR-P5.4, CIR-P5.6, CIR-P5.7, and CIR-P5.8. In particular, it should be noted that General Plan 2030 Policy CIR-P2.6 directs the County to incorporate “Complete Streets” policies that are designed and built to be safe for all users, including bicycles, pedestrians, and transit users, as suggested by the commentor. This comment is a comment on the policies of General Plan 2030 and not on the analysis in the Draft EIR, so no further response is required.

15-19: This comment states that the Draft EIR needs more discussion of the Butte Regional Conservation Plan and its significance to conservation of biological resources in the county.

The purpose of Chapter 4.4 of the Draft EIR, Biological Resources, is to analyze the impacts of General Plan 2030 on biological resources in the county. In this context, the Butte Regional Habitat Conservation Plan and Natural Community Conservation Plan (HCP/NCCP) is discussed throughout the chapter, but the basic importance of the HCP/NCCP is assumed and is outside of the scope of this discussion. The HCP/NCCP is summarized on page 4.4-6 as part of the regulatory framework section in the Biological Resources chapter. Proposed covered species in the HCP/NCCP are discussed on pages 4.4-29, 4.4-48, 4.4-61, 4.4-62, and 4.4-70. The General Plan policies that require coordination of the County in the HCP/NCCP process and of project mitigation with the HCP/NCCP are discussed on pages 4.4-77 through 4.4-79. Coordination of General Plan policies with HCP/NCCP requirements regarding impacts on wetlands is discussed on pages 4.4-81 and 4.4-82. Development of the General Plan with input and collaboration from the Butte Regional HCP/NCCP process is mentioned on page 4.4-84. This extent of inclusion of the HCP/NCCP in the Draft EIR is considered adequate for the CEQA analysis.

15-20: This comment states that specific areas should be singled out as priority conservation areas. Determination of priority conservation areas is a function of the HCP/NCCP, not the General Plan. It should be noted, however, that the General Plan includes policies requiring coordination with the

HCP/NCCP, as mentioned above. In addition, Draft EIR Figure 4.4-3 illustrates areas of US Fish and Wildlife Service-designated Critical Habitat (see also Response 16-24). The General Plan includes policies requiring an assessment of biological resources, impacts, and mitigation in coordination with the HCP/NCCP for proposed projects in areas where Critical Habitat is designated. Therefore, the Draft EIR is adequate in its discussion of conservation areas.

15-21: This comment states that Paradise and Magalia reservoirs should be discussed in the Reservoirs section of the Biological Resources chapter. As noted by the commentor, the Paradise and Magalia reservoirs are significant sources of water for urban water users. In this context, they are included as parts of the Del Oro Water Company and Paradise Irrigation District, discussed in the Utilities Chapter on page 4.14-10 and -12 in the Draft EIR. However, these reservoirs are not included in the Biological Resources chapter of the Draft EIR because they are not as important to wildlife habitat as they are to the larger Lake Oroville and the Thermolito Forebay and Afterbay Reservoirs.

15-22: This comment states that Butte County should establish a goal, policies, and action items to restore Butte Creek. It is a comment on General Plan 2030 and not on the analysis in the Draft EIR, so no response is necessary.

15-23: This comment states that the number of migratory deer in the county has been underestimated and that the County should accommodate deer in Paradise, Magalia, and Butte Creek Canyon by creating wildlife corridors. It states that allowing urbanization in the Paradise Ridge and Magalia is “an unnecessary ‘unavoidable’ impact.” However, the Draft EIR does not find an unavoidable impact to deer herds. As discussed in Chapter 4.4, Section D.1.d, on page 4.4-84 of the Draft EIR:

Several policies and actions of the Conservation and Open Space Element of General Plan 2030 would... help protect deer and other animal migration, including protecting habitat corridors (COS-P7.1) and maintaining

buffers along riparian corridors (COS-P7.6). Policy COS-P7.2 would protect migrating deer herds and other migrating animals by allowing and encouraging clustered development with remaining areas being conserved under permanent conservation easements. As trustee agency for the deer herd, DFG will comment on future development projects relative to the on-going health of the migratory deer herd. In addition, Action COS-A10.1 directs coordination with DFG to monitor effects of development on migratory deer herds. Policies of General Plan 2030, together with other federal and State policies and regulations, would reduce potential impacts to deer and other migratory species to a *less-than-significant* level.

The Draft EIR's analysis of impacts to deer herds is adequate, and no revisions are needed.

15-24: This comment states that the cultural resources section is too general and suggests that areas of the county containing specific or concentrated areas of cultural resources be mapped.

Due to the confidential nature of the locations of archaeological resources, information regarding locations of cultural resources is not included in public documents and is not included in this EIR or its appendices. A cultural resources sensitivity map was prepared for the project area during alternatives analysis and this map was submitted to the County for their records. Maps showing the locations of historic buildings and structures within the county would be on so large a scale as to be useless for identifying such buildings and structures. Additionally, this information changes periodically as structures reach 50 years of age and are evaluated for listing on various historic registers. The Northeast Information Center at CSU Chico is the repository for this information and should be consulted on a project-by-project basis to ensure the most recent information is considered.

15-25: This comment lists specific locations, including Butte Creek Canyon, Magalia Depot, and the Historic Sawmill Trail, that the commentor suggests

should be preserved and conserved using funding generated by an increased transient occupancy tax. It is not a comment on the Draft EIR, so no response is required.

15-26: This comment states that the County should prioritize clean-up of existing dredge mining. This is a comment on County policy, not a comment on the analysis in the Draft EIR, so no response is necessary.

15-27: This comment states that the Draft EIR does not map known mineral resources in Butte County. As indicated on page 4.6-16 of the Draft EIR, the State Geologist has not yet mapped the mineral resources in Butte County. However, public or private entities can petition the State Mining and Geology Board (SMGB) to classify specific lands that contain significant mineral deposits and that are threatened by land use incompatibilities. In 1994, the SMGB received a Petition for Mineral Classification for Martin Marietta Materials Table Mountain Quarry near Oroville. This petition involves approximately 320 acres of land that is considered an active basalt mine. The SMGB concluded that part of this mine is classified as a mineral resource of regional or statewide significance and designated the site as MRZ-2. In addition, in 2001, the State classified a portion of the M&T Chico Ranch, a previously-proposed mining site located adjacent to Little Chico Creek 5 miles southwest of Chico, as a mineral resource of regional or statewide significance (MRZ-2). However, the M&T Chico Ranch mine proposal was not approved and is not currently being considered for mining under County permit. These two identified mineral resource areas are shown in Figure 4.6-5 on page 4.6-17 of the Draft EIR. In addition, in response to this comment, the Draft EIR has been revised to include a new Figure 4.6-5, which maps active mining sites in Butte County, as noted in Chapter 3 of this Final EIR.

Although additional mineral resource mapping is not available, the map of MRZ-2 sites in Butte County provides an adequate level of existing setting information for the analysis of mineral resource impacts provided on pages 4.6-27 and 4.6-28 of the Draft EIR. That analysis of mineral resource impacts addresses the following standard of significance: “Result in the loss of avail-

ability of a known mineral resource that would be of value to the region or the state, or of a locally-important mineral resource recovery site delineated on a mineral resource plan, local general plan, specific plan or other land use plan.” The MRZ-2 sites are the only sites that have been mapped as mineral resources of value to the region or state.

15-28: This comment states that the Draft EIR should map existing mining operations. A map and table listing existing mining operations was included in the Setting and Trends Report as Figure 11-1 and Table 11-1 and is not reproduced in the Draft EIR. The inclusion of this information in the Draft EIR would not change the conclusion of the analysis on page 4.6-27 of the Draft EIR that the policies and actions of General Plan 2030 would avoid the loss of availability of a known or locally important mineral resource that would be of value to the region or the State, which would be consistent with CEQA standards of significance.

15-29: This comment states that fire hazards are a concern in Paradise and Magalia. See responses 15-4 and 15-6, above. In response to this comment, Figure 4.7-1 has been revised to add the name Magalia, as shown in Chapter 3 of this Final EIR.

15-30: This comment states that the Draft EIR does not describe the significance of the expected buildout on the Tuscan Ridge under General Plan 2030. As explained in Chapter 3, Section F on page 3-41 of the Draft EIR, the analysis of hazards and safety in the Draft EIR must consider whether General Plan 2030 would allow *any* development in a geographic area, such as a fire hazard severity zone, which could trigger potential impacts. For this analysis, the question is not *how much* development General Plan 2030 would allow, but *where* that development could potentially be located. Therefore, *all* potential development allowed by General Plan 2030 was evaluated to assess impacts to hazards and safety.

15-31: This comment states that residential development should not be allowed near airports and that areas near airports should be “down-zoned” to

avoid inappropriate development. This is a comment on County policy, and not a comment on the analysis in the Draft EIR, so no response is necessary. In addition, see response 3-1 explaining that General Plan 2030 has been revised to be consistent with the ALUCP, and an ALUCP override is no longer necessary.

15-32: This comment addresses the development of well spacing requirements and pollutant regulations. It is a comment on County policies and not on the analysis or conclusions of the Draft EIR, so no response is necessary.

15-33: This comment states that special building standards should be applied to development in known flood zones. This is a comment on County policy, and not on the analysis or conclusions of the Draft EIR, so no response is necessary. However, it should be noted that General Plan 2030 includes two detailed policies regulating new development in flood zones, Policies HS-P2.4 and HS-P2.5, which are considered in the Draft EIR's analysis of flood hazards.

15-34: This comment questions a statement in Chapter 4.8, Section B.3 on page 4.8-14 of the Draft EIR regarding groundwater as a source for residential water supply. As indicated in Chapter 3, citations for this statement have been provided. The primary source for this statement is a drinking water quality report for the northern Sacramento Valley. In addition, this statement is supported by a presentation by Dan McManus of the California Department of Water Resources (DWR) to the General Plan 2030 Citizens Advisory Committee on January 17, 2008. In his presentation, Mr. McManus indicated that, based on 2000 data, urban uses in Butte County use approximately 43 thousand acre feet (TAF) from groundwater sources and 14 TAF from surface water sources. Therefore, approximately 75 percent of urban water demands are served by groundwater.

The statement is provided in order to inform readers of the existing conditions regarding water use and groundwater in Butte County.

Regarding whether the Draft EIR should identify whether municipalities use groundwater or surface water, the General Plan 2030 Draft EIR does not analyze growth inside incorporated municipalities. For growth in the unincorporated County, see response 12-4.

15-35: This comment asks about the significance of the basins illustrated in Figure 4.8-2. The text on page 4.8-15 of the Draft EIR has been revised to include an explanation of these basins, as shown in Chapter 3 of this Final EIR. These basins are hydrologic basins, as depicted by the California Department of Water Resources, and do not equate to recharge zones. The additional explanation of the basins does not affect the analysis or conclusions of the Draft EIR.

15-36: This comment states that the Draft EIR should analyze the water supply impacts of probable development in the East Side Basin. The Draft EIR does not analyze water supply impacts based on subbasin boundaries, but it does analyze the impacts of all reasonably foreseeable development that would be allowed under General Plan 2030. See responses 12-2, 12-3, and 12-6, above, for more detailed information on the Draft EIR's water supply analysis as it relates to probable development.

15-37: This comment requests that the Draft EIR note that Forest Highway 171 (FH171) is on private land and that paving this roadway could induce sprawl. The commentor is correct that this roadway is located primarily on land owned by a private timber company. However, it should be noted that General Plan 2030 does not call for the paving of FH171. As explained in Chapter 4.13, Section A.2.a on page 4.13-6 of the Draft EIR, the BCAG *2008-2035 Regional Transportation Plan* (RTP), the blueprint for transportation improvements in the county, calls for the reconstruction of Forest Highway 171 from Inskip to Butte Meadows. However, this project is not part of General Plan 2030 and, as noted in the Draft EIR, Butte County does not have the authority to make final decisions regarding the improvements included in the RTP. Therefore the Draft EIR appropriately does not analyze the potential impacts of this project. It should be noted that General Plan

2030 designates the entire area surrounding FH171, Stirling City and Butte Meadows with the Timber Mountain designation, which requires a minimum 160-acre parcel size and limits residential uses to one single-family dwelling per legal parcel. This restrictive land use designation, along with other General Plan 2030 policies directing development to urbanized areas, would severely limit the potential for sprawling residential development in this remote corner of the county.

15-38: This comment requests an explanation of Figures 4.9-2 and 4.9-3. As explained in Chapter 4.9, Section B at the top of page 4.9-7, Figure 4.9-2 shows what land uses exist on the ground today. Figure 4.9-3 appears in Section B.2 of Chapter 4.9, which is entitled “Existing Butte County General Plan” and which explains that “[t]his section describes the land use designations in the existing Butte County General Plan, which would be updated and replaced by the proposed General Plan 2030.” Since General Plan 2030 has not been adopted, it cannot be considered the “existing” General Plan for the County and is instead referred to throughout the Draft EIR as “*proposed* General Plan 2030.” The description of existing General Plan land use designations is provided in the interest of full disclosure for the reader. However, CEQA Section 15125(a) directs that an EIR should utilize “the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published” as “the baseline physical conditions by which a lead agency determines whether an impact is significant.” Therefore, the impacts of General Plan 2030 must be based on impacts to the existing physical environment, not on differences between General Plan 2030 and the County’s existing General Plan, so a comparison of existing and proposed maps of General Plan land use designations is not relevant to the environmental analysis required of the Draft EIR.

15-39: This comment states that noise impacts identified in the Draft EIR could be reduced by increasing densities in urban areas and improving transit and non-motorized transportation. See response 15-18 regarding policies in General Plan 2030 that are consistent with this suggestion. Since this com-

ment does not dispute the EIR's analysis or conclusions relating to noise impacts, no further response is required.

15-40: This comment states that the 33,800 new residents assumed to be generated by the projected 2030 buildout for purposes of the quantitative analyses in the Draft EIR should be housed within incorporated municipalities. See responses 13-7 and 15-3. The role of the Draft EIR is to disclose the potential environmental impacts of General Plan 2030. Comments regarding how much growth should be allowed in the county are comments on the policies and land use designations in General Plan 2030 and not comments on the analysis in the Draft EIR.

15-41: This comment disagrees with the statement on page 4.11-10 of the Draft EIR that says “[s]ince there are no significant impacts related to population and housing as a result of General Plan 2030, no mitigation measures are required.” The commentor lists impacts relating to biological resources, groundwater, noise, lighting, circulation and health and safety that would result from development allowing 33,800 new residents in unincorporated Butte County. Chapter 4.11 of the Draft EIR, Population and Housing, is specifically focused on the standards of significance listed in Section C of that chapter, on page 4.11-5, consistent with the standards contained in CEQA Guidelines Appendix G.

15-42: This comment states that the County's policy of providing a rural level of fire, sheriff, and recreational service to residents in Magalia is not satisfactory to rural residents. This is a comment on County policy and not on the analysis in the Draft EIR. It is appropriate and necessary to base the analysis in the Draft EIR on currently adopted County policies, regardless of whether all County residents support these policies.

15-43: This comment states that new subdivisions will be underserved by safety personnel and should not be allowed under General Plan 2030. As discussed in Chapter 4.12, Sections A.3 (pages 4.12-5 to 4.12-6) and B.3 (pages 4.12-13 to 4.12-15) of the Draft EIR, General Plan 2030 includes a number of

policies to ensure that adequate sheriff and fire services are provided as or before new development occurs, including master planned development. For example, Policy PUB-P2.2 requires that the County's adopted Standards of Cover for fire protection be maintained and implemented, and Policy PUB-P2.3 requires that new fire stations be located on sites that are easily accessible, close to existing or future development, and/or close to fire hazard areas. In addition, Land Use Element Policy LU-P9.1 directs the County to work with municipalities and service providers to ensure that services are available for new development and consistent with master plans. Therefore, the Draft EIR concludes that impacts to public safety would be less than significant.

15-44: This comment states that the County should require developers and new residents to pay for public services, recreation, and K-12 education. This is a comment on County policy and not a comment on the analysis of the Draft EIR, so no response is necessary.

15-45: This comment states that the Town of Paradise does not have sufficient funds for needed roadway improvements, and that Pentz Road in Paradise needs to be widened. Roadway improvements within the Town of Paradise are not under Butte County's jurisdiction and are not included as part of General Plan 2030. Roadway deficiencies within the Town are not analyzed as part of the Draft EIR.

15-46: This comment states that Figure 4.13-2 showing existing deficient roadway segments is "generous." It is important to note that not every roadway in the county and the incorporated municipalities was analyzed in the Draft EIR. Figure 4.13-2 highlights only deficiencies on roadway facilities that were selected for analysis. The specific facilities that were selected for analysis are listed in Table 4.13-4 of the DEIR. These facilities were selected for analysis either because they were believed to carry relatively high volumes or because they provide an important connection to populated areas or major county resources. It is likely that existing deficiencies are present on roadways that were not selected for analysis.

For those facilities that were selected for analysis, an existing deficiency was identified if the roadway segment operates at unacceptable levels during the PM peak hour according to the level of service threshold criteria set by the applicable agency (County, City, Caltrans, etc). This level of service was calculated based on each roadway segment's existing geometry, the PM peak hour traffic count volumes, and specific volume threshold criteria for each roadway type, as summarized in Table 4-13.2.

15-47: This comment states that the Draft EIR should discuss improvements to rail systems and retention of corridors for future rail systems. Rail facilities and services are described on page 5-37 to 5-38 in the Setting & Trends Report. As noted in the Setting & Trends Report, there are currently no plans for additional future rail systems in Butte County. However, old rail corridors that are no longer in service are being preserved as bicycle and pedestrian trails. Rail transportation is not under the County's jurisdiction. However, General Plan 2030 does include a policy and an action to support rail transit. Policy CIR-P3.1 states that "[t]he County supports improved connections to other regional transportation services, such as rail and regional/national bus lines, and to connect Butte County communities with each other." Action CIR A3.1 states that the County will, "[i]n conjunction with the Butte County Association of Governments seek funding to develop a plan to support and promote rail service that would connect Butte County with other regions and would connect Butte County communities with each other."

15-48: This comment provides suggestions for future bicycle and equestrian trails. This is a comment on County policy and not on the analysis or conclusions of the Draft EIR, so no response is necessary. As noted in response 15-18, above, General Plan 2030 Policy CIR-P2.6 directs the County to incorporate "Complete Streets" policies that are designed and built to be safe for all users, including bicycles, pedestrians, and transit users, as suggested by the commentor.

15-49: This comment states that new energy transmission lines may be needed to serve new development and that the Draft EIR does not cite the potential need for new energy transmission lines. The analysis in the Draft EIR is appropriately focused on the standard of significance contained in Chapter 4.14, Section E.3, on page 4.14-59, which asks whether the project would “[r]esult in the wasteful, inefficient and unnecessary consumption of energy during construction or operation.” Because General Plan 2030 does not propose any specific type or location of development, it would be speculative and premature for the Draft EIR to contain guesses about the type and amount of energy that future development in the county may require and whether or not that energy could be supplied through existing facilities. Thorough environmental review of new energy transmission lines will be required if and when those new transmission lines are necessitated by specific projects.

15-50: This comment states that impacts from greenhouse gas emissions could be avoided or reduced by considering a different Concentrated Growth Alternative for the County. The alternatives analysis in the Draft EIR is consistent with Section 15126.6(a) of the CEQA Guidelines by providing “a range of reasonable alternatives... which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” In particular, the Concentrated Growth Alternative would have less environmental impacts than the proposed project, as shown in Table 5-2 on page 5-11 of the Draft EIR, and is identified as the environmentally superior alternative on page 5-35. See response 15-3 regarding the County’s authority to direct growth to incorporated communities.

15-51: This comment states that the Draft EIR is imperfect and that the County should reconsider the General Plan 2030 process overall. This Final EIR contains responses to all specific comments and criticisms of the Draft EIR. Based on the written comments received on the Draft EIR, as well as public input received at workshops and hearings on both the Draft EIR and

General Plan 2030, the County believes that both documents are complete and accurate to the best of the County's ability.



June 7, 2010

Dan Breedon
 Butte County Planning
 7 County Center Drive
 Oroville, CA 95965

Re: Butte County General Plan 2030 Draft Environmental Impact Report

Dear Mr. Breedon:

AquAlliance is submitting the following comments, questions, and suggestions for the Butte County General Plan 2030 (“General Plan”) Draft Environmental Impact Report (“DEIR”).

16-1

Project Description

The DEIR asserts that the “projected 2030 buildout of the unincorporated county includes, “13,700 additional residential units, 33,800 new residents, as well as the development of 1.8 million square feet of new retail and office space and 1.1 million square feet of new industrial space by 2030.” However, on page 3-56 in the Project Description (“Project”) chapter for the General Plan 2030 and the Airport Land Use Plan (“ALUCP”) override, it is revealed that the General Plan actually could permit:

- ◆ 61,100 new dwelling units
- ◆ 150,900 new residents
- ◆ 19.1 million square feet of new retail/office space
- ◆ 19.4 million square feet of new industrial space (p. 3-56)

16-2

Which depiction is the accurate Project description for the public, policy makers, and for the purposes of CEQA? Butte County needs to present a definable Project and analyze it under the California Environmental Quality Act (CEQA). The DEIR states, “However, as discussed in Chapter 3, it is extremely unlikely that maximum theoretical buildout would ever occur under General Plan 2030. Therefore, an analysis of maximum theoretical buildout is not required by CEQA.” (p. 4.8-34) Presenting the Project and then avoiding analysis because an unidentified actor or actors decided that it really won’t happen at the numbers expected, is confusing at best and is an attempt to circumvent CEQA requirements. The *sine qua non* of an environmental

impact report (EIR) is an accurate project description.¹ Any evaluation of the General Plan “must necessarily include a consideration of the larger project, i.e., the future development permitted by the amendment.”² In order to comply with CEQA, the DEIR must therefore describe and consider the full extent of the growth permitted by the Plan and must quantify the impacts. (*Id.*) It is quite simply a CEQA requirement that an EIR must evaluate the project’s potential to affect the environment, even if the project does not ultimately materialize.³

16-2
cont.

For the purposes of our comments, the Project definition will be what the DEIR refers to as the “maximum theoretical buildout,” the 61,100 new dwelling units, 150,900 new residents, 19.1 million square feet of new retail space, and 19.4 million square feet of new industrial space.

General Comments

A) As stated in the General Plan, policies are intended to guide “[d]ecision-making as the County works to achieve a goal. Such policies, once adopted, represent statements of County regulation. A policy is on-going and requires no further implementation. The General Plan’s policies set out the standards that will be used by County staff, the Planning Commission and Board of Supervisors in their review of land development projects and in decision-making about County actions.” (p.5) Policy statements viewed as guidance are understandable, but how will they become regulation? How will this comply with CEQA? Large portions of the DEIR and General Plan consist of unenforceable statements of goals and objectives, using terms like “support” or “encourage,” rather than “require.” For example: “Policies HS-P4.1 and HSP4.2 support the efforts of public and private entities to study levee stability and design and reconstruct levees that do not meet flood protection standards.” (DEIR p. 4.8-32); “Policy PUB-P6.5 encourages permanently protected and maintained open space in new development using mechanisms such as conservation easements and development agreements.” (DEIR p. 4.12-55); “Carpooling shall be encouraged by providing additional carpool pickup and park-and-ride locations near transit centers and at freeway interchanges.” (GP p. 174) These advisory statements do not constrain or direct growth in an enforceable manner.

16-3

16-4

There are many “shall” policy statements in the General Plan that are referenced in the DEIR.

16-5

¹ *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730; *County of Inyo v. City of L.A.* (1977) 71 Cal.App.3d 185, 199.

² *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 409 (citation omitted.)

³ *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 279, 282.

They are grand statements of intent, but there is no expressed mechanism that will make them enforceable. These many “shall” policies provide the County with too much discretion and the public and policy makers with too little direct and clear understanding of the impacts from the Project. Rather than presenting an exhaustive list of impacts, the County has chosen to obfuscate the impacts and defer facing mitigation requirements to a future time. The DEIR states on page 2-3 that, “Rather than mitigating impacts from implementation of General Plan 2030 through mitigation measures in this EIR, the policies and land use map in General Plan 2030 are *intended* to prevent the majority of environmental impacts altogether.” (emphasis added) The intentions behind this path may be honorable, but the DEIR lacks honest disclosure and discussion of the serious and significant impacts that will arise from the development of the Project. The DEIR goes on to say that, “As described in Section D, the General Plan 2030 process involved a wide variety of stakeholders and interests. As a result, this General Plan is intended to meet multiple, and sometimes competing, policy objectives. Therefore, the County *may not be able to adhere to every policy in every decision that it makes to implement this Plan*. The Board of Supervisors will have discretion over which policy objective it will follow in instances in which there are competing policy objectives affecting a single decision.” (emphasis added)

16-5
cont.

16-6

While AquAlliance appreciates that the County divulges that there is the potential to have major policy directives ignored that are relied upon for mitigation in the General Plan and DEIR, CEQA mandates that public agencies not approve projects unless feasible measures are included that mitigate the project’s significant environmental effects.⁴ CEQA therefore requires that “[e]ach public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so.”⁵ The mitigation measures must be enforceable, rather than just vague policy statements.⁶ The DEIR fails these requirements.

16-7

As mentioned above, the DEIR fails to divulge impacts from the Project and asserts that policies will form the basis for mitigation even with the Supervisors’, “[m]ay not be able to adhere to every policy in every decision that it makes to implement this Plan. The Board of Supervisors

16-8

⁴ Pub. Resources Code, § 21002.

⁵ Pub. Resources Code §§ 21002.1, subd. (b); *City of Marina Board of Trustees* (2006) 39 Cal.4th 341, 360.

⁶ See Pub. Resources Code § 21081.6, subd. (b); *Federation of Hillside and Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 & n.4 (agency must take steps to ensure mitigation measures are fully enforceable through permit conditions, agreements, or other measures).

will have discretion over which policy objective it will follow in instances in which there are competing policy objectives affecting a single decision.” Expanding the quote from the previous page, the DEIR contends that, “However, by incorporating policies intended to avoid environmental impacts and by steering development to existing incorporated and unincorporated cities and communities, General Plan 2030 is largely self-mitigating. Rather than mitigating impacts from implementation of General Plan 2030 through mitigation measures in this EIR, the policies and land use map in General Plan 2030 are intended to prevent the majority of environmental impacts altogether.” (p.2-3)

**16-8
cont.**

With all of the unenforceable policies and actions presented in the DEIR that is theoretically analyzing the impacts from “[6]1,100 new dwelling units, 150,900 new residents, 19.1 million square feet of new retail/office space, and 19.4 million square feet of new industrial space,” how is this possible? The County owes all policy makers, from both incorporated and unincorporated jurisdictions, and the public a complete answer to that question. It is like BP oil suggesting that they have contained the worst, documented environmental disaster in the United States merely because they say they have done so. The County must provide demonstrable proof through specific avoidance and mitigation measures and present it in a supplemental EIR, so the public may actually have a substantive document on which to comment.

16-9

The General Plan states that, “Some policies in this Plan are also required as means to mitigate environmental impacts under the California Environmental Quality Act (CEQA). These policies all use the imperative “shall,” and in all cases are mandatory. These policies will be marked with an asterisk (*) in the Final General Plan.¹” (p. 13) Unfortunately, the footnote informs the reader that the County is unable to determine which policies will rise to this level of significance: “At the time of publication of this Public Review Draft General Plan, the list of policies that are required for environmental impact mitigation under CEQA has not been finalized. This list will be provided separately for use during the review of the Public Review Draft General Plan, and incorporated into the Final General Plan document prior to adoption.” (General Plan p. 13) Additionally, it must be determined and presented to the public and policy makers how the “shall” policies with asterisks will be enforced. The public and policy makers are again unable to grasp the significance of the whole of the Project due to a chosen phasing strategy by the County. A general plan must be more than a statement of broad but unenforceable policies and goals for the future. The General Plan must state “with reasonable clarity” what the plan is, not just what is hoped for with yet undetermined environmental impact mitigation under CEQA.⁷

16-10

16-11

16-12

⁷ *Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90, 97.

Section 21081.6 of the California Public Resources Code requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A Mitigation Monitoring and Reporting Program is required for the proposed Project. The DEIR should have identified significant adverse impacts with avoidance and mitigation measures. Please present all avoidance and mitigation measures and a summary table in a supplemental EIR for public review and comment.

16-13

16-14

B) It is still noted that Butte County has a weak objective regarding the environment. “Address the protection, enhancement, utilization and management of natural resources and the environment. “ DEIR p.3-10 How will the County “address” environmental protection when it has failed to disclose the myriad, potential impacts to the environment and disclose avoidance and mitigation measures?

16-15

C) The Specific Plan areas designated on the Land Use map Figure 3-3 should be removed from the Butte County General Plan 2030. New residential growth should occur in the incorporated towns and cities, not the County. Potential growth in areas adjacent to existing, incorporated communities should be left to the planning of the communities where there is greater potential for more efficient use of land and the ability to provide services.

16-16

Biological Resources

A) Figure 4.4-1 fails to illustrate the important wildlife areas that have been preserved by fee title, with conservation easements or are mitigation areas from prior development. This should be corrected as it will assist the understanding of policy makers and the public with the values from existing protected lands and the potential incompatibilities with activity on adjacent lands.

16-17

B) There is a very contradictory paragraph on page 6-4 of the DEIR “Although growth and development under General Plan 2030 would not result in environmental impacts to biological resources, development in Butte County and elsewhere in the region would contribute to the on-going loss of undeveloped natural lands, which could impact special-status species, sensitive natural communities, federally-protected wetlands, and wildlife and fish movement corridors. This cumulative impact would be *significant and unavoidable*.” How will there be no impacts to biological resources when significant and unavoidable impacts are expected? This lack of clarity renders the document useless. These contradictory statements are also found elsewhere in the DEIR.

16-18

Hydrology and Water Quality

A) The water quality section (pp.4.8-12 to 4.8-14) discloses the Central and Southwest plumes in the Chico Urban Area, but neglects to reveal the numerous additional ground water plumes that have plagued not only the Chico Urban Area, but also Oroville. The DEIR acknowledges that other “[g]roundwater contaminants of concern in Butte County include arsenic, chromium, copper, dioxin, and polynuclear aromatic hydrocarbons,” but fails to disclose the locations, extent of the ground water pollution, and the hazards to human and environmental health. A true accounting of all past and current ground water contamination and the location must be disclosed and analyzed. Completely absent from the DEIR is any mention of the gas additive MTBE, which has affected numerous areas of Butte County. Documentation and a map illustrating the cumulative contaminated areas must be presented in a supplemental EIR.

16-19

B) Where is a water supply analysis for the Project? Ground water supply and recharge is briefly discussed with an acknowledgment that at least 75% of Butte County’s residents depend on groundwater. (pp.4.8-14 to 4.8-15) This is a serious omission.

16-20

C) What is the *original* source of the following conclusory statements? “Of the 3.77 MAF of annual rainfall, less than half is used.⁷ Therefore, more than 2 MAF are currently available for recharge or discharge via surface and subsurface outflow, although this amount will not always be available.” The source is listed as the *Butte County General Plan Technical Update Background Report*, page 12-16, but what scientific data produced the information?

16-21

Land Use

A) As currently drafted, the General Plan is not a true planning document. It creates a set of unenforceable preferences and policies for how growth will occur in the County on the available land. The County can transform the General Plan from an aspirational document to the legally-required constitution for future development by ensuring that goals and objectives are linked to specific and enforceable worded policies and implementation measures. Such measures can include, for example, development phasing so that land is not developed until available infill (areas in or adjacent to developed areas) has been used to the maximum extent feasible, and coordination between a County and the cities in its jurisdiction about where future growth will occur.

16-22

B) The DEIR acknowledges that the General Plan would have “significant land use impacts” if there was a, “Conflict with any applicable plan, policy, or regulation of a government agency with jurisdiction over land in unincorporated Butte County that has been adopted for the purpose of avoiding or mitigating an environmental effect.” *Id* p. 4.9-29 The DEIR acknowledges the

16-23

federal Bureau of Land Management and Forest Service plans with which it must be compatible to avoid significant impacts. Noticeable absent from the federal plans section is any mention of, let alone coordination with, the Vernal Pool Critical Habitat designation and the *Recovery Plan for Vernal Pool Ecosystems in California and Southern Oregon*. This is a very serious omission that affects over 50,000 acres in Butte County (see attachments).

16-23
cont.

C) The General Plan and a supplemental EIR must consider down-zoning to more fully comply with AB 32, the Recovery Plan for Vernal Pool Ecosystems in California and Southern Oregon, protection of groundwater recharge areas, and the pending Habitat Conservation Plan.

16-24

Growth Inducing Impacts

Direct Impacts

Page 6-2 *The proposed General Plan 2030 also includes policies that would maintain the rural character of Butte County and minimize the environmental impacts of anticipated growth.* Placing an additional 150,000 more people in the unincorporated areas of Butte County will not maintain a healthy rural character nor minimize environmental impacts as expressed above. There is a greater chance for both urban and rural health found in the Concentrated Growth Alternative. It would meet all of the Project’s objectives and is the environmentally superior alternative and would most certainly reduce the severity of most environmental impacts associated with the project. It is not clear, therefore, why the County failed to fairly evaluate the alternatives in chapter five.

16-25

Page 6-3 *As a result, while the proposed General Plan 2030 and ALUCP override would result in increased local growth, policies included in General Plan 2030 would reduce the potential for negative impacts associated with direct growth inducement to a less-than-significant level.* How will this be done? As discussed on page two of these comments, the DEIR has failed to describe and consider the full extent of the growth permitted by the Project. CEQA requires that an EIR evaluate the project’s potential to affect the environment, even if the project does not ultimately materialize, but that has not been done in the Project’s DEIR.

16-26

Indirect Impacts

The DEIR concludes that, “[t]he proposed General Plan 2030 and ALUCP override would result in a *less-than-significant* indirect negative growth inducing impact.” As illustrated for direct impacts immediately above, the DEIR has failed to describe and consider the full extent of the growth permitted by the Project. Therefore the Growing Inducing section is out of compliance with CEQA.

Cumulative Impacts

A) *CEQA Guidelines* Section 15130 requires that an EIR include a discussion of cumulative impacts “...when the project’s incremental effect is cumulatively considerable, as defined in [*CEQA Guidelines* Section 15065(c)].” Cumulatively considerable effects are those “...incremental effects of an individual project that are significant when viewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” (*CEQA Guidelines* Section 15065(c)) Unfortunately, not only has the DIER failed to analyze the Project’s potential impacts and propose avoidance and mitigation measure, but it has also not adequately incorporated the cumulative effects from past, present, and future projects in the region to provide a straightforward cumulative impact analysis.

16-27

B) The DEIR concludes that the, “majority of impacts associated with General Plan 2030 and the ALCUP override would be reduced to a *less-than-significant* level,” but there is acknowledgement of some significant and unavoidable impacts. They include the conversion of Prime Farmland, Farmland of Statewide Importance; impacts to special-status species, sensitive natural communities, federally-protected wetlands, and wildlife and fish movement corridors; hydrology and water quality impacts at both the project and cumulative level; impacts to airports that are completely avoidable; a substantial permanent increase in ambient noise levels, traffic and transportation; and violation of air quality standards conflicting with the State goal of reducing greenhouse gas emissions in California to 1990 levels by 2020. (DEIR pp. 6-4 to 6-6.) In light of the fact that the Project is not properly defined, the impacts are not adequately quantified, enforceable mitigation measures are not imposed, and adequate alternatives are not considered, these conclusions are unsupported and contravene CEQA.⁸

16-28

C) “Because General Plan 2030 includes residential densities that are not consistent with the Airport Land Use Compatibility Zones in the ALUCP, adoption of this document requires an override of the ALCUP.” (p.3-2) The DEIR is inadequate due to its failure to assess impacts resulting from planning deviations from the State Aeronautics Act Handbook, a requirement of CEQA Guidelines section 15154(a). The County is subject to all of the SAA and Public Resources Code section 21670.1. As mentioned above, the impacts to the airports are completely avoidable.

16-29

⁸ See *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1371 (lead agency cannot simply conclude that there are overriding considerations that would justify a significant and unavoidable effect without fully analyzing the effect.)

Conclusion

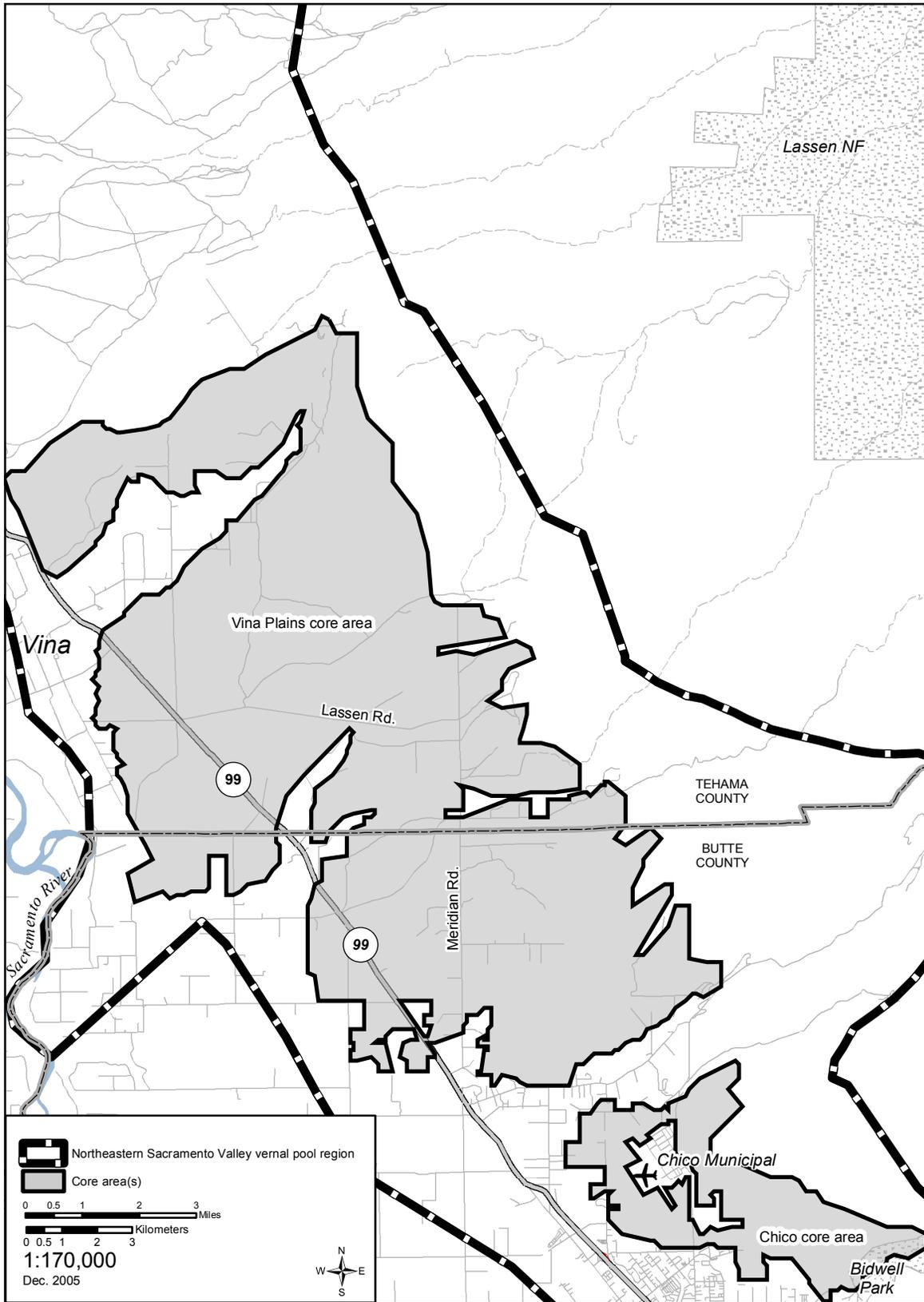
AquAlliance looks forward to a supplemental EIR that will contain a more transparent project description, and full analysis of project and cumulative impacts, and a more impartial assessment of alternatives. Please keep AquAlliance informed of future opportunities to participate in meetings, hearings, or comment periods that pertain to the Butte County General Plan 2030 and its implementation process.

16-30

Sincerely,

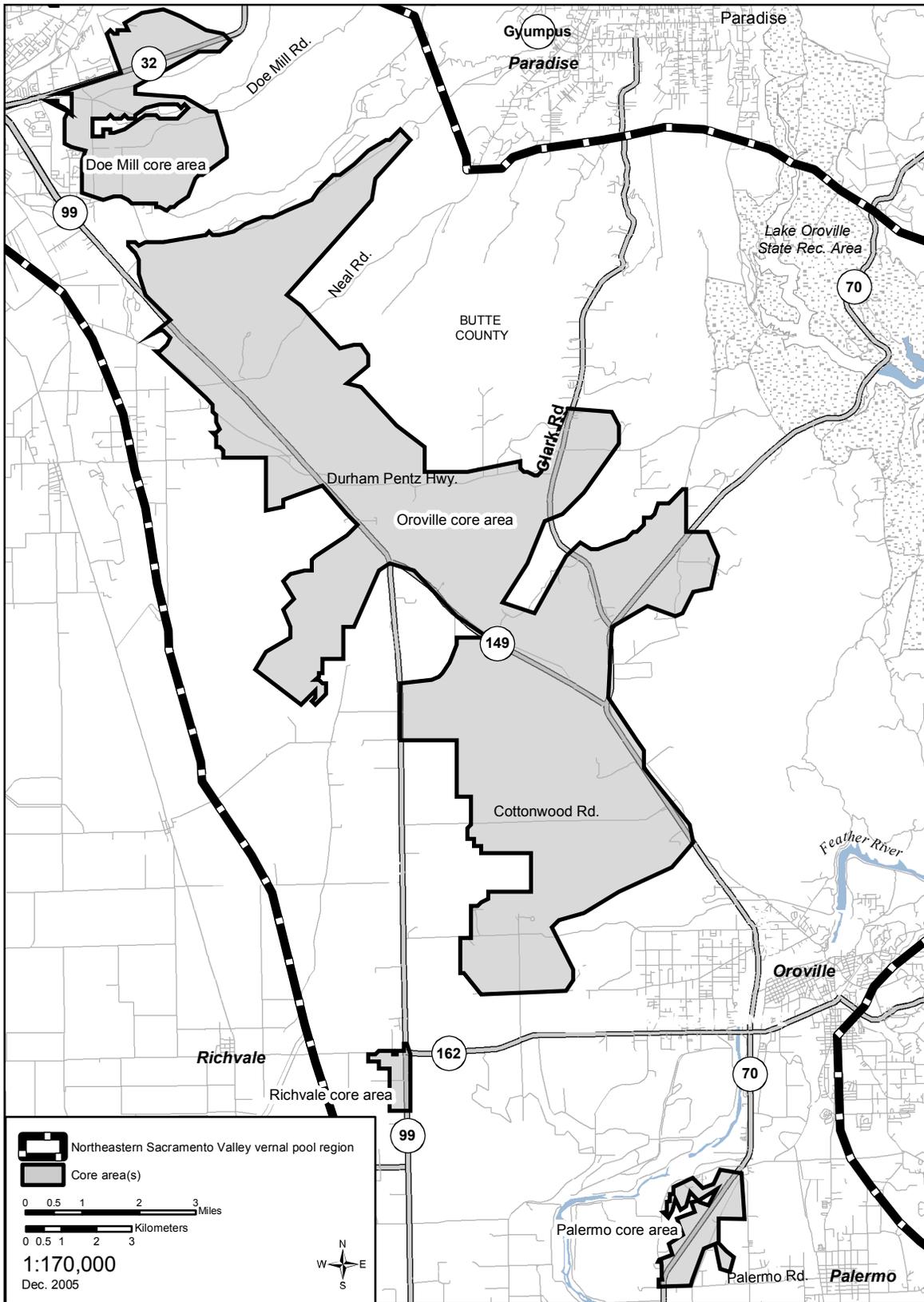


Barbara Vlamis, Executive Director
AquAlliance
P.O. Box 4024
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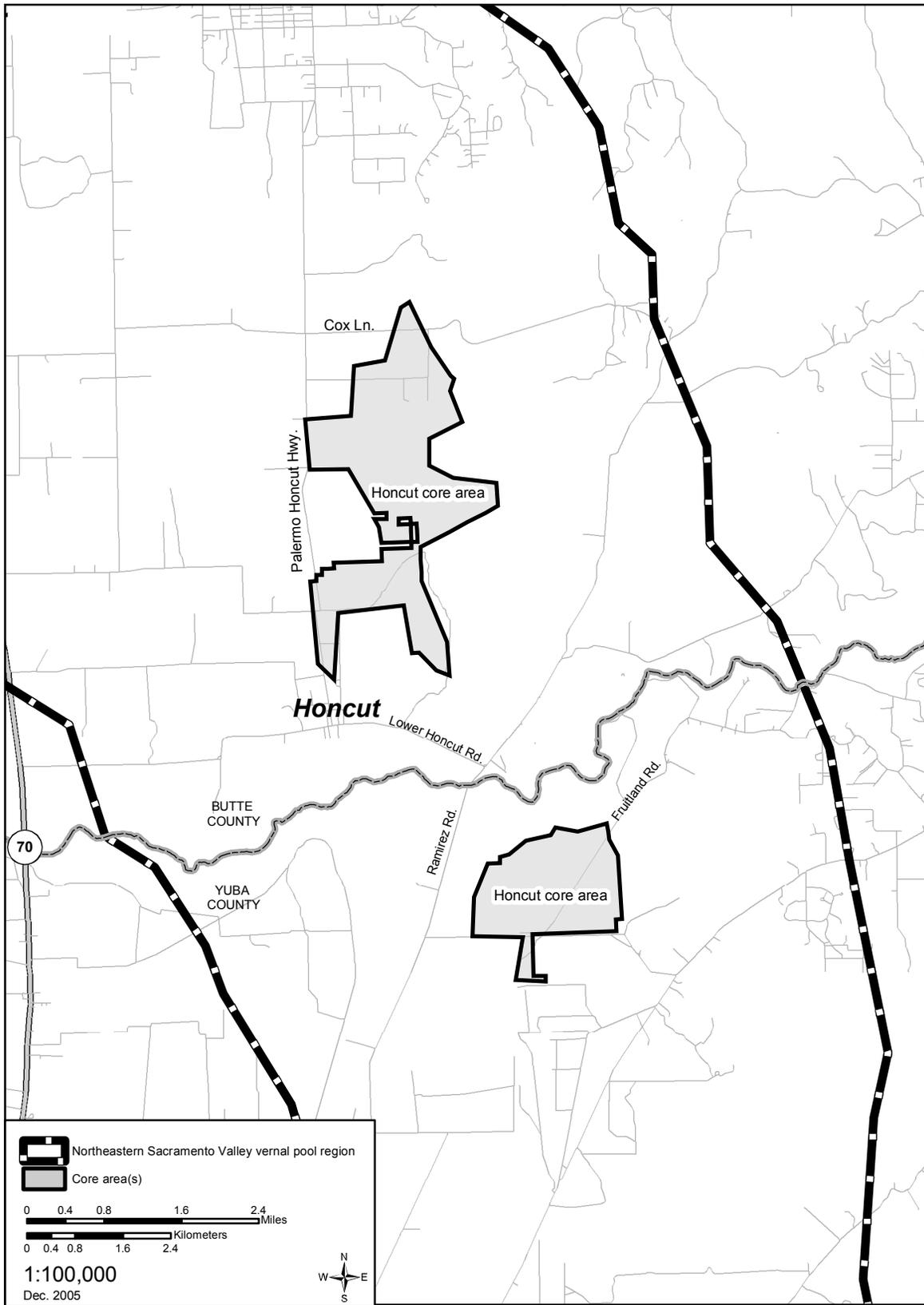
16-23

Figure III-9b. Vina Plains and Chico core areas within the Northeastern Sacramento Valley vernal pool region.



16-23

Figure III-9c. Doe Mill, Oroville, Richvale, and Palermo core areas within the Northeastern Sacramento Valley vernal pool region.



16-23

Figure III-9d. Honcut core areas within the Northeastern Sacramento Valley vernal pool region.

Letter 16: Barbara Vlamis, Executive Director, AquAlliance. June 7, 2010.

16-1: This comment contains introductory language for the letter. No response is required.

16-2: This comment cites the description of projected 2030 buildout and maximum theoretical buildout provided in Chapter 3 of the Draft EIR, and states that the Draft EIR must have a defined project description. In addition, the comment states that the Draft EIR must consider the full extent of the growth permitted by General Plan 2030.

As explained in Section F of Chapter 3 of the Draft EIR (pages 3-39 and 3-40), the Draft EIR evaluates the projected development that will occur under the General Plan through the year 2030, or “projected 2030 buildout,” consistent with CEQA requirements that an EIR evaluate the “reasonably foreseeable” direct and indirect impacts of a proposed project. While Butte County has the capacity to accommodate development allowed by General Plan 2030 beyond the year 2030, it is probable that Butte County will have adopted an update to General Plan 2030 by or before 2030, in keeping with past decisions in the California courts, which dictate that local jurisdictions should update General Plans regularly. Therefore, development after 2030 is expected to take place under a revised General Plan, rather than under General Plan 2030. Consistent with CEQA statutes, this Draft EIR considers the “reasonably foreseeable” effects of adopting General Plan 2030, which would result from development allowed between the adoption of the documents and their horizon year of 2030.

This section also clearly identifies the projected 2030 buildout as follows:

- ◆ 13,700 new dwelling units
- ◆ 33,800 new residents
- ◆ 1.8 million square feet of new retail/office space
- ◆ 1.1 million square feet of new industrial space

All of the analyses in the Draft EIR are based on this consistent interpretation of the General Plan 2030 land use map and policies and the type and amount of growth that General Plan 2030 would allow.

For the purpose of full disclosure to the public, the Draft EIR also presents the maximum theoretical buildout of General Plan 2030, which is cited in the comment. Each analysis section of the Draft EIR provides a separate qualitative assessment of the potential impacts under maximum theoretical buildout, which addresses the requests contained in this comment. This is not required by CEQA, but is provided in order to present additional information to the public.

16-3: This comment cites text from General Plan 2030 indicating that General Plan 2030 policies represent statements of County regulation, and asks how policies will become regulation and how policies will comply with CEQA. As noted in the comment, Butte County considers the policies in General Plan 2030 to be statements of County regulation. Some of the policies included in General Plan 2030 should be viewed more as guidance than regulation, such as those policies that express support for a particular goal. However, many of the General Plan 2030 policies describe specific requirements with which project applicants or the County must comply. The Draft EIR relies only on enforceable General Plan 2030 policies and other regulations to mitigate project impacts to a less-than-significant level; the Draft EIR also cites non-enforceable policies, but only to add support to an enforceable policy. This is consistent with CEQA; Section 15126.4(a)(2) of the CEQA Guidelines states: “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.”

16-4: This comment states that the Draft EIR cites many policies that are not enforceable. As indicated in the response to Comment 16-3, the Draft EIR relies only on enforceable General Plan 2030 policies and other regula-

tions to mitigate project impacts to a less-than-significant level, but also cites non-enforceable policies to add support to an enforceable policy. For example, Policies HS-P4.1 and HS-P4.2, which are cited in the comment, support Policies HS-P4.3 and HS-P5.1, which require that new development in levee and dam inundation areas consider risks from failure of these levees and dams. In addition, Policy PUB-P6.5, which is cited in the comment, supports Policy PUB-P6.1, which directs the County to coordinate the review of development proposals with other agencies in order to designate sites for new parks and recreation facilities.

16-5: This comment states that although the Draft EIR cites policies that use terms such as “shall,” there is no expressed mechanism to make them enforceable. As indicated in the response to Comment 16-3, CEQA Guidelines require that mitigation measures be enforceable through permit conditions, agreements, or other legally binding instruments. General Plan 2030 policies that use terms such as “shall” are enforceable through such methods. For example, many of these policies provide specific requirements for new development that would be enforced through permit conditions on that new development. See also the response to Comment 16-3.

16-6: This comment states that the Draft EIR lacks honest disclosure and discussion of significant environmental impacts from the proposed project, indicating that the General Plan 2030 policies do not mitigate such impacts. The comment also cites text in the Draft EIR regarding competing policy objectives. This comment does not provide specific instances in which the Draft EIR does not fully disclose potential environmental impacts, making a response difficult. As indicated in the response to Comments 16-3 and 16-5, the Draft EIR only relies on policies that are enforceable to mitigate impacts to a less-than-significant level.

As noted in the comment, the Draft EIR recognizes that competing policy objectives may require that the County choose one policy objective over another in some instances. This does not mean that the County will ignore General Plan 2030 policies; this statement merely recognizes that the imple-

mentation of General Plan 2030 policies will need to be balanced. In addition, case law supports that not every policy needs to be followed in each instance. Furthermore, it is not feasible to identify what specific instances would require such decisions. Consideration of such instances would more appropriately occur during future project-specific environmental review processes. As with most planning processes, variances from established regulations may be appropriate in certain situations, but CEQA does not require that the Draft EIR evaluate the potential for non-compliance with mitigation measures. Rather, CEQA only requires that such measures are enforceable. See also the response to Comments 16-3 and 16-5.

16-7: This comment states that the mitigation measures cited in the Draft EIR must be enforceable, rather than just vague policy statements. The response to Comments 16-3, 16-5, and 16-6 responds to this comment.

16-8: This comment states that the Draft EIR does not divulge project impacts and inappropriately relies on policies to mitigate impacts. The response to Comments 16-3, 16-5, and 16-6 responds to this comment.

16-9: This comment states that the Draft EIR inappropriately relies on unenforceable policies to mitigate impacts from the proposed project, and cites the maximum theoretical buildout numbers. The response to Comments 16-2, 16-3, 16-5, and 16-6 responds to this comment.

16-10: This comment cites text from General Plan 2030 describing how some of the policies are required as a means to mitigate environmental impacts under CEQA, and how that list of policies was not finalized at the time of publication of the public review draft of General Plan 2030. This list of policies was not yet finalized at the time of publication of the public review draft of General Plan 2030 because environmental review was still underway. However, that list has subsequently been updated, and is now available on the County's General Plan website, www.buttegeneralplan.net. All of the policies that are included on the list are cited in Chapter 4 of the Draft EIR.

16-11: This comment states that the County must present to the public how policies that use terms such as “shall” will be enforced. The response to Comments 16-3, 16-5, and 16-6 respond to this comment.

16-12: This comment states that the project is not well-defined because of a “phasing strategy” and unenforceable policies and goals for the future. The responses to Comments 16-2, 16-3, 16-5, and 16-6 respond to this comment.

16-13: This comment states that a mitigation monitoring and reporting program is required for the project. Chapter 6 of this Final EIR provides the mitigation monitoring and reporting program.

16-14: This comment states that the Draft EIR should have identified significant adverse impacts with mitigation measures, and requests that a supplemental EIR be published with a summary table. The Draft EIR does identify significant adverse impacts and mitigation measures in summary table form in Table 2-1 on pages 2-7 through 2-14 of the Draft EIR. A supplemental EIR is not required under CEQA.

16-15: The commentor states that the project’s objectives, which are based on the General Plan 2030 Guiding Principles, include a weak objective regarding the environment and that the Draft EIR fails to disclose impacts on the environment and mitigation measures. The statements regarding the Guiding Principles are not commenting on the adequacy of the Draft EIR. The response to Comments 16-6 and 16-14 respond to the statements regarding the disclosure of impacts and mitigation measures.

16-16: This comment states that the specific plan areas on the General Plan 2030 land use map should be eliminated, and that new growth should occur in and adjacent to the incorporated communities. This is not a comment on the adequacy of the Draft EIR, and no response is necessary.

16-17: This comment states that Figure 4.4-1 from the Draft EIR does not include important wildlife areas that have been preserved by fee title through

conservation easements or mitigation. The County recognizes that conservation easements exist between private landowners and other entities. These transactions are generally handled in a private manner in a way that does not require governmental approval or record keeping. It is difficult, therefore, to determine which properties are subject to conservation easements on individual private landholdings. Figure 4.4-1's primary use as referenced in the Draft EIR pertains to a discussion and representation of the ten biological communities present in Butte County. The inclusion of important wildlife areas shown is a secondary point of reference, and not the main purpose of the figure. The inclusion of the larger wildlife areas shown is appropriate at the countywide scale represented by the figure. Smaller easements or landholdings would not only be inappropriate at the scale provided, but are not directly related to the purpose of Figure 4.4-1.

In addition, there are a number of individual parcels designated Resource Conservation on the General Plan 2030 land use map that reflect holdings that are for conservation purposes.

16-18: This comment cites text describing a significant and unavoidable cumulative biological resources impact, and states that the text conflicts with text elsewhere indicating that General Plan 2030 would not have a significant impact on biological resources. These statements are not contradictory. Section D.1 of Chapter 4.4 of the Draft EIR evaluates biological resources impacts from the proposed project, and finds them to be less than significant due to the extensive goals, policies and actions in General Plan 2030 that mitigate impacts to undeveloped lands that support sensitive biological resources and that minimize the effects of development on biological resources in general. Section D.2 of Chapter 4.4 of the Draft EIR evaluates the *cumulative* impacts from General Plan 2030, and finds them to be significant because regional development could impact biological resources. Specifically, as indicated on page 4.4-86 of the Draft EIR, the cumulative loss of habitat and sensitive natural communities in Butte County, while deemed less than significant when considered in isolation, could potentially contribute to a general decline for the region, and might result in the loss or displacement of wildlife that would

have to compete for suitable habitats with existing adjacent populations. Since this potential change would occur as an intrinsic part of the land use changes allowed under General Plan 2030 to accommodate the expected continued growth of population and economic activity in Butte County over the next 20 years, and since development outside Butte County is beyond the County's ability to regulate or control, the cumulative change may rise to a level of significance and is therefore being treated as a significant and unavoidable impact.

In the comment, the cited text from Chapter 6 of the Draft EIR is a summary of Section D.2 from Chapter 4.4.

16-19: This comment states that the Draft EIR is missing information about groundwater plumes, the locations and extent of groundwater pollution, and hazards to human and environmental health. Section B.2 of Chapter 4.8 of the Draft EIR describes existing conditions related to water quality. This section includes a description of the two large groundwater plumes, and identifies groundwater contaminants of concern in Butte County. This information is included in order to provide a description of the existing water quality setting in Butte County so that potential impacts of the proposed project on water quality can be understood.

Section 15125(a) of the CEQA Guidelines states: "An EIR must include a description of the physical environmental conditions in the vicinity of the project... The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives." The level of detail requested in the comment is more than what is necessary for readers to understand the potential water quality impacts from the proposed project. However, the text in the Draft EIR regarding water quality has been revised in Chapter 3 for clarity.

16-20: This comment states that the Draft EIR is lacking a water supply analysis. The response to Comments 12-2 and 12-4 describes the water supply analyses in the Draft EIR.

16-21: This comment asks for the original source of the following statement from the Draft EIR (page 4.8-15): “Of the 3.77 MAF of annual rainfall, less than half is used. Therefore, more than 2 MAF are currently available for recharge or discharge via surface and subsurface outflow, although this amount will not always be available.” This text was cited from the 2005 Butte County General Plan Technical Update Background Report, as noted in the comment. The original source for the statement in the General Plan Technical Update Background Report is unknown. Therefore, this statement has been deleted, as reflected in Chapter 3 of this Final EIR. The deletion of this statement does not affect the analysis or conclusions of the Draft EIR.

16-22: This comment states that General Plan 2030 is not a true planning document because it includes a set of unenforceable preferences and policies. This is not a comment on the adequacy of the Draft EIR, and no response is required. See response 16-3 regarding the enforceability of policies in General Plan 2030.

16-23: This comment states that the Draft EIR Land Use chapter should describe and evaluate potential conflicts with the Recovery Plan for Vernal Pool Ecosystems in California and Southern Oregon (Recovery Plan) and the Vernal Pool Critical Habitat designation of lands in Butte County. Because the Recovery Plan and Critical Habitat designation relate to biological resources, this discussion more appropriately belongs in Chapter 4.4, Biological Resources, of the Draft EIR. The Draft EIR does not discuss the Recovery Plan, which covers a large geographic area, but rather discusses the more locally specific Butte Regional Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP), which must be in agreement with requirements of the Recovery Plan. The connection between the Recovery Plan and the Butte Regional HCP/NCCP has been added to Chapter 4.4, as shown in Chapter 3 of this Final EIR.

Vernal Pool Critical Habitat is discussed on pages 4.4-52, 4.4-63, and 4.4-72 in Chapter 4.4 of the Draft EIR, and is shown on Figure 4.4-3. The critical habitat areas described and shown in the Draft EIR include portions of the areas

that the commentor shows on the maps provided as attachments to Comment 16-23. The “core areas” on the attachments are taken from the 2005 Recovery Plan; however, the entirety of the core areas was not designated as the final critical habitat in 2006. The Draft EIR analysis focuses on the final critical habitat areas because these are the lands that are federally regulated for the recovery of the vernal pool species.

16-24: This comment states that the General Plan and a supplemental EIR must consider down-zoning in order to comply with Assembly Bill (AB) 32, the Recovery Plan, protection of groundwater recharge areas, and the Butte Regional HCP/NCCP. This is not a comment on the adequacy of the analysis in the Draft EIR, and no response is required. However, it should be noted that the Draft EIR did not find significant impacts with respect to the Recovery Plan, groundwater recharge areas, and the Butte Regional HCP/NCCP, so mitigation through down-zoning or other means is not required. As indicated on page 4.15-66 of the Draft EIR, as part of the General Plan 2030 process, the County considered a wide range of policies and actions to reduce GHG emissions and comply with AB 32, and all feasible measures are included. Since down-zoning could have the effect of simply spreading the same amount of development over a larger land area at a lower density, resulting in increased vehicle miles traveled as Butte County residents drive farther for jobs and services, it is not necessarily the case that down-zoning alone would help the County reduce its GHG emissions and achieve compliance with AB 32.

16-25: This comment disagrees with the Draft EIR’s finding that General Plan 2030 policies would maintain the rural character of Butte County and minimize environmental impacts of anticipated growth, citing the maximum theoretical buildout population. The comment also states that the Concentrated Growth Alternative is environmentally superior, meets the project’s objectives, and was not fairly evaluated in the Draft EIR.

As indicated in the response to Comment 16-2, the Draft EIR evaluated potential impacts from projected 2030 buildout of General Plan 2030, which

includes 33,800 new residents. As indicated on pages 6-2 and 6-3 of the Draft EIR, the following General Plan 2030 policies would maintain the rural character of Butte County:

- ◆ Policy LU-P4.1 requires that the integrity and stability of existing residential neighborhoods be promoted and preserved.
- ◆ Policy LU-P2.3 supports planning efforts in unincorporated communities by providing knowledge, time, and materials to community efforts.
- ◆ Policy LU-P2.4 engages unincorporated communities in community planning processes to set a community vision, develop Area Plans and potentially urban growth boundaries, community boundaries, and SOIs.

The Draft EIR identifies the Concentrated Growth Alternative as the environmentally superior alternative on page 5-35, as noted by the commentor. The analysis of the Concentrated Growth Alternative is consistent with Section 15126.6(d) of the CEQA Guidelines by providing “sufficient information... to allow meaningful evaluation, analysis, and comparison with the proposed project;” including matrices that compare the alternatives and their impacts to the proposed project; and discussing potential impacts of the alternatives in less detail than those of the proposed project.

16-26: This comment states that the Draft EIR does not describe the project or consider the full extent of the growth allowed by General Plan 2030. The response to Comment 16-2 responds to this comment.

16-27: This comment states that the Draft EIR does not adequately evaluate cumulative impacts from past, present, and future projects in the region. This comment does not indicate how the Draft EIR’s cumulative analysis is inadequate. The cumulative analysis in the Draft EIR is consistent with Section 15130(b) of the CEQA Guidelines. As described in Section D of Chapter 6 of the Draft EIR (pages 6-8 and 6-9), the cumulative analysis considers potential effects from a combination of the project in the unincorporated county with development in other portions of the region, including the incorporated mu-

nicipalities and the surrounding counties. The cumulative analysis considers the anticipated levels of growth and development within those jurisdictions.

16-28: This comment states that the Draft EIR does not adequately define the project, adequately quantify the impacts, provide enforceable mitigation measures, or consider adequate alternatives. The response to Comments 16-2, 16-3, 16-5, 16-6, and 16-14 respond to the portions of this comment that pertain to the project description, impacts, and mitigation measures. The comment does not indicate how the alternatives are not adequate. The alternatives analysis in the Draft EIR is consistent with Section 15126.6(a) of the CEQA Guidelines by providing “a range of reasonable alternatives... which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” In particular, the Concentrated Growth Alternative would have less environmental impacts than the proposed project, as shown in Table 5-2 on page 5-11 of the Draft EIR.

16-29: See response 3-1.

16-30: This comment provides concluding remarks, and asks that AquAlliance be kept informed of future opportunities to provide input. This is not a comment on the adequacy of the Draft EIR, and no response is required.

COMMENT LETTER #17

-----Original Message-----

From: Burr, Carol (Retired) [mailto:CBurr@csuchico.edu]

Sent: Wednesday, April 21, 2010 5:26 PM

To: DSGeneralPlan

Subject: Weaknesses in the DEIR and EIR

According to the state Attorney General there are issues around water that the DEIR and EIR do not adequately address. Quoting the AG, these inadequacies include the following:

·The document ³fails to apprise the decision makers and the public of the full range and intensity of the adverse effects on the environment that may reasonably be expected if the Plan is adopted and carried out.²

17-1

·³. . . the DEIR fails to discuss the impacts of climate change, and reduced snowpack, on the City's water resources²

·³The DEIR . . . needs to address the likelihood of reduced snowmelt affecting the availability of surface water, and should also discuss potential impacts of greater reliance on groundwater due to reduced surface water supplies²

17-2

·³Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined. . . .³

17-3

·³An EIR must inform decision-makers and the public of the intended sources of water for [a] project, and the environmental impacts of exploiting those sources. Such analysis cannot be deferred²

·³An EIR evaluating a planned land use project must assume that all phases of the project will eventually be built and will need water, and must analyze, to the extent reasonably possible, the impacts of providing water to the entire proposed project.²

17-4

·³An EIR that neglects to explain the likely sources of water and analyze their impacts, but leaves long-term water supply considerations to later stages of the project, does not serve the purpose of sounding an 'environmental alarm bell' before the project has taken on overwhelming

Obureaucratic and financial momentum.²

³Even if [the development] can secure this water supply, which is uncertain, the EIR fails to discuss any impacts from using the groundwater. There are indications that the well field is hydraulically connected to [a] [r]iver. If the two are connected, pumping groundwater will draw down the river The California Supreme Court has specifically forbidden EIR's from deferring this type of analysis.²

**17-4
cont.**

Until these concerns are addressed, the draft General Plan is incomplete and may lead to further reduction in water supplies for the entire state.

We have worked hard to have a General Plan that protects Butte County and offers it fiscal and environmental sustainability. Let us build into the document answers to the problems raised in the Attorney General's review.

17-5

Thank you.

Carol Burr

**Extracts of
Attorney General Comment Letters
Filed under the California Environmental Quality Act**
(Available at <http://www.ag.ca.gov/globalwarming/ceqa/comments.php>)

This paper extracts comments from published Attorney General (AG) CEQA reviews of DEIRs and EIRs. The purpose of this effort is to gain some conceptual insight into the Attorney General's view of DEIR/EIR insufficiency as it might relate to the Butte County General Plan 2030 DEIR, especially with regard to the author's primary area of interest, water resources.

17-6

My hope is that local DEIR comments with the same perspective as the AG has expressed on other CEQA reviews will have a greater impact on the local process and a greater chance of AG support in the long run.

AG case law and statute citations have been omitted for readability. They are available at the online location, above, on the pages indicated, below.

One Valley One Vision Draft Area Plan and Draft Environmental Impact Report, 12/1/09

- Our review to date indicates that the DEIR fails as an informational document, in that *it fails to apprise the decision makers and the public of the full range and intensity of the adverse effects on the environment that may reasonably be expected if the Plan is adopted and carried out.* (p.2) (Emphasis added)

17-7

City of Sacramento General Plan 2030 Draft Environmental Impact Report SCH # 2007072024, 8/29/08

- Impact of Climate Change on Water Supply (p.3)

The DEIR discusses generally the impact of climate change on water resources. The DEIR fails, however, to address several important issues. First, the DEIR discusses the impacts of reduced snowpack that are expected to occur between 2070 and 2099, but fails to address the potential impacts during the years covered by the General Plan, from 2008 until 2030. Second, *the DEIR fails to discuss the impacts of climate change, and reduced snowpack, on the City's water resources specifically.* This is significant because the City primarily depends on the Sacramento and American Rivers for its water, and flows in the American River depend on operations at Folsom Reservoir. (Emphasis added)

17-8

With a reduced snowpack, it becomes increasingly difficult to refill reservoirs in the late spring and early summer, reducing reservoir yields. The DEIR thus needs to address the likelihood of reduced snowmelt affecting the availability of surface water, and should also discuss potential impacts of greater reliance on groundwater due to reduced surface water supplies. In California's changing climate, the DEIR cannot assume that the region's hydrology will not change. (Emphasis added)

Author: Tony St. Amant
tsainta@hotmail.com
April 16, 2010

- Baseline Used to Evaluate the Impacts of the Plan (p. 4)

In both the Climate Change and Water Quality sections, the DEIR uses the hypothetical full build-out under the 1988 General Plan as the baseline for calculating CO2 emissions, water demand, and accompanying environmental impacts. Both CEQA and case law are clear, however, that a planning document must describe the existing physical conditions in the environment, not only what could have been built under a previous plan. *“Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined.”* Thus, the City should recalculate all projections and evaluate impacts using the correct baseline. (Emphasis added)

17-9

Solano County General Plan Draft Environmental Impact Report SCH# 2007122069, 6/16/08

- The DEIR fails to adequately analyze the impacts of the project to water supplies. (p.10)

An EIR must inform decision-makers and the public of the intended sources of water for the project, and the environmental impacts of exploiting those sources. Such analysis cannot be deferred. “An EIR evaluating a planned land use project must assume that all phases of the project will eventually be built and will need water, and must analyze, to the extent reasonably possible, the impacts of providing water to the entire proposed project.” (Emphasis added)

17-10

* * * * *

The DEIR attempts to mitigate the impacts by requiring verification of sufficient water supply before new development subdivisions are approved, and by monitoring groundwater. These mitigation efforts are insufficient. *“An EIR that neglects to explain the likely sources of water and analyze their impacts, but leaves long-term water supply considerations to later stages of the project, does not serve the purpose of sounding an ‘environmental alarm bell’ before the project has taken on overwhelming ‘bureaucratic and financial momentum.’* Thus, the water supply analysis fails to comport with CEQA. (Emphasis added)

Yuba Highlands [development] Environmental Impact Report, 5/11/07

- The EIR fails to adequately analyze and mitigate impacts from supplying water to the project (p.6)

The EIR maintains that the project is entitled to groundwater from the Yuba Goldfields well field, near the Yuba River. *Even if Yuba Highlands can secure this water supply, which is uncertain, the EIR fails to discuss any impacts from using the groundwater. There are indications that the well field is hydraulically connected to the Yuba River. If the two are connected, pumping groundwater will draw down the river.* The EIR acknowledges that it is unknown whether using groundwater will affect the Yuba River but assures the Board and the public that those impacts will be studied later, in an EIR on the well field. *The California Supreme Court has specifically forbidden EIR’s from deferring this type of analysis.* It recently held that an EIR must address the reasonably foreseeable impacts of supplying water to a project and cannot put off the analysis to a future EIR, which is exactly what the EIR proposes to do here. (Emphasis added)

17-11

Letter 17: Carol Burr, CBurr@csuchico.edu. April 21, 2010.

17-1: This comment states that the Draft EIR does not disclose the full range and intensity of the environmental impacts from General Plan 2030. The response to Comment 16-6 responds to this comment.

17-2: This comment states that the Draft EIR does not discuss the impacts of climate change and reduced snowpack on water resources. Section D.2.b of Chapter 4.15 of the Draft EIR (pages 4.15-57 to 4.15-65) discusses the potential climate change impacts resulting from General Plan 2030, including impacts on water resources from reduced snow pack (see pages 4.15-60 and 4.15-61). In addition, as indicated in the response to Comment 7-13, potential related impacts to groundwater are also described, as shown in Chapter 3 of this Final EIR. While reduced snowpack from climate change may reduce surface water supplies and increase groundwater demands, General Plan 2030 Action COS-A1.1 directs the County to prepare a Climate Action Plan within one year of adoption of General Plan 2030, and requires that the Climate Action Plan include a Climate Change Preparedness Plan that will prepare for the impacts of climate change on the county's economic and natural ecosystems and promote a climate-resilient community. In addition, General Plan 2030 includes numerous policies that promote a sustainable water supply.

17-3: This comment states that the Draft EIR must describe the existing environment. The context for this comment is also provided in Comment 17-9, which states that the baseline environmental conditions in the Draft EIR should be the existing physical conditions in the environment, rather than what could have been built under a previous plan. Each section of Chapter 4 in the Draft EIR includes a subsection describing the existing physical conditions related to the environmental topic. The impact analyses consider the conditions under the proposed project in relation to this baseline, and do not compare the proposed project to the existing General Plan. The alternatives

analysis appropriately includes a comparison of General Plan 2030 to the existing General Plan, or the “No Project” Alternative.

17-4: This comment states that the Draft EIR must disclose the sources of water for the project and the environmental impacts of exploiting those sources. The response to Comments 12-2, 12-3, and 19-1 respond to this comment. In addition, as indicated in the response to Comment 17-10, the majority of this comment is an extract of a comment from the California Attorney General’s Office on the Solano County General Plan Draft EIR. In the Solano County Draft EIR, a significant water supply impact was found, and mitigation measures were proposed. The Attorney General commented that the proposed mitigation measures failed to mitigate the impact. The Butte County General Plan 2030 Draft EIR did not find a significant water supply impact, as noted in the response to Comment 12-2. Therefore, the comment from the Attorney General’s Office on the Solano County General Plan Draft EIR does not directly relate to the Butte County General Plan 2030 Draft EIR.

17-5: This comment states that the General Plan is incomplete and may lead to a reduction in water supplies for the State. The response to Comment 12-2 addresses the water supply analysis that was conducted in the Draft EIR. Furthermore, this is not a comment on the adequacy of the Draft EIR, so no further response is required.

17-6: This comment explains that the comments in this letter are extracts from the State Attorney General comment letters on other EIRs. It should be noted that the Attorney General did not comment on the Butte County General Plan 2030 Draft EIR and that comments on other EIRs for other jurisdictions are not comments on the General Plan 2030 EIR. Since this is not a comment on the adequacy of the Draft EIR, no response is needed.

17-7: This comment is an extract of an Attorney General comment letter on the One Valley Vision Draft Area Plan and Draft EIR regarding full dis-

closure of impacts. The response to Comment 17-1 responds to this comment.

17-8: This comment is an extract of an Attorney General comment letter on the City of Sacramento General Plan 2030 Draft EIR regarding the impacts of climate change on water supply. The response to Comment 17-2 responds to this comment.

17-9: This comment is an extract of an Attorney General comment letter on the City of Sacramento General Plan 2030 Draft EIR regarding baseline conditions. The response to Comment 17-3 responds to this comment.

17-10: This comment is an extract of an Attorney General comment letter on the Solano County General Plan Draft EIR regarding water supply analyses. The response to Comment 17-4 responds to this comment.

17-11: This comment is an extract of an Attorney General comment letter on the Yuba Highlands EIR regarding water supply analyses. The response to Comment 17-4 responds to this comment.

COMMENT LETTER #18

Tony St. Amant
27 Garden Park Drive
Chico, CA 95973

May 11, 2010

Dan Breedon, Principal Planner
Butte County Department of Development Services
7 County Center Drive
Oroville, CA 95965

Re: ALUCP—Butte County General Plan 2030 Draft EIR, dated April 8, 2010.

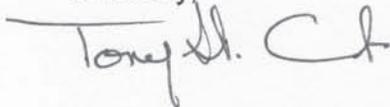
The DEIR and draft general plan are inappropriately used as vehicles to override the Airport Land Use Compatibility Plan (ALUCP) in violation of the Public Utilities Code, which specifies an exclusive and comprehensive process for such action.

The convoluted logic of the assertion that certain land use policies contained in the draft general plan “make this override possible”¹ bears no resemblance to the specific requirements of the Public Utilities Code². The draft EIR’s solution to land use conflicts at the four largest Butte County airports is to encourage “the ALUC [Airport Land Use Commission] to revise the density requirements in some compatibility zones,”³ ignoring the fact that the densities were thoughtfully and expertly developed to satisfy the public safety objectives of the airport land use compatibility planning process.⁴

Notwithstanding the illegal process for attempting to overrule the ALUCP, the DEIR asserts that the conflicts between the draft general plan and ALUCP are “significant and unavoidable,”⁵ when the conflicts are eminently avoidable simply by harmonizing the draft general plan’s conflicting land uses with those of the ALUCP. With the hundreds of parcels already being reclassified in this general plan update, the additional reclassifications needed to resolve the ALUCP conflicts would be a trivial number.

Action Required: (1) Remove the discussion of ALUCP-General Plan compatibility from the DEIR; (2) Remove the land use policies from the draft general plan that inappropriately attempt to overrule the current Butte County ALUCP⁶; and (3) Comply with California Public Utilities Code Section 21676.5

Sincerely,



18-1

¹ Butte County General Plan 2030 Draft EIR, April 8, 2010, p. 4.9-40.

² California Public Utilities Code, Section 21676.5.

³ Butte County General Plan 2030 Draft EIR, April 8, 2010, p. 4.9-40.

⁴ California Public Utilities Code, Section 21670(a)(1) and (2).

⁵ Butte County General Plan 2030 Draft EIR, April 8, 2010, p. 4.9-40.

⁶ Draft Butte County General Plan 2030, p. 83: in LU-P12.5, delete “and be consistent with it where appropriate” and delete all of LU-P12.6.

Letter 18: Tony St. Amant. 27 Garden Park Drive, Chico, CA 95973.
May 11, 2010.

18-1: See response 3-1.

COMMENT LETTER #19

Tony St. Amant
27 Garden Park Drive
Chico, CA 95973

May 11, 2010

Dan Breedon, Principal Planner
Butte County Department of Development Services
7 County Center Drive
Oroville, CA 95965

Re: Water Supply—Butte County General Plan 2030 Draft EIR, dated April 8, 2010.

The DEIR does not meet the requirements of the California Environmental Quality Act because it fails to analyze adequately the impacts of proposed development on water supplies.

The draft general plan estimates the addition of approximately 33,800 new residents, approximately 13,700 new residential units, approximately 1.8 million new square feet of retail and office uses, and approximately 1.1 million new square feet of industrial uses over its 20-year perspective¹, but the DEIR does not assess the impact of these increases on water supplies. By not analyzing these impacts the DEIR fails to consider the impact of increased water consumption on groundwater levels, agricultural activities, stream flows, native vegetation, and land subsidence.

19-1

The DEIR implies that water supply considerations will be managed through the Butte County Groundwater Management Ordinance (Chapter 33A of the Butte County Code)². That implication is corroborated by draft general plan policy W-P3.1:

W-P3.1 The County shall continue to ensure the sustainability of groundwater resources, including groundwater levels, groundwater quality, and avoidance of land subsidence, through a basin management objective program that relies on management at the local level, utilizes sound scientific data, and assures compliance.³

19-2

The problem with this approach is that it does not fully inform decision-makers and the public of the intended sources of water for the plan, nor does it inform them of the environmental impacts of exploiting those sources. In the view of the Attorney General's Office "such analysis cannot be deferred."⁴ Apparently, water supply analysis would be a component of the county's development approval process, but case law cited by the Attorney General's Office argues strongly against the sufficiency of that approach: "An EIR that neglects to explain the likely

¹ Butte County General Plan 2030 Draft EIR, April 8, 2010, p. 2-2.

² Draft EIR, Paragraph A3d, p. 4.8-7

³ Butte County General Plan 2030 Draft, January 21, 2010, p. 145.

⁴ Letter from Deborah R. Slon, Deputy Attorney General, to Jim Louie, Senior Planner, Solano County Department of Resource Management, "Solano County General Plan Draft Environmental Impact Report SCH# 2007122069," June 16, 2008, p. 10. Available at http://ag.ca.gov/globalwarming/pdf/comments_Solano_GP.pdf.

COMMENT LETTER #19

sources of water and analyze their impacts, but leaves long-term water supply considerations to later stages of the project, does not serve the purpose of sounding an 'environmental alarm bell' before the project has taken on overwhelming 'bureaucratic and financial momentum.'⁵

19-2
cont.

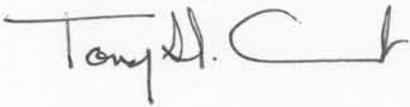
Compounding the problem of deferred water supply analysis is the lack of enforceability of the county groundwater management ordinance, creating a conflict and inconsistency with the draft general plan, which is prohibited by state law. Chapter 33A, the Groundwater Management ordinance⁶, is based on voluntary compliance and a vague assertion of enforceability by the county water commission. However, the water commission lacks statutory police powers and the ordinance fails to provide penalties for noncompliance. Therefore, the current ordinance cannot "ensure the sustainability of groundwater resources" as asserted by the draft general plan. With no provision for the Board of Supervisors to enforce standards or assess penalties in the existing water management ordinance, there is no established legal process for implementing draft water policy 3.1.

19-3

Action required: As required by CEQA, perform an analysis that would determine if the development proposed by General Plan 2030 would or would not "substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level"⁷

19-4

Sincerely,



⁵ Slon letter, p. 10.

⁶ Available at: http://library2.municode.com/11433/home.htm?infobase=16065&doc_action=whatsnew.

⁷ 2010 California Environmental Quality Act (CEQA) Statute and Guidelines, Appendix G, p. 247, para. IXb).

Available at: <http://www.califaep.org/resources/Documents/FINAL%20CEQA%20Handbook%20HighQuality.pdf>.

**Letter 19: Tony St. Amant, 27 Garden Park Drive, Chico, CA 95973.
May 11, 2010.**

19-1: This comment states that the Draft EIR does not adequately analyze the project's impacts on water supplies or the effects of increased water consumption on groundwater levels, agricultural activities, stream flows, native vegetation, and land subsidence. This comment also cites the maximum theoretical buildout of General Plan 2030. The response to Comments 12-2, 12-3, and 12-4 describes the surface and groundwater supply and quality analyses included in the Draft EIR. These analyses consider potential impacts that could affect all water users in Butte County, including agricultural users. Furthermore, Section A.4.a.ii of Chapter 4.14 of the Draft EIR (pages 4.14-21 through 4.14-24) evaluates potential impacts resulting from the construction or expansion of water facilities, including surface water hydrology, wetlands and riparian habitat, agriculture, and socioeconomic resources. In addition, Section D.1.f of Chapter 4.6 of the Draft EIR (pages 4.6-23 and 4.6-24) provides an analysis of potential hazards from land subsidence.

Also, the responses to Comments 12-6 and 16-2 address General Plan 2030 buildout.

19-2: This comment states that the Draft EIR does not fully disclose the intended sources of water for General Plan 2030 or the environmental impacts from exploiting those sources. The responses to Comments 12-2, 12-3, and 19-1 respond to this comment.

19-3: This comment states that the County's Groundwater Management Ordinance is not enforceable, and that General Plan 2030 Policy W-P3.1, which is related to that Ordinance, cannot be implemented. This is not a comment on the adequacy of the Draft EIR, and no response is required.

19-4: This comment directs the County to perform an analysis to determine whether development allowed by General Plan 2030 would deplete

groundwater supplies or interfere with groundwater recharge. The responses to Comments 12-2 and 14-6 respond to this comment.

COMMENT LETTER #20

Tony St. Amant
27 Garden Park Drive
Chico, CA 95973

June 3, 2010

Dan Breedon, Principal Planner
Butte County Department of Development Services
7 County Center Drive
Oroville, CA 95965

Re: Water Supply Supplementary Comments—Butte County General Plan 2030 Draft
EIR, dated April 8, 2010

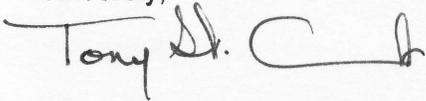
At their meeting June 2, 2010 the Butte County Water Commission approved comments for the DEIR which support my comments of May 11, 2010 relative to the need for an analysis of the impact of proposed development on groundwater supplies.

The Water Commission made three relevant independent observations¹:

- That “. . . the completeness of the cumulative impact analyses should be further evaluated to assure adequacy and completeness”;²
- That “An increased demand on ground water could result in a net deficit in aquifer volume or significantly lower groundwater levels. Particular concern is in the Chico and Durham areas that have experienced a decline in groundwater levels. Proposed developments in the Ridge areas that rely on groundwater may face water supply reliability issues”;³ and
- That “Shortages in surface water availability could increase the reliance on groundwater. Additionally, changes in snowmelt and stream flow could reduce groundwater recharge.”⁴

These three authoritative recommendations strongly highlight a need for the analysis required by CEQA: one that would determine if the development proposed by General Plan 2030 would or would not “substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level”⁵

Sincerely,



20-1

20-2

20-3

20-4

¹ The Butte County Water Commission Comments on the Draft Environmental Impact Report for the Butte County General Plan 2030, June 2, 2010. Available at: <http://www.buttecounty.net/wrcdocs/WCagenda060210/060210Item5.pdf>

² Water Commission Comments, p. 1, 2nd paragraph.

³ Water Commission Comments, Comment 3.

⁴ Water Commission Comments, Comment 10.

⁵ 2010 California Environmental Quality Act (CEQA) Statute and Guidelines, Appendix G, p. 247, para. IXb).

Available at: <http://www.califaep.org/resources/Documents/FINAL%20CEQA%20Handbook%20HighQuality.pdf>

Letter 20: Tony St. Amant, 27 Garden Park Drive, Chico, CA 95973.
June 3, 2010.

20-1: This comment references the Butte County Water Commission's comment on the Draft EIR that is documented in Comment 7-2. The response to Comment 7-2 responds to this comment.

20-2: This comment references the Butte County Water Commission's comment on the Draft EIR that is documented in Comment 7-6. The response to Comment 7-6 responds to this comment.

20-3: This comment references the Butte County Water Commission's comment on the Draft EIR that is documented in Comment 7-13. The response to Comment 7-13 responds to this comment.

20-4: This comment indicates that the Draft EIR must include an analysis to determine whether development allowed by General Plan 2030 would deplete groundwater supplies or interfere with groundwater recharge. The responses to Comments 12-2 and 14-6 respond to this comment.

COMMENT LETTER #21

Butte County General Plan 2030
Draft Program Environmental Impact Report
Summary of Public Comment Received
4/22/10 1:00 pm

No written comments were submitted at the meeting.

Oral Public Comment:

1) Robin Huffman – Butte Environmental Council

-Suggested a second follow-up meeting during the review period with the Planning Commission. [21-1

-Inquired on whether a financial assessment for the study areas and the preferred land use alternatives would be prepared. [21-2

-Inquired as to whether General Plan 2030 will contain goals, polices, or actions pertaining to setbacks on ridgelines. [21-3

2) Gene Willet –Bangor Resident

-Expressed concern about impact of General Plan 2030 on the Bangor community, specifically truck traffic, noise, road damage from trucks, response times for emergency vehicles, and notification of discretionary land use applications for businesses negatively affecting the local area. [21-4

-Inquired as to whether General Plan 2030 would redirect waterways, drying up local water supplies. [21-5

Letter 21: Oral Comments Made during the Public Hearing on Thursday, April 22, 2010.

21-1: This comment requests an additional Planning Commission meeting on the Draft EIR during the public review period. Butte County believes that the General Plan 2030 process has included extensive public meetings and opportunities for public involvement, including an extended review period for the Draft EIR. Therefore, no additional meetings are necessary.

21-2: This comment inquires about a financial assessment of study areas and the preferred land use alternative. Such a financial assessment would be outside of the scope of CEQA. This comment is not a comment on the Draft EIR. However, it should be noted that the March 2008 Alternatives Evaluation Report did include a comparative evaluation of the market viability, fiscal impacts, and jobs/housing balance of each alternative in each study area.

21-3: This comment inquires whether General Plan 2030 will include goals, policies, or actions regarding development along ridgelines. It is not a comment on the Draft EIR. However, it should be noted that General Plan 2030 Conservation and Open Space Goal COS-17 and its supporting policies work to maintain and enhance the quality of Butte County's scenic and visual resources. This goal is supported by Policy COS-P17.1, which limits ridge-line development near scenic resources via the adoption of specific development guidelines in order to minimize visual impacts. In addition, Conservation and Open Space Element Goal COS-18 would protect and enhance scenic areas adjacent to and visible from highways for enjoyment by residents and visitors. This goal is supported by Policy COS-P18.1 and Action COS-A18.1, which instruct the County to review its scenic highways program and consider designating new scenic corridors based on a consideration of factors such as an area's scenic characteristics, including vista points, geologic resources, native plant and animal species, waterways, historic resources, agricultural, timber, and recreation uses.

21-4: This comment expresses concerns about impacts from traffic, noise, emergency vehicle response times, and new businesses in Bangor. The Draft EIR analyzes each of these potential impacts Countywide at a programmatic level. Traffic impacts are analyzed in Chapter 4.13, noise impacts are analyzed in Chapter 4.10, and emergency vehicle access is analyzed in Chapter 4.7. The commentor does not specify which types of impacts from new businesses are of concern, but the Draft EIR covers a wide range of potential impacts from all types of new development.

21-5: This comment expresses concern about impacts from redirecting waterways. General Plan 2030 does not include any policies or actions to redirect waterways, and does include a number of policies and actions to protect and enhance the County's water resources. The potential impacts of General Plan 2030 policies and actions on water resources, including waterways, are analyzed in Chapter 4.8, Hydrology, of the Draft EIR.

6 MITIGATION MONITORING AND REPORTING PROGRAM

This chapter provides a Mitigation Monitoring and Reporting Program (MMRP) for the Butte County General Plan 2030. The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the project. The MMRP includes the following information:

- ◆ A list of mitigation measures;
- ◆ The party responsible for implementing the mitigation measures;
- ◆ The timing for implementation of the mitigation measure;
- ◆ The agency responsible for monitoring the implementation; and
- ◆ The monitoring action and frequency.

Butte County must adopt this MMRP, or an equally effective program, if it approves the Butte County General Plan 2030 with the mitigation measures that were adopted or made conditions of project approval.

TABLE 6-1 | MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
Transportation and Circulation					
<u>TRAF-1:</u> Widen State Route 32 to four lanes between Muir Avenue and W. 1st Street.	Caltrans and Public Works Department	Prior to 2030	Caltrans	Verification that improvement is constructed	Once
<u>TRAF-2:</u> Widen and convert State Route 99 to a four-lane conventional highway between the Sutter County Line and East Biggs Highway.	Caltrans and Public Works Department	Prior to 2030	Caltrans	Verification that improvement is constructed	Once
<u>TRAF-3:</u> Convert State Route 99 to a grade separated, limited access freeway facility between State Route 149 and the Skyway.	Caltrans and Public Works Department	Prior to 2030	Caltrans	Verification that improvement is constructed	Once
<u>TRAF-4:</u> Widen State Route 99 to six lanes between East 20th Street and Cohasset Road.	Caltrans and Public Works Department	Prior to 2030	Caltrans	Verification that improvement is constructed	Once
<u>TRAF-5:</u> Widen State Route 99 to four lanes between Eaton Road and Keefer Road.	Caltrans and Public Works Department	Prior to 2030	Caltrans	Verification that improvement is constructed	Once
<u>TRAF-6:</u> Widen State Route 162 to four lanes between Larkin Road and State Route 70.	Caltrans and Public Works Department	Prior to 2030	Caltrans	Verification that improvement is constructed	Once
<u>TRAF-7:</u> Widen State Route 162 to six lanes between State Route 70 and Lower Wyandotte Road.	Caltrans and Public Works Department	Prior to 2030	Caltrans	Verification that improvement is constructed	Once
<u>TRAF-8:</u> Widen State Route 162 to four lanes between Foot-hill Boulevard and Canyon Drive.	Caltrans and Public Works Department	Prior to 2030	Caltrans	Verification that improvement is constructed	Once

BUTTE COUNTY GENERAL PLAN 2030
FINAL EIR
 MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 | MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<u>TRAF-9:</u> Construct a raised median on Cohasset Road between State Route 99 and East Avenue to enhance capacity.	City of Chico and Public Works Department	Prior to 2030	Public Works Department	Verification that improvement is constructed	Once
<i>Note: As indicated on page 4.13-58 of the Draft EIR, this potential mitigation measure is infeasible due to environmental and policy constraints, and would not be implemented.</i>					
<u>TRAF-10:</u> Widen Midway to four lanes between the planned Southgate Extension and Durham-Dayton Road.					
<u>TRAF-11:</u> Construct a raised median on the Skyway between State Route 99 and Notre Dame Boulevard to enhance capacity.	City of Chico and Public Works Department	Prior to 2030	Public Works Department	Verification that improvement is constructed	Once
<u>TRAF-12:</u> Convert the Skyway between Neal Road and Bille Road to a four-lane limited access expressway.	Town of Paradise and Public Works Department	Prior to 2030	Public Works Department	Verification that improvement is constructed	Once
<u>TRAF-13:</u> Widen the section of the Skyway between Bille Road and Wagstaff Road to a four-lane, divided arterial, and widen the section of the Skyway from Wagstaff Road to Pentz Road to a four-lane, undivided arterial.	Town of Paradise and Public Works Department	Prior to 2030	Public Works Department	Verification that improvement is constructed	Once

BUTTE COUNTY GENERAL PLAN 2030
FINAL EIR
MITIGATION MONITORING AND REPORTING PROGRAM