

BUTTE COUNTY
Department of Development Services



ADDENDUM
to the
GP 2030 EIR & Supplemental EIR for
the Butte County
Oak Woodland Mitigation Ordinance

BUTTE COUNTY
Department of Development Services
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1.0 INTRODUCTION

This EIR Addendum was prepared in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. This document has been prepared to serve as an Addendum to the previously certified General Plan Environmental Impact Report (General Plan EIR, State Clearinghouse Number 2008092062) and Supplemental Environmental Impact Report (GPA and Zoning Ordinance EIR, State Clearinghouse Number 2012022059) for the Butte County General Plan and Zoning Ordinance. The County of Butte is the lead agency for the environmental review of the Oak Woodland Mitigation Ordinance.

This Addendum addresses the proposed Oak Woodland Mitigation Ordinance in relation to the previous environmental review prepared for the Butte County General Plan EIR and Supplemental EIR.

CEQA Guidelines Section 15164 defines an Addendum as:

The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

....A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record.

Information and technical analyses from the Butte County General Plan EIR and Supplemental EIR are utilized throughout this Addendum. Relevant passages from this document (consisting of the General Plan EIR and Supplemental EIR) are cited and available for review at:

<http://www.buttecounty.net/dds/Planning/GeneralPlan.aspx>

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1.1 Background and Purpose of the EIR Addendum

The General Plan EIR (SCH #2008092062) was certified on October 26, 2010 by the Butte County Board of Supervisors. The Supplemental EIR (SCH #2012022059) was certified on November 6, 2012. Text changes are proposed to the Zoning Ordinance and to the General Plan. Please refer to Section 2.0 (Project Description) for a detailed description of the proposed changes.

In determining whether an Addendum is the appropriate document to analyze the modifications to the project and its approval, CEQA Guidelines Section 15164 (Addendum to an EIR or Negative Declaration) states:

- (a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*
- (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

1.2 Basis for Decision to Prepare Addendum

When an environmental impact report has been adopted for a project, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15164 set forth the criteria for determining whether a subsequent EIR, subsequent negative declaration, addendum, or no further documentation be prepared in support of further agency action on the project. Under these Guidelines, a subsequent EIR or negative declaration shall be prepared if any of the following criteria are met.

- (a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

- (1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
- (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- (3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*
 - (A) *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
 - (B) *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
 - (C) *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
 - (D) *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, and addendum, or no further documentation.

As demonstrated in the environmental analysis provided in Section 3.0 (Environmental Analysis), the proposed amendments do not meet the criteria for preparing a subsequent EIR or negative declaration. An addendum is appropriate here because, as explained in Section 3.0, none of the conditions calling for preparation of a subsequent EIR or negative declaration have occurred.

2.0 PROJECT DESCRIPTION

This section provides a detailed description of the proposed Amendment to the Zoning Ordinance. The reader is referred to Section 3.0 (Environmental Analysis) for the analysis of environmental effects of this project in relation to the analysis provided in the previously certified General Plan Environmental Impact Report (General Plan EIR, State Clearinghouse Number 2008092062) and Supplemental Environmental Impact Report (GPA and Zoning Ordinance EIR, State Clearinghouse Number 2012022059).

2.1 Project Location

Butte County lies in north central California at the northeastern end of the Sacramento Valley, approximately 150 miles northeast of San Francisco and 70 miles north of Sacramento. State Highways 70 and 99, which extend in a north-south direction through Butte County, are the principal transportation corridors connecting the County to the region. State Highways 32 and 162 provide sub regional connections to areas to the east, northeast, and west of the county and to Interstate 5.

From the northeastern end of the Sacramento Valley, Butte County extends into the foothills at the confluence of the southern Cascade and the northern Sierra Nevada mountain ranges. The total land area of Butte County is approximately 1,680 square miles, and can be divided into three general topographical areas: the western 45 percent of the County is a valley area, about 25 percent of the county is foothills to the east of the valley, and the eastern 30 percent of the county is mountainous.

2.2 Overview of the Butte County General Plan, Zoning Ordinance, and Associated EIR and Supplemental EIR

Purpose of the Butte County General Plan

The General Plan represents the basic community values, ideals and aspirations with respect to land use, development and conservation policy that will govern Butte County through 2030. This General Plan addresses all aspects of development, including land use; circulation and transportation; open space, natural resources and conservation; public facilities and services; safety; and noise.

The preparation of a General Plan is required by California Government Code Section 65302. California Government Code Section 65300 requires the General Plan to be comprehensive and internally consistent, and to provide long-term guidance for the community.

Relationship of the Oak Woodland Mitigation Ordinance to the General Plan

The Oak Woodland Mitigation Ordinance implements the goals and policies of the Butte County General Plan by applying to discretionary projects in the County. The Ordinance is directly or indirectly related to the following General Plan 2030 Goals, Policies and Action items. There are three Goals, six Policies and four Action Items outlined below. Those policies that serve as mitigation measures in General Plan 2030 are noted with an asterisk(*). Five of the Policies below are mitigation measures (COS-P7.4, 7.6 thru 7.9).

LAND USE ELEMENT

Goal LU-1 Continue to uphold and respect the planning principles on which the County's land use map is based.

Discussion: This goal is partly applicable in the exemption in Section 53-8(C). CEQA exempts agricultural production under the section pertaining oak woodland impacts under 21083.4(d)(3). Section 53-8(C) is based on the CEQA exemption and limits that particular exemption to projects within the Agriculture and the Agriculture Services zones. In this respect, the ordinance has a tie to the General Plan land use map as the AG and AS zones are based on the General Plan land use map. The Ordinance is consistent with Goal LU-1.

Policy

LU-P1.6 The County shall conserve important habitat and watershed areas, while protecting the public safety of County residents.

Discussion: The ordinance is consistent with this General Plan policy. Oak woodland areas are important habitat and are also located in watershed areas. The Ordinance also recognizes public safety and is not applicable to the fire safe clearance requirements, community-based fuel reduction activities or the timber harvest plan process.

CONSERVATION AND OPEN SPACE ELEMENT

Goal COS-7 Conserve and enhance habitat for protected species and sensitive biological communities.

Discussion: The ordinance is consistent with this General Plan goal as it sets a threshold of significance, mitigation and replacement requirements for oak woodland areas in unincorporated area of the County. The Oak Woodland Evaluation Plan under Section 53-9 requires identification of the Oak Woodland Condition (intact, moderately degraded, severely degraded) and areas located along waterways and/or wildlife corridors including deer migration corridors; when connected with Oak Woodland on adjacent lands including public lands; and, when there are other factors determined by the Department of Development Services.

Policies

COS-P7.4 New development projects shall mitigate their impacts in habitat areas for protected species through on- or off-site habitat restoration, clustering of development, and/or project design and through the provisions of the Butte Regional Habitat Conservation Plan (HCP) and Natural Community

Conservation Plan (NCCP) within the HCP/NCCP Planning Area, upon the future adoption of the HCP/NCCP.*

Discussion: The ordinance is consistent with this General Plan Policy. The ordinance outlines the requirements for impact determination and mitigation. It supports the off-site mitigation approach and prompts project design early in the application process by making clear the oak canopy removal percentages. Replacement ratios increase with the increase in removal percentages. In addition, the ordinance limits removal to 70% under consistency with the ordinance. On-site replanting is not consistent with the ordinance and would require an alternate design and review subject to a project-specific CEQA review. The Butte County Resource Conservation Plan (BRCP is now the title of the HCP/NCCP) is currently under preparation by the Butte County Association of Governments (BCAG) and not adopted. The ordinance includes an exemption consistent with CEQA where there is a NCCP adopted. It is the intent of this ordinance that the requirements of the BRCP be applicable for those projects within the BRCP plan area when approved.

COS-P7.6 New development projects shall include setbacks and buffers along riparian corridors and adjacent to habitat for protected species, except where permitted in the Butte Regional Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) Planning Area and where such development is consistent with the conditions of the HCP/NCCP, upon the future adoption of the HCP/NCCP.*

Discussion: The ordinance is consistent with this General Plan. The scope of the Ordinance is limited to the removal of oak canopy. Other impacts under CEQA are required at the time of reviewing the development project application. The Oak Woodland Evaluation Plan under Section 53-9 requires identification of the Oak Woodland Condition (intact, moderately degraded, severely degraded) and areas located along waterways and/or wildlife corridors including deer migration corridors; when connected with Oak Woodland on adjacent lands including public lands; and, when there are other factors determined by the Department of Development Services.

COS-P7.7 Construction barrier fencing shall be installed around sensitive resources on or adjacent to construction sites. Fencing shall be installed prior to construction activities and maintained throughout the construction period.*

Discussion: The ordinance is consistent with this General Plan. The Oak Woodland Evaluation Plan found in Section 53-9 requires the location of tree protection fencing and signage. The accompanying Oak Woodland Technical Manual sets requirements for construction fencing.

COS-P7.8 Where sensitive on-site biological resources have been identified, construction employees operating equipment or engaged in any development-associated activities involving vegetation removal or ground disturbing activities in sensitive resource areas shall be trained by a qualified biologist and/or botanist who will provide information on the on-site biological resources (sensitive natural communities, special status plant and wildlife habitats, nests of special-status birds, etc.), avoidance of invasive plant introduction and spread, and the penalties for not complying with biological mitigation requirements and other State and federal regulations.*

Discussion: The ordinance is consistent with this General Plan. The Oak Woodland Evaluation Plan found in Section 53-9 requires that the Plan be prepared by a Qualified Professional as defined in the Definitions

Section 53-7(O). Additionally, a Qualified Profession is required under the Oak Woodland Technical Manual. The scope of the Ordinance is limited to the removal of oak canopy. Other impacts under CEQA are required at the time of reviewing the development project application.

COS-P7.9 A biologist shall be retained to conduct construction monitoring in and adjacent to all habitats for protected species when construction is taking place near such habitat areas.*

Discussion: The ordinance is consistent with this General Plan. The Oak Woodland Evaluation Plan found in Section 53-9 requires that the Plan be prepared by a Qualified Professional as defined in the Definitions Section 53-7(O). Additionally, a Qualified Profession is required under the Oak Woodland Technical Manual. The scope of the Ordinance is limited to the removal of oak canopy. Other impacts under CEQA are required at the time of reviewing the development project application.

Action Items

COS-A7.1. Develop and provide incentives to developers to conserve and maintain important habitat areas and sensitive biological resources.

Discussion: The Ordinance sets a threshold of significance at 10% or less removal of the oak canopy present on the project site and outlines the mitigation options with increasing ratios of replacement by percentage removal area. Having an ordinance outline these requirements helps developers by providing information for their project design phase.

COS-A7.2. Develop a set of guidelines for evaluating development project impacts to habitat in locations outside of the approved Butte Regional Habitat Conservation Plan and Natural Community Conservation Plan Planning Area, as well as for requiring specific mitigations for impacts that are identified.

Discussion: The Ordinance would be applicable to all unincorporated areas of the County. The Butte County Association of Governments (BCAG) continues its processing of the Butte Regional Conservation Plan (BRCP) that is a HCP and NCCP. When the BRCP is approved, the Ordinance will exempt projects within the BRCP as those projects would be subject to the BRCP requirements. The Ordinance includes specific threshold of significance for the removal of oak canopy and outlines the mitigation options and replacement ratios. The accompanying Oak Woodland Technical Manual outlines requirements for temporary impacts, for example, during construction of the project.

COS-A7.3. Establish a mitigation bank program for impacts to habitats for protected species, such as oak woodlands, riparian woodlands and wetlands, in locations outside of the approved Butte Regional Habitat Conservation Plan and Natural Community Conservation Plan Planning Area, using mitigation fees on new development projects as a funding mechanism.

Discussion: The Ordinance does not establish a County mitigation bank program. It does specify that payment to a mitigation bank is an option for mitigation. As noted in the discussion above, once the BRCP is approved, the ordinance would exempt projects within the BRCP.

COS-A7.4. Seek funding to conduct a study to develop an approach to protecting significant specimen trees and tree groves

Discussion: The Ordinance does not specifically implement this action item. It has a related purpose for oak trees when processing discretionary projects. The Ordinance requires an evaluation of the oak canopy present on the project site. Options for mitigation include establishing a conservation easement, payment to a mitigation bank, certified land trust or the State Oak Woodlands Conservation Fund.

AREA AND NEIGHBORHOOD PLANS ELEMENT – Durham Dayton Nelson Plan

Goal D2N-5 Protect and maintain areas of native vegetation which include riparian forest, valley freshwater marsh, valley oak woodland, vernal pools, annual grasslands and designated natural areas. Such areas deserve protection as part of the heritage of the communities, for the way such areas add to the aesthetic environment, and as important examples of the diversity of habitats and the wildlife they support within the Planning Area and the State.

Discussion: The ordinance is consistent with this General Plan goal. The Oak Woodland Evaluation Plan under Section 53-9 requires identification of the Oak Woodland Condition (intact, moderately degraded, severely degraded) and areas located along waterways and/or wildlife corridors including deer migration corridors; when connected with Oak Woodland on adjacent lands including public lands; and, when there are other factors determined by the Department of Development Services.

Purpose of the General Plan 2030 EIR

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

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.

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. This includes some policies within the General Plan that are 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 are marked with an asterisk (*).

The implementation of the proposed General Plan 2030 has the potential to generate 24 significant environmental impacts. Of these impacts, 18 are the result of the proposed General Plan 2030, and

six are the result of General Plan 2030 combined with other cumulative development in the larger region.

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, significant unavoidable impacts were identified in the areas of agriculture, biological resources, hydrology and water quality, noise, transportation and circulation, and greenhouse gas emissions. On October 26, 2010, the Butte County Board of Supervisors adopted a Statement of Overriding Considerations for the Significant and Unavoidable Impacts identified under the General Plan 2030 EIR.

Purpose of the Supplemental General Plan EIR

The purpose of this Supplemental EIR is to inform the general public and decision makers of the changes to the environmental impacts of General Plan 2030 caused by General Plan 2030 (the “Approved Project” in the Supplemental EIR), in combination with an Amendment to the General Plan Amendment and the Zoning Ordinance Update (“Modified Project”). The Supplemental EIR looks at the differences between the Modified Project and the Approved Project and evaluates whether the impacts would be increased or reduced, and how they would differ.

As a Program EIR, the Supplemental EIR is not project-specific. It does not evaluate the impacts of specific projects that may be proposed under the GPA or Zoning Ordinance. Such projects will require separate environmental review to secure the necessary discretionary development permits. While future environmental review may be tiered off the Supplemental EIR, the Supplemental EIR is not intended to address impacts of individual projects.

The Supplemental EIR determined that Implementation of the proposed GPA and Zoning Ordinance has the potential to generate five new significant environmental impacts beyond what was identified in the 2010 EIR for the Approved Project. All of the impacts are considered significant and unavoidable. The proposed GPA contributes to all of the impacts on a programmatic level. Because it implements General Plan 2030, as modified by the proposed GPA, the Supplemental EIR found that the proposed Zoning Ordinance would not create any new impacts in and of itself. Rather, the Zoning Ordinance would work to reduce potential impacts of General Plan 2030 and the GPA by including specific standards and regulations that would restrict development beyond the restrictions established in the General Plan. On November 6, 2012, the Butte County Board of Supervisors adopted a Statement of Overriding Considerations for the Significant and Unavoidable Impacts identified under the Supplemental General Plan 2030 EIR.

2.3 Proposed Oak Woodlands Mitigation Ordinance

An ordinance proposed as Butte County Code Chapter 53, Development Mitigation, Article I Oak Woodland Mitigation Ordinance applicable only to discretionary project applications (examples include proposed subdivisions, parcel maps, and use permits) in the unincorporated area of Butte County. The

Ordinance sets impact thresholds and mitigations for removal of trees of the genus *Quercus*, commonly known as oak trees.

The Ordinance requires an Oak Woodland Evaluation Plan prepared by a qualified professional as part of a project application to identify the area of oak canopy (the surface area under the dripline of the oak tree) on the project site and the percentage proposed for removal. The Ordinance proposes that more than 10% removal of oak canopy area is considered a significant impact subject to replacement through several mitigation options including a conservation easement; payment to an approved mitigation bank, land trust or to the State Oak Woodlands Conservation Fund.

The area of oak canopy removed greater than 10% is required to be replaced at a ratio of 2:1 and increases, if removal exceeds 50%, to 3:1. The Ordinance limits oak canopy removal to 70%. Project applications that are inconsistent with the ordinance are required to have project-specific environmental review for the impacts to oak woodlands.

The Ordinance includes the following sections: Title; Findings; Purpose; Relationship to Other Laws, Regulations and Ordinances; Alternate Project Design and Review; Applicability; Definitions; Exemptions; Oak Woodland Evaluation Plan; Oak Canopy Removal; Oak Canopy Mitigation; Oak Canopy Replacement Ratio; Calculation of Oak Canopy Mitigation; Equivalent Oak Canopy Replacement Planting Standards; Site Preparation and Construction Impacts; Monitoring of Approved Projects; Approval Required Prior to Removal; Subsequent Projects; and, Premature Removal.

Section 53-3 of the ordinance states the purposes of the Ordinance:

Purpose of the Oak Woodland Mitigation Ordinance

- A. Promote avoidance of impacts to native Oak Woodlands through the establishment of a threshold of significance (CEQA Guidelines 15064.7) and mitigation standards for Oak Canopy removal on Discretionary Projects.
- B. Implement goals, policies and actions of the Butte County General Plan Conservation and Open Space Element pertaining to Oak Woodland habitat by setting forth standards for Oak Canopy retention and establishing an in-lieu payment methodology for Oak Canopy removal for Discretionary Projects.
- C. Address direct, indirect and cumulative impacts to Oak Woodlands.
- D. Satisfy the provisions of California Public Resources Code Section 21083.4, including other mitigation measures developed by the County.
- E. Protect trees on private property where discretionary applications have been filed by controlling Oak Canopy removal while allowing for reasonable enjoyment of private property rights and property development for the following reasons:
 - 1. The County finds it necessary to preserve Oak Woodlands on private property in the interest of public health, safety and welfare.
 - 2. Oak Woodlands provide habitat for over 300 vertebrate species and more than 5,000 species of insects.
 - 3. Oak Woodlands stabilize the soil, improve drainage conditions, and provide aesthetic beauty and

screening for privacy.

4. The County finds that this ordinance provides a clear, defensible, feasible, and reasonable approach to managing impacts to Oak Woodlands.

3.0 ENVIRONMENTAL ANALYSIS

This section of the Addendum provides analysis and cites substantial evidence that supports the County's determination that the proposed the Oak Woodland Mitigation Ordinance do not meet the criteria for preparing a subsequent or supplemental EIR under CEQA Guidelines Section 15162.

First, as addressed in the analysis below, the proposed amendments to the Oak Woodland Mitigation Ordinance, ("Project") are not substantial changes to existing policies and actions. Some policies in the General 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 are marked with an asterisk (*). The project would not cause a new significant impact or substantially increase the severity of a previously identified significant impact from the General Plan EIR or Supplemental EIR (CEQA Guidelines Section 15162[a][1]) that would require major revisions to either EIR. All impacts would be nearly equivalent to the impacts previously analyzed in the General Plan EIR and Supplemental EIR. Relatedly, the project is consistent with the applicable General Plan policies provided in this document. (see Section 2.2 *Overview of the Butte County General Plan, Zoning Ordinance, and Associated EIR and Supplement EIR* in this document for additional discussion).

As indicated in Section 1.0, 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 the EIR, the policies and land use map in General Plan 2030 are intended to prevent the majority of environmental impacts altogether.

Second, the Ordinance would not cause a new significant impact or substantially increase the severity of a previously identified significant impact, and there have been no other changes in the circumstances that meet this criterion (CEQA Guidelines Section 15162[a][2]). There have been no changes in the environmental conditions in the Butte County Planning Area not contemplated and analyzed in the General Plan EIR or Supplemental EIR that would result in new or substantially more severe environmental impacts.

Third, as documented in Section 3.0, there is no new information of substantial importance (which was not known or could not have been known at the time of the General Plan adoption in October 2010, or General Plan Amendment and Zoning Ordinance adoption in November 2012), that identifies: a new

significant impact (condition “A” under CEQA Guidelines Section 15162[a][3]); a substantial increase in the severity of a previously identified significant impact (condition “B” CEQA Guidelines Section 15162[a][3]); mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects of the General Plan; or mitigation measures or alternatives which are considerably different from those analyzed in the General Plan EIR which would substantially reduce one or more significant effects on the environment (conditions “C” and “D” CEQA Guidelines Section 15162[a][3]). The reader is referred to County Resolution No’s. 10-150 and 12-123 regarding findings on the feasibility of alternatives evaluated in the General Plan EIR and Supplemental EIR. None of the “new information” conditions listed in the CEQA Guidelines Section 15162[a] [3] are present here to trigger the need for a subsequent or Supplemental EIR.

CEQA Guidelines Section 15164 states that “The lead agency or a responsible agency shall prepare an addendum to a previously Certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” An addendum is appropriate here because, as explained above, none of the conditions calling for preparation of a subsequent EIR have occurred.

3.1 Oak Woodland Mitigation Ordinance Impact Discussion

The Oak Woodland Mitigation Ordinance is applicable to discretionary projects and only to the oak woodland present on the property. The purposes are listed above and can be found in Section 53-3 of the Ordinance. The purposes include setting a threshold of significance; address direct, indirect and cumulative impacts to Oak Woodlands; and addressing impacts under Public Resources Code 21083.4. Section 53-4 Relationship to Other Laws, Regulations and Ordinances, states the following: *This ordinance only applies to the effects on oaks and Oak Woodlands. Discretionary Projects that are consistent with this ordinance are considered to have less than significant impacts with respect to the removal of Oak Canopy pursuant to the California Environmental Quality Act (CEQA). The ordinance does not replace any other CEQA analysis with respect to impacts to Oak Woodlands, such as habitat loss or carbon sequestration.*

The General Plan 2030 Draft EIR, Biological Resources section includes a discussion of Biological Communities beginning on 4.4-8 of the Draft EIR. The excerpt below begins on page 4.4-11 and includes a discussion of Oak Woodland, Chapparal and Riparian Woodland that is pertinent to the Ordinance.

b. Oak Woodland

Oak woodlands are scattered throughout the county but are concentrated in the transition area between the lower valley and higher elevations of the county. Oak woodland community types in Butte County are described below.

- Valley oak woodland can vary from savannas of annual grasslands with few trees to dense stands of trees. This woodland is dominated by valley oak (*Quercus lobata*), but can have

associates of western sycamore (*Platanus racemosa*), California black walnut (*Juglans californica* var. *hindsii*), interior live oak (*Quercus wislizenii*), box elder (*Acer negundo* var. *californica*), and blue oak (*Quercus douglasii*). Shrub species include California coffeeberry (*Rhamnus californica*), poison oak (*Toxicodendron diversilobum*), toyon (*Heteromeles arbutifolia*), and blackberry (*Rubus* sp.). Annual grasses and forbs dominate the herbaceous layer.

- Blue oak woodland occurs in the Sierra Nevada foothills and is dominated by blue oak, with interior live oak and valley oak as associates. Dominant shrub species include manzanita (*Arctostaphylos* sp.), ceanothus (*Ceanothus* sp.), redberry (*Rhamnus crocea*), California coffeeberry, poison oak, and California buckeye (*Aesculus californica*).
- Blue oak–foothill pine is co-dominated by foothill pines (*Pinus sabiniana*) and blue oaks and occurs at slightly higher elevations than blue oak woodland. Other representative tree species include interior live oak, valley oak, and California buckeye. The understory of blue oak–foothill pine woodlands in Butte County contains several shrub species clumped together and interspersed with patches of annual grassland. Dominant shrub species include manzanita, ceanothus, redberry, California coffeeberry, poison oak, blue elderberry (*Sambucus mexicana*), gooseberry (*Ribes* sp.), silver lupine (*Lupinus albifrons*), and western redbud (*Cercis occidentalis*).

Oak woodlands are important habitats because of their high value to wildlife in the form of nesting sites, cover and food. Birds associated with oak woodlands include acorn woodpeckers (*Melanerpes formicivorus*), Nuttall’s woodpeckers (*Picoides nuttallii*), western scrub jay (*Aphelocoma californica*), yellowbilled magpie (*Pica nuttalli*), and many warblers and flycatchers. Cavities in oak trees are important nesting sites for American kestrel (*Falco sparverius*), tree swallow (*Tachycineta bicolor*), oak titmouse (*Baeolophus inornatus*), house wren (*Troglodytes aedon*), and western bluebird (*Sialia mexicana*). Tree cavities also provide important roosting habitat for some species of bats. Oak woodlands provide nesting sites for raptors, such as red-tailed hawks (*Buteo jamaicensis*), red-shouldered hawks (*Buteo lineatus*), and great horned owls (*Bubo virginianus*). Mammals associated with woodlands include western gray squirrel (*Sciurus griseus*), pallid bat (*Antrozous pallidus*), bobcat (*Lynx rufus*), blacktail deer, and gray fox. Acorns are an important food source for species such as California quail (*Callipepla californica*), wild turkey (*Meleagris gallopavo*), western gray squirrel, and blacktail deer.

Special-status wildlife species that may occur in this community type include the western spadefoot toad (*Spea hammondi*), golden eagle and Townsend’s big-eared bat (*Corynorhinus townsendii*). Rock cliffs in oak woodland near Table Mountain, Lake Oroville and other portions of Butte County provide suitable nesting habitat for the American peregrine falcon and golden eagle.

Oak woodland is a common habitat locally and regionally and is not considered by the DFG to be a sensitive natural community; however, native oak trees and woodland habitats are declining statewide because of development and land management practices. For this reason, oak woodlands should be considered sensitive because they provide important habitat for local resident wildlife and are limited in extent compared with their historical distribution.

c. Riparian Woodland

Riparian woodland occurs throughout Butte County along portions of the Sacramento River, Feather River, Thermalito Afterbay and Forebay, Thermalito Diversion Pool, and numerous smaller perennial and ephemeral drainages. Riparian woodlands also commonly are associated with dredge tailings. Riparian woodlands in Butte County are typically dominated by a mixture of trees and shrubs, including Fremont cottonwood (*Populus fremontii*), valley oak, Oregon ash (*Fraxinus latifolia*), Himalayan blackberry (*Rubus discolor*), and a variety of willows (*Salix* sp.).

Because the vegetation is diverse and well developed, riparian forest provides high-value habitat for wildlife, including several special-status species, in the form of food, water, and migration and dispersal corridors, as well as escape, nesting, and thermal cover. Invertebrates, amphibians, fish, and aquatic reptiles live in aquatic and adjacent upland habitats. Steelhead and Chinook salmon rely on riparian habitat for food, cover, and regulation of water temperature. Raptors, herons, egrets, and other birds nest in the upper canopy. Various songbirds use the shrub canopy, and cavity-nesting birds, such as Nuttall's woodpecker and oak titmouse, occupy dying trees and snags. Several mammals, including raccoons (*Procyon lotor*), Virginia opossum (*Didelphis virginiana*), and striped skunks (*Mephitis mephitis*) are common in riparian habitats.

Elderberry shrubs may be present within riparian woodlands in Butte County, which provide habitat for the federally-listed valley elderberry longhorn beetle. Riparian woodlands also provide nesting habitat for several special-status raptors, including the bald eagle, Swainson's hawk, and white-tailed kite. Although a very rare species, western yellow-billed cuckoos potentially could nest in very dense areas of riparian woodland along the Feather River. Cavities within riparian trees along waterways in Butte County may be used as roosting sites by some species of special-status bats, such as the pallid bat (*Antrozous pallidus*).

Riparian habitats are considered sensitive natural communities and should be given special consideration in Butte County because they provide several important ecological functions, including streambank stabilization, water quality maintenance, and essential habitat for wildlife and fisheries resources.

d. Chaparral

Chaparral occurs on foothill slopes, within the understory of woodlands, and at higher elevations in Butte County. This community is adapted to wildfires and at lower elevations is dominated by common manzanita, whiteleaf manzanita (*Arctostaphylos viscida*), and scrub oak (*Quercus*

berberidifolia), with associated species such as toyon, California buckeye, and poison oak. At higher elevations, whiteleaf manzanita may be the only dominant shrub, and it often occurs on serpentine or gabbro substrates. Chaparral also provides suitable habitat for many special-status plant species. Chaparral provides habitat for a variety of birds and mammals. Numerous rodents, deer, and other herbivores are common in chaparral communities. Montane chaparral provides important summer range foraging areas, escape cover, and fawning habitat for deer. Rabbits and hares will eat twigs, evergreen leaves, and bark from chaparral in fall and winter when there isn't an abundance of grasses. Shrubby vegetation provides mammals with shade during hot weather and protection from wind in the winter. Chaparral provides seeds, fruits, insects, and protection from predators and the weather in addition to singing, roosting, and nesting sites for many species of birds. Sagebrush lizard (*Sceloporus graciosus*), California quail (*Callipepla californica*), Bewick's wren (*Thryomanes bewickii*), wrentit (*Chamaea fasciata*), brush mouse (*Peromyscus boylii*), and black-tailed deer are common in chaparral habitats.

Special-status wildlife species that may occur in chaparral habitat include the California horned lizard (*Phrynosoma coronatum frontale*) at lower elevations and the Sierra Nevada snowshoe hare (*Lepus americanus tahoensis*) at upper elevations.

Mixed chaparral is a common habitat regionally and is not considered by the DFG to be a sensitive natural community.

There are five of the applicable policies in the General Plan 2030 EIR that are required mitigation measures: COS-P7.4, COS-P7.6, COS-P7.7, COS-P7.8 and COS-P7.9 (see Section 2.2 Overview of the Butte County General Plan, Zoning Ordinance, and Associated EIR and Supplement EIR in this document for additional discussion). The Ordinance is consistent with each of these General Plan Policies that are required mitigation measures that address significant impacts to oak woodlands. Additionally, the Oak Woodlands Mitigation Ordinance implements Butte County General Plan Actions COS-A7.2 and COS-A7.3. These policies and action items are identified under the General Plan Final EIR as necessary to preserve and enhance areas that may provide habitat for special-status species. Thus, no new or increased severity of significant impacts or land uses would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

3.2 GP 2030 EIR and Supplemental EIR Significant Impacts Discussion

The following includes a detailed discussion of applicable significant impacts identified under the GP 2030 EIR and Supplemental EIR in relation to the project. All impacts identified under both EIRs have been determined to be Significant and Unavoidable, and were addressed under

a Statement of Overriding Considerations at the time of adoption of the General Plan, the General Plan Amendment, and the Zoning Ordinance (County Resolution #10-150 and #12-123).

BIOLOGICAL RESOURCES

Impact 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 allowed under General Plan 2030, the GPA, and the Zoning Ordinance Update 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 (significant and unavoidable impact).

Mitigation Adopted by the County: No feasible mitigation is available.

Discussion

These impacts were identified and discussed on pages 4.4-1 through 4.4-86 of the General Plan 2030 EIR and pages 4.4-1 through 4.4-18 of the Supplemental EIR.

The Ordinance clearly outlines the requirements for evaluating discretionary projects for oak woodland impacts, establishes thresholds of significance and mitigation requirements. This includes replacement ratios for impacts exceeding the threshold of significance. Additionally, the Ordinance includes a section on impacts during construction through the accompanying Oak Woodland Technical Manual, to be maintained by Development Services.

The Ordinance would not affect the extent of anticipated residential development or increase in land use intensity or density. Thus, no new or increased severity of significant Biological Impacts would occur beyond what was addressed in the General Plan Final EIR or Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

As stated on page 2-2 of the General Plan 2030 Draft EIR, 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.

Attached for reference are the following exhibits: General Plan 2030 Draft EIR Figure 3-5 Projected 2030 Residential Buildout; Figure 4.4-1 Vegetative Communities and Wildlife Areas are included for reference; and the CALFIRE Forest and Rangeland Assessment Program 2015 Oak Woodland Biological Community Type.

BUTTE COUNTY GENERAL PLAN 2030
 DRAFT EIR
 PROJECT DESCRIPTION

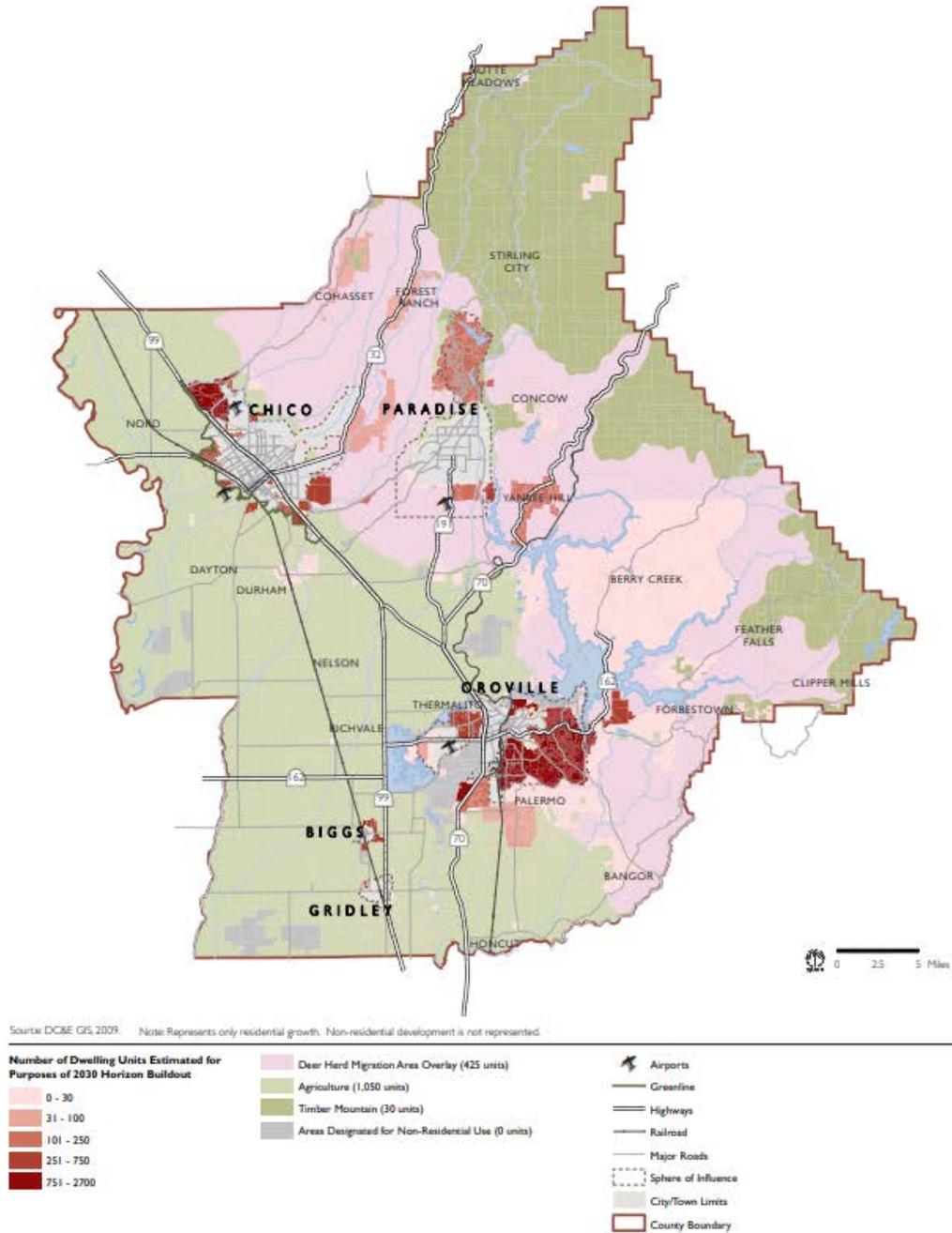
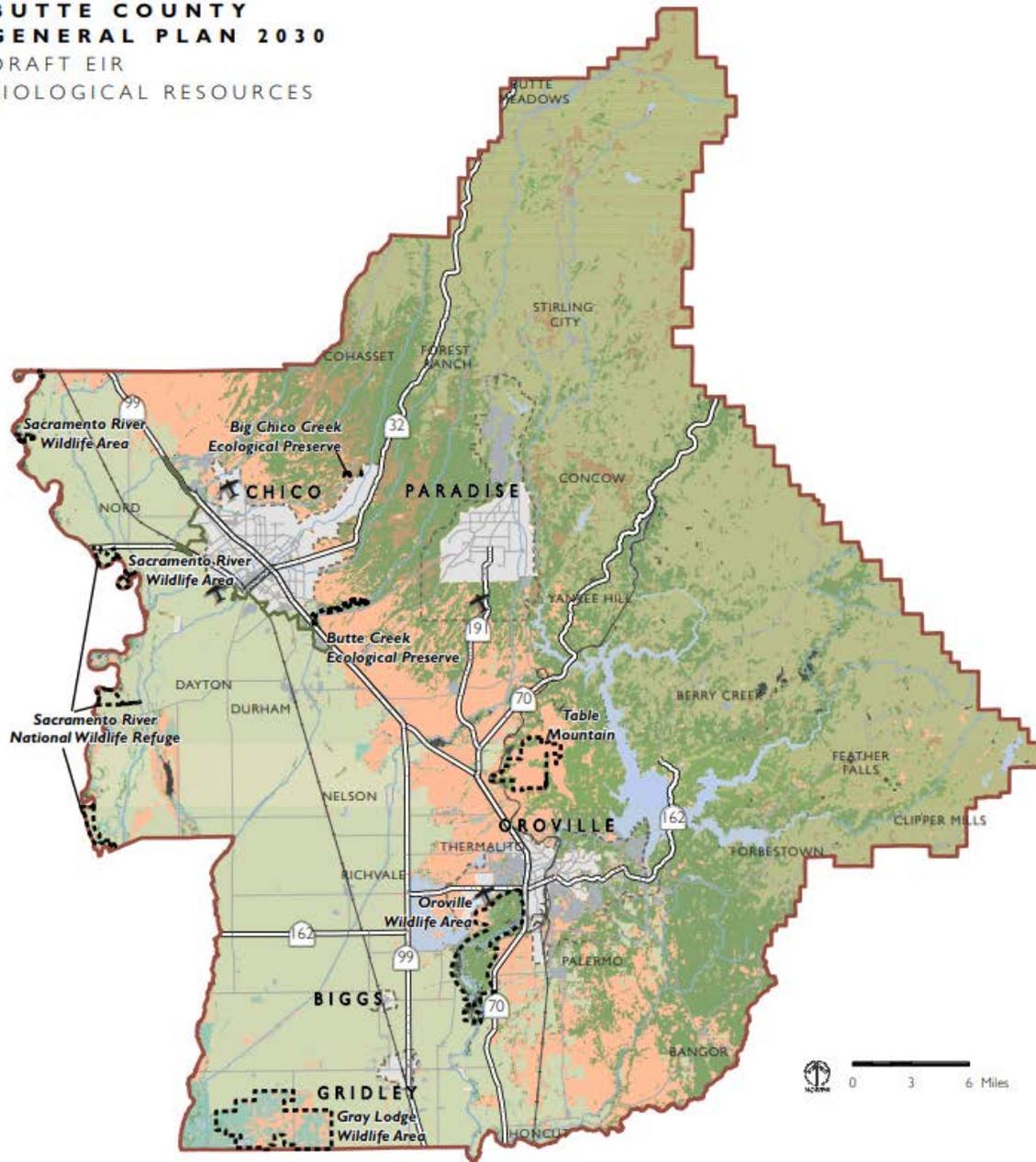
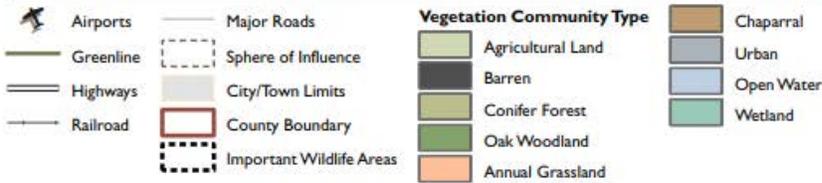


FIGURE 3-5
PROJECTED 2030 RESIDENTIAL BUILDOUT

**BUTTE COUNTY
GENERAL PLAN 2030
DRAFT EIR
BIOLOGICAL RESOURCES**

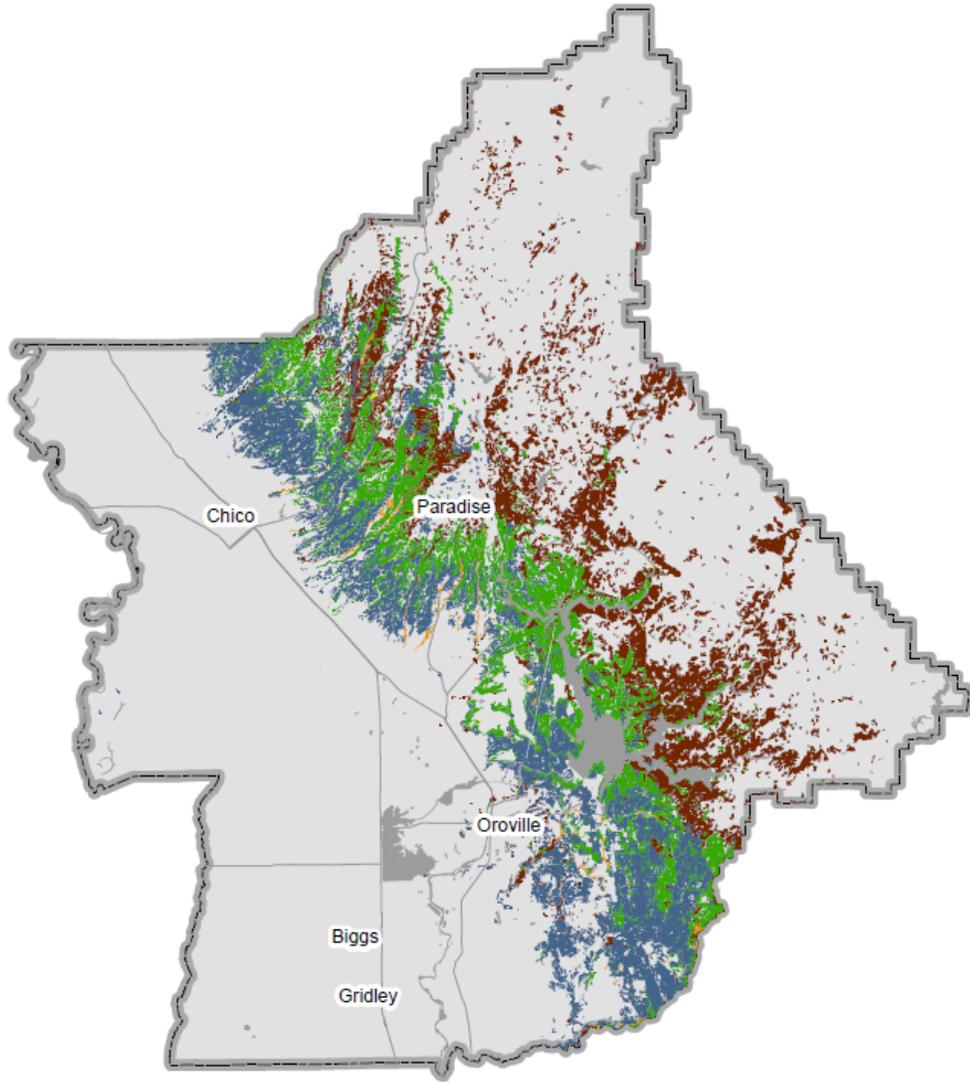


Sources: Butte County GIS, 2009; California Department of Forestry and Fire Protection, Fire and Resource Assessment Program, 2009; California Department of Fish and Game, 2009.



**FIGURE 4.4-1
VEGETATIVE COMMUNITIES AND WILDLIFE AREAS**

Butte County's Oak Woodlands



10
Miles



Legend

CALFIRE Forest and Rangeland Assessment Program 2015
Oak Woodland Biological Community Type

- Blue Oak Woodland - 61639.3 acres
- Blue Oak-Foothill Pine - 76081.06 acres
- Coastal Oak Woodland - 236.28 acres
- Montane Hardwood - 76583.15 acres
- Valley Oak Woodland - 2140.03 acres

Total Acreage = 216679.82

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