

March 2023 | Final Environmental Impact Report
State Clearinghouse No. 2022100151

GENERAL PLAN UPDATE FINAL EIR

County of Butte

Prepared for:

Client

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1. Introduction

1.1 INTRODUCTION

This Final Environmental Impact Report (FEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code § 21000 *et seq.*) and CEQA Guidelines (California Code of Regulations § 15000 *et seq.*).

According to the CEQA Guidelines, Section 15132, the FEIR shall consist of:

- (a) The Draft Environmental Impact Report (DEIR) or a revision of the Draft.
- (b) Comments and recommendations received on the DEIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies comments on the DEIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- (e) Any other information added by the Lead Agency.

This document contains responses to comments received on the DEIR for the Butte County General Plan Update and during the public review period, which began January 06, 2023, and closed February 21, 2023. This document has been prepared in accordance with the CEQA Guidelines and represents the independent judgment of the County of Butte. This document and the circulated DEIR comprise the FEIR, in accordance with CEQA Guidelines, Section 15132.

1.2 FORMAT OF THE FEIR

This document is organized as follows:

Section 1, Introduction. This section describes CEQA requirements and content of this FEIR.

Section 2, Response to Comments. This section provides a list of agencies and interested persons commenting on the DEIR; copies of comment letters received during the public review period, and individual responses to written comments. To facilitate review of the responses, each comment letter has been reproduced and assigned a number (Letters A through C for agencies and organizations, Letters 1 through 18 for members of the public). Individual comments have been numbered for each letter and the letter is followed by responses with references to the corresponding comment number.

1. Introduction

Section 3. Revisions to the Draft EIR. This section contains revisions to the DEIR text and figures because of the comments received by agencies and interested persons as described in Section 2, and/or errors and omissions discovered subsequent to release of the DEIR for public review.

The responses to comments contain material and revisions that will be added to the text of the FEIR. The County staff has reviewed this material and determined that none of this material constitutes the type of significant new information that requires recirculation of the DEIR for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the DEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204 (a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of DEIRs should be “on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. ...CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

CEQA Guidelines Section 15204 (c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Section 15204 (d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204 (e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

In accordance with CEQA, Public Resources Code Section 21092.5, copies of the written responses to public agencies will be forwarded to those agencies at least 10 days prior to certifying the environmental impact report. The responses will be forwarded with copies of this FEIR, as permitted by CEQA, and will conform to the legal standards established for response to comments on DEIRs.

2. Response to Comments

Section 15088 of the CEQA Guidelines requires the Lead Agency (Butte County) to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the DEIR and prepare written responses.

A public hearing to receive verbal and written comments on the DEIR was held at the Planning Commission meeting on January 26, 2023. This FEIR includes a summary of oral comments received at the public hearing and individual comments raised during the public hearing are identified as commenters 3 through 6.

This section provides all written responses received on the DEIR and the County's responses to each comment. Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the DEIR are excerpted in this document, the sections are shown indented. Changes to the DEIR text are shown in underlined text for additions and ~~strikeout~~ for deletions.

The following is a list of agencies and persons that submitted comments on the DEIR during the public review period.

Number Reference	Commenting Person/Agency	Date of Comment	Page No.
Agencies & Organizations			
A	Melissa Stanfield on behalf of California Department of Fish and Wildlife	February 17, 2023	5
B	Jason Mandy on behalf of Butte County Air Quality Management District	February 21, 2023	15
C	Allen Harthorn, Friends of Butte Creek	February 21, 2023	23
Residents			
1	Mrs. Jack Williamson	January 23, 2023	39
2	Tyler Velten	January 23, 2023	43
3	Bonnie Persons	January 26, 2023	46
4	Elizabeth Devereaux	January 26, 2023	49
5	Richard Harriman	January 26, 2023	51
6	Planning Commission Meeting	January 26, 2023	55
7	Mrs. Jack Williamson	February 08, 2023	65
8	Richard Harriman	February 21, 2023	87
9	John Stonebraker	February 21, 2023	93

2. Response to Comments

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2. Response to Comments

LETTER A – Melissa Stanfield on behalf of California Department of Fish and Wildlife, (5 pages)

2. Response to Comments

ATTENTION: This message originated from outside **Butte County**. Please exercise judgment before opening attachments, clicking on links, or replying.

Dear Mr. Michelena:

The California Department of Fish and Wildlife (CDFW) received and reviewed the DEIR for the General Plan Update from Butte County (County) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Plan that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Plan that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802.). Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

A-1

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site covers all of Butte County. Butte County is located within California's Central Valley and covers approximately 1,073,000 acres, including the Chico Metropolitan Statistical Area.

The Project consists of updating the current General Plan. Since the current General Plan was adopted in 2010, the devastating Camp and North Complex Fires destroyed nearly 17,000 structures, including more than 14,000 homes, and displaced many more residents. The updated General Plan will support the County's efforts to rebuild and create a more resilient future. The General Plan Update will also serve as an opportunity to address issues related to climate adaptation and environmental justice, as well as other new State laws. The proposed Project is a targeted update to the General Plan and will focus on the following elements: health and safety, housing, land use, circulation, and water resources. Other elements of the current General Plan will be revised to ensure consistency with the aforementioned elements.

A-2

The 2040 General Plan Updates would amend the General Plan land use map.

The land use map changes would occur in two areas:

2. Response to Comments

- Upper Ridge Community Plan (URCP). The 2040 General Plan Update would redesignate 28 parcels in the URCP area from Retail and Office to Mixed-Use. The URCP area is north of the Town of Paradise, primarily within the boundaries of the Magalia census-designated place. This area is composed of eight distinct neighborhoods, with open spaces within and adjacent to the neighborhoods.
- Specific Plans and Planned Developments to Be Developed “Overlay.” The 2040 General Plan Update would include a new overlay for the area envisioned as a sports recreation campus, a 264-acre area east of the Butte Creek Preserve, between the Skyway and Highway 99, southeast of Chico. This overlay applies to areas that are expected to be developed under a specific plan or planned development. Each specific plan or planned development will be intended to implement the vision identified in the General Plan. Until a specific plan or planned development is adopted, any development within this area is subject to the underlying land use designations. For this proposed new sports complex area, a future planned development project will determine the mix of uses that will occur. The planned development project will identify opportunities for serving the region with active recreation such as baseball, softball, soccer, and football fields, archery courses, and basketball/volleyball courts. The planned development project may include wellness and education centers with ancillary housing and event centers. The planned development will include areas of open space and habitat conservation.

A-2
 Cont'd

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and, where appropriate, mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

The following comments address the Specific Plans and Planned Developments to Be Developed “Overlay” (proposed overlay).

The proposed overlay identifies a 264-acre sports and recreational complex to be constructed within the City of Chico’s Sphere of Influence. The following considerations should be included and evaluated in any subsequent CEQA documents for projects proposed within the proposed overlay area. Projects within the 264-acre overlay area will have the potential to result in direct and indirect impacts to existing natural communities and biological resources. The proposed overlay contains a number of sensitive natural communities and biological resources that would be permanently impacted including riparian woodland, oak woodland, annual grassland, wetlands, and tributaries to Butte Creek. Special status species with the potential to occur within the proposed overlay area include fully protected species including but not limited to: white-tailed kite (*Elanus leucurus*), golden eagle (*Aquila chrysaetos*), and ringtail (*Genus Bassariscus*). California species of special concern with the potential to occur within the project area include western spadefoot (*Spea hammondi*), western pond turtle (*Emys marmorata*), coast horned lizard (*Phrynosoma blainvillii*), northern harrier (*Circus hudsonius*), short-eared owl (*Asio flammeus*), burrowing owl (*Athene cunicularia*), loggerhead shrike (*Lanius ludovicianus*), yellow breasted chat (*Icteria virens*), yellow warbler (*Setophaga petechia*), pallid bat (*Antrozous pallidus*), western red bat (*Lasiurus blossevillii*), and American badger (*Taxidea taxus*). State-listed species with the potential to occur include but are not limited to Crotch’s bumble bee (candidate species) (*Bombus crotchii*), Swainson’s hawk (*Buteo swainsoni*), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), tricolored blackbird (*Agelaius tricolor*), and slender Orcutt grass (*Orcuttia tenuis*).

A-3

2. Response to Comments

Any CEQA analysis for projects within the proposed overlay area should fully identify and/or mitigate all elements of the Plan including proposed overlays that may have a significant, or potentially significant, impact on biological resources. As required by § 15126.6 of the CEQA Guidelines, the EIR should include an appropriate range of reasonable and feasible alternatives that would attain most of the basic proposed overlay objectives and avoid or minimize significant impacts to resources under CDFW's jurisdiction. CDFW recommends alternatives include a no-build option, as well as, a complete and thorough analysis of constructing the complex on another previously disturbed parcel within the County.

A-3
Cont'd

In addition, the proposed overlay abuts the CDFW-owned Butte Creek Ecological Reserve, defined in the Plan as an "important wildlife area." This section of stream is important for adult migration and juvenile emigration. We have had to do several adult spring-run fish rescues just downstream of HWY99 due to the natural lahar formation in Butte Creek within the Butte Creek Reserve. Butte Creek is one of only three tributaries to the Sacramento River that continues to harbor a genetically distinct sustaining population of the state and federally listed spring-run Chinook salmon. Major restoration actions undertaken since 1992 have significantly contributed to an increase in the spring-run salmon population and reduced the potential for extinction. To date, approximately \$60 million has been spent on restoration activities since 1992 (not including cost of multiple studies and technical evaluations). Significant commitments have been made to acquisition, physical monitoring, and management of instream flows. Actions include the M&T Ranch water exchange agreement, Durham Mutual water acquisition agreement, ten real-time flow gauging stations, and dedication of CDFW personnel to monitor and manage the acquired flows. Byproducts from development of the proposed overlay area —sewage, exhaust emissions, trash, lawn chemicals, and more—have the potential to enter the Butte Creek Ecological Reserve as water and air pollutants. Of particular concern is the use of fertilizers on sports fields. Many of the excess nutrients not absorbed by plants run off into nearby streams. The chemicals in fertilizers combine with excess nutrient runoff from lawns and septic systems. These nutrients can cause serious problems for our waterways. With the overflow of nutrient runoff, there's nothing to keep algae growth in check. Algae can grow into giant blooms that block the sunlight underwater plants need to survive. Algae blooms can create underwater "dead zones" when they take oxygen from the water that fish and invertebrates need to survive (Heisler J et. al, *Eutrophication and Harmful Algal Blooms: A Scientific Consensus*. Harmful Algae. 2008 Dec;8(1):3-13.).

A-4

The Department has an interest in the sustainable management of groundwater, as many sensitive ecosystems, species, and public trust resources depend on groundwater and interconnected surface waters (ISWs). The proposed overlay is located within the Vina Subbasin which is designated as high priority under the Sustainable Groundwater Management Act (SGMA). A Final Groundwater Sustainability Plan (GSP) was submitted by the Vina Groundwater Subbasin to the Department of Water Resources (DWR) in January 2022; the GSP identifies sustainable management criteria (SMC) that represent locally determined significance thresholds for adverse impacts that may result from groundwater extraction. The GSP identifies portions of the proposed overlay as likely being Groundwater Dependent Ecosystems (GDE). Subsequent CEQA analysis for projects within the proposed overlay area should identify relevant Vina Groundwater Subbasin SMC and demonstrate that the CEQA document's thresholds of significance related to potential Project impacts on groundwater resources are at least as protective as the management criteria identified in the GSP. The CEQA document should also consider and discuss the Project's potential impact on the ability of the subbasin to achieve groundwater sustainability as defined in its GSP.

A-5

Future CEQA documents should include a thorough assessment of water resources in the proposed overlay vicinity, including mapping of GDEs and ISWs. The analysis of proposed project impacts should assess potential localized declines in groundwater levels and associated reduction in shallow groundwater availability for GDEs and changes in rates of groundwater accretions to or depletions from ISWs. Mitigation measures should be

A-6

2. Response to Comments

proposed, to prevent groundwater-related project impacts from adversely affecting public trust resources. Tools to support this analysis may include the Natural Communities Commonly Associated with Groundwater (NCCAG) dataset, which identifies locations of potential GDEs, available at: <https://gis.water.ca.gov/app/NCDatasetViewer/#>; The Nature Conservancy's GDE Pulse tool, which identifies trends in GDE health through the Normalized Difference Vegetation Index (NDVI), Normalized Difference Moisture Index (NDMI), precipitation, and groundwater, available at: <https://gde.codefornature.org/#/map>; The Nature Conservancy's Plant Rooting Depth Database, which can support an assessment of vegetation's groundwater reliance, available at: <https://groundwaterresourcehub.org/sgma-tools/gde-rooting-depths-database-for-gdes>; and The Nature Conservancy's ICONS dataset, which provides information on depth to groundwater and the likely presence of ISWs, available at: <https://groundwaterresourcehub.org/sgma-tools/icons-interconnected-surface-water-in-the-central-valley>.

A-6
Cont'd

Adverse project-related impacts to GDEs and ISWs may be considered significant. CDFW recommends CEQA review of projects within the proposed overlay area fully identify potential impacts to GDEs and ISWs, and include appropriate avoidance, minimization, and mitigation measures to reduce impacts or mitigate any potential significant impacts. Measures may include but are not limited to: designating open space around named creeks and their tributaries; requiring minimum well set-back distances from GDEs and ISWs for future well drilling; establishing groundwater level thresholds based on likely GDE rooting depths or ISWs streambed elevations that, when reached, would require a reduction in or cessation of pumping; establishing pumping rate limits or seasonal forbearance periods during critical periods for special status species.

A-7

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

A-8

FILING FEES

The project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Please direct written notifications to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

A-9

CDFW appreciates the opportunity to comment on the DEIR to assist in identifying and mitigating project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources

2. Response to Comments

and strategies to minimize and/or mitigate impacts. If you have any questions regarding these comments, please contact me at (916) 597-6417 or melissa.stanfield@wildlife.ca.gov.

A-9
Cont'd

Thank you,

Melissa Stanfield
Senior Environmental Scientist (Specialist)
North Central Region (Region 2)
Phone: 916-597-6417



2. Response to Comments

A Response to Comments from California Department of Fish and Wildfire (CDFW), dated February 17, 2023.

A-1 Commenter summarizes its role as a California Trustee Agency for fish and wildfire resources under Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a). Commenter is submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.).

Comment is noted. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

A-2 Commenter provides a project description summary of the proposed project which is a Draft Environmental Impact Report for the Butte County General Plan Update. The 2040 General Plan Updates amends the General Plan land use map and update elements.

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

A-3 Commenter recommends following subsequent CEQA documents for projects proposed within the proposed overlay area should consider the potential direct and indirect impacts to existing natural communities, sensitive natural communities, special status species, State-listed species, and any other biological resources. Commenter also states any CEQA analysis for projects within the proposed overlay area should identify and fully mitigate impacts and include appropriate range if reasonable and feasible alternatives for biological resources.

This DEIR cannot comment on or influence future CEQA documents on future planned areas. The overlay the commenter is referring to applies to areas that are expected to be developed under a specific plan or planned development. Until a specific plan or planned development is adopted, the EIR should not engage in speculations about information that may not be known until a later phase, when specific development applications are known. All potential future development that is subject to discretionary approval would be required to undergo environmental and design review prior to project approval. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

A-4 Commenter states the proposed overlay abuts the CDFW-owned Butte Creek Ecological Reserve which is an important section of stream for adult migration and juvenile emigration. The commenter states that Butte Creek harbors genetically distinct sustaining population of state and federally listed spring-run Chinook salmon. The commenter states that byproducts from development of the proposed overlay area can have the potential to enter the Butte Creek Ecological Reserve as water and air pollutants.

2. Response to Comments

See response to comment A-3. Page 5.4-83 of the DEIR provides an analysis of development allowed by the General Plan Update's potential to cause adverse impacts to special status fish species including migrating salmon near Butte Creek. The analysis includes policies from the General Plan including Policy COS-P9.1 and Policy COS-P9.2 which require an assessment or mitigation requirements for special status species including the spring-run Chinook salmon located in Butte Creek be done to minimize impacts. These policies coupled with the Butte Regional HCP/NCCP would help to protect and mitigate impacts towards special status species including the spring-run Chinook salmon located in Butte Creek. No changes to the analysis are required.

- A-5 Commenter notes the proposed overlay is located within the Vina Subbasin which is designated as high priority under the Sustainable Groundwater Management Act (SGMA) and has a Groundwater Sustainability Plan (GSP). Commenter states subsequent CEQA analysis for projects within the proposed overlay area should identify relevant Vina Groundwater Subbasin SMC and demonstrate thresholds of significance related to groundwater resources and discuss the potential impacts on the ability of the subbasin to achieve groundwater sustainability as defined in the GSP.

See response to comment A-3. Page 5.4-83 of the DEIR provides an analysis of development allowed by the General Plan Update's potential to cause adverse impacts to groundwater including the Vina Subbasin. Page 5.10-53 of the DEIR under Impact HYDRO-1 provides an analysis and measures to ensure future development has a less than significant impact on surface and groundwater quality. In addition, under impact HYDRO-2 on page 5.10-54 of the DEIR, states the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge.

- A-6 Commenter states future CEQA documents should include a thorough assessment of water resources in the proposed overlay vicinity, including mapping of GDEs and ISWs. Commenter recommends the analysis of proposed project impacts should assess potential localized decline in groundwater levels and reduction in shallow groundwater availability for GDEs and changes in rates of groundwater accretions to or depletions from ISWs. Commenter recommends a list of datasets in the analysis.

See response to comment A-5.

- A-7 Commenter states that adverse project-related impacts to GDEs and ISWs may be considered significant; therefore, recommends CEQA review of projects within the proposed overlay area identify impacts and include mitigation measures to reduce those impacts. Commenter includes examples of measures such as designating open space around creeks and their tributaries; requiring minimum well set-back distances; establishing groundwater level thresholds; and establishing pumping rate limits or seasonal forbearance periods.

2. Response to Comments

See response to comment A-5.

- A-8 Commenter states that the information development in the environmental impact report be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. Commenter asks to report any special-status species and natural communities detected during the project surveys to the California Natural Diversity Database (CNDDDB). In addition, Commenter states the project would have an impact on fish and/or wildlife then assessment of filing fees is necessary.

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

- A-9 Commenter requests written notification of proposed actions and pending decisions regarding the proposed project. Commenter asks to direct written notification to California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov. Commenter appreciates the opportunity to comment on the DEIR to assist in identifying and mitigating project impacts on biological resources.

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration.

2. Response to Comments

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2. Response to Comments

LETTER B – Jason Mandly, on behalf of Butte County Air Quality Management District (BCAQMD) (3 pages)

2. Response to Comments

629 Entler Avenue, Suite 15
Chico, CA 95928

(530) 332-9400
(530) 332-9417 Fax



STEPHEN ERTLE
Air Pollution Control Officer

PATRICK LUCEY
Assistant Air Pollution Control Officer

February 21, 2023

Butte County Planning Division
Attn: Mark Michelena, Principal Planner
7 County Center Drive, Oroville, CA 95965

Re: Butte County General Plan 2040 Update Draft Environmental Impact Report (DEIR)

Dear Mr. Michelena

The Butte County Air Quality Management District (District) appreciates the opportunity to comment on the Butte County General Plan 2040 Update DEIR. Based on the information reviewed, the District has the following comments:

1. The District would like to reiterate comments on the General Plan 2040 Update submitted in October 2022, attached. B-1
2. The District appreciates the challenge of evaluating short-term air quality impacts and regional air quality trends with a long-term vision document such as the Butte County General Plan 2040 Update. Although Impacts AQ-1, AQ-2, AQ-3, AQ-5, and AQ-7 are planned to be significant and unavoidable, the District agrees that the proposed General Plan Policies referenced in Chapter 5.3 and Mitigation Measures AQ-1, AQ-2, AQ-3, AQ-4, and AQ-5 are feasible measures to minimize air quality impacts. B-2
3. The District recommends using the latest Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity published by the California Air Pollution Control Officers Association (<https://www.calemod.com/handbook/index.html>) when implementing Mitigation Measure GHG-1 to incorporate the latest best practices. B-3

If you have any questions or comments, please contact me at (530) 332-9400 x108.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Mandly", is written over a light blue circular stamp.

Jason Mandly
Senior Air Quality Planner

2. Response to Comments

629 Entler Avenue, Suite 15
Chico, CA 95928

(530) 332-9400
(530) 332-9417 Fax



STEPHEN ERTLE
Air Pollution Control Officer

PATRICK LUCEY
Assistant Air Pollution Control Officer

October 13, 2022

Butte County Planning Division
Attn: Mark Michelena, Senior Planner
7 County Center Drive, Oroville, CA 95965

Re: Butte County General Plan 2040 Update

Dear Mr. Michelena

The Butte County Air Quality Management District (District) appreciates the opportunity to comment on the Butte County General Plan 2040 Update. Based on the information reviewed, the District has the following comments:

1. The District supports efforts by Butte County to reduce vehicle miles traveled (VMTs) of combustion vehicles by improving access to transit, improving access to zero-emission transportation options such as electric charging stations, and improving opportunities for active transportation (EJ-2, CIR-2).
2. The District supports collaborative efforts to improve and maintain healthful air quality in Butte County's Disadvantaged Communities and Communities of Opportunity (EJ-8).
3. EJ-A8.1: Change "Butte County Air Pollution Control District (BCAPCD)" to "Butte County Air Quality Management District (BCAQMD)."
4. The District supports efforts to reduce emissions of air pollutants from new and existing housing through housing electrification, and weatherization and energy efficiency programs (EJ-5, H-7).
5. The District supports partnerships with fire managers, local businesses, and local, state, and federal agencies to balance air quality management with prescribed burning and biomass management needs in order to reduce the risk of catastrophic wildfires (COS-P5.8).
6. COS Element Section III.A (Page 10-17): Recommend replacing the second, third, and fourth paragraphs with information similar to the following:

B-4

B-5

B-6

B-7

Existing air quality conditions in Butte County can be characterized in terms of the ambient air quality standards that the federal and State governments have established for various pollutants and by monitoring data collected in the region. The California Air Resources Board (CARB) operates ozone (summertime smog) monitoring equipment in Chico and Paradise. CARB operates fine particulate (PM2.5) monitoring equipment in Chico, Paradise, and in South Butte County outside of Gridley. The Chico air monitoring station is the only official ambient air quality site in Butte County monitoring for coarse particulates (PM10), Nitrogen Dioxide (NO2), Lead, and Carbon Monoxide (CO).

B-8

The following table shows Butte County's attainment status with state and federal ambient air quality standards as of 2022:

2. Response to Comments

Pollutant	State Designation	Federal Designation
1-hour Ozone	Nonattainment	No Standard (revoked)
8-hour Ozone	Nonattainment	Nonattainment
Carbon Monoxide	Attainment	Attainment
Nitrogen Dioxide	Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
24-Hour PM10	Nonattainment	Attainment
24-Hour PM2.5	No Standard	Attainment
Annual PM10	Attainment	No Standard
Annual PM2.5	Nonattainment	Attainment

B-8
 Cont'd

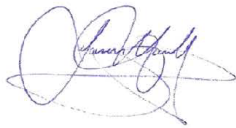
The most recent annual air quality report from the Butte County Air Quality Management District is available at <https://bcaqmd.org/air-quality>

- CO-P5.3: Recommend changing “EPA Phase II Certified wood burning or equivalent devices” to “wood burning devices meeting current EPA certifications” to account for the new 2015 EPA New Source Performance Standards for New Residential Wood Heaters.

B-9

If you have any questions or comments, please contact me at (530) 332-9400 x108.

Sincerely,



Jason Mandly
 Senior Air Quality Planner

2. Response to Comments

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2. Response to Comments

B Response to Comments from Jason Mandly, on behalf of BCAQMD, dated February 21, 2023.

B-1 Commenter reiterates comments on the General Plan 2040 Update submitted in October 2022.

Refer to comments made in B-4 to B-9.

B-2 Commenter agrees that although Impacts AQ-1, AQ-2, AQ-3, AQ-5, and AQ-7 are planned to be significant and unavoidable, Mitigation Measures AQ-1, AQ-2, AQ-3, AQ-4, and AQ-5 are feasible measures to minimize air quality impacts.

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration.

B-3 Commenter recommends using the latest Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity published by the California Air Pollution Control Officers Associates when implementing Mitigation Measure GHG-1 to incorporate latest best practices.

See Section 3, *Revisions to the Draft EIR*, of this FEIR, which incorporates recommendation to Mitigation Measure GHG-1.

B-4 BCAQMD supports efforts by Butte County to reduce VMT of combustion vehicles by improving access to transit, zero—emission transportation options, and opportunities for active transportation. BCQAQMD also supports collaborative efforts to improve and maintain healthful air quality in Butte County’s Disadvantage Communities and Communities of Opportunity.

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

B-5 BCAQMD recommends changing “Butte County Air Pollution Control District (BCAPCD)” to Butte County Air Quality Management District (BCAQMD)” in EJ-A8.1

Comment requests making changes to Action EJ-A8.1 in the General Plan. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. See Section 3.4, *Errata to the General Plan*, of this FEIR, which incorporates recommendation to the General Plan.

2. Response to Comments

B-6 BCAQMD supports efforts to reduce emissions of air pollutants from new and existing housing through housing electrification, and weatherization and energy efficiency programs (EJ-5, H-7).

See response to comment B-4.

B-7 BCAQMD supports partnerships with fire managers, local businesses, and local, state, and federal agencies to balance air quality management with prescribed burning and biomass management needs to reduce the risk of catastrophic wildfires (COS-P5.8).

See response to comment B-4.

B-8 Commenter recommends making modifications to COS Element Section III.A on page 10-17 of the General Plan and provides a table which shows Butte County's attainment status with the state and federal ambient air quality standards as of 2022. See Section 3.4, *Errata to the General Plan*, of this FEIR, which incorporates recommendations to the General Plan.

This comment references making changes to the language in the 2040 General Plan. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

B-9 Commenter recommends changes to CO-P5.3 to account for the new 2015 EPA New Source Performance Standards for New Residential Wood Heaters.

This commenter request changes to Policy COS-P5 from the 2040 General Plan. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. See Section 3.4, *Errata to the General Plan*, of this FEIR, which incorporates recommendations to the General Plan.

2. Response to Comments

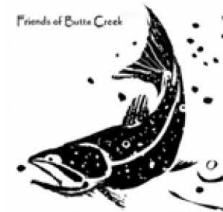
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2. Response to Comments

LETTER C – Allen Harthorn, on behalf of Friends of Butte Creek (11 pages)

2. Response to Comments

Mark Michelena
Principal Planner, Butte County Planning Division
7 County Center Drive
Oroville, CA 95965
mmichelena@buttecounty.net



Comments of Friends of Butte Creek regarding Planned Developments, future Planned Developments, and water, fire, and agriculture.

Allen Harthorn, Executive Director
Friends of Butte Creek
2024 West Sacramento Avenue
Chico CA 95973

February 21, 2023

In the Land Use Element of the General Plan, Planned Developments are discussed. A general comment is that Planned Developments in general need to be discussed more broadly in the County with diverse interest groups. We are at a critical point for the protection of our natural areas and it seems that projects such as Valley's Edge would have been better served by maintaining County Control of the planning process. As it turns out, only Chico voters will get a chance to get to vote on the direction of the project when in fact it will still affect a significant number of County residents and take 1450 acres of agricultural grazing land out of the foothill grasslands. Butte County failed to follow LU Policies, P1.1, P1.3, P1.6, P1.10, P7.6, and P9.6; protecting agricultural land including grazing land, protecting habitat and watershed resources, limiting development in foothill areas constrained by fire, water and infrastructure, and clearly, new development having early and frequent communication with affected citizens and stakeholders, as evidenced by the CEQA lawsuit and the Referendum to repeal the City Council decisions. In addition, Valley's Edge has not provided a publicly transparent fiscal analysis of the project. We are now at an expensive juncture for the developer, the City of Chico, and the many affected citizens and stakeholders who will fight this development for many years to come. This all could have been managed better in the County hands, not the City of Chico.

C-1

C-2

C-3

It is a sage warning that the other Planned Developments, Specific Plan Areas and Future Planned Developments need to do a better job of following the General Plan Land Use Policies. In particular, the Stilson Canyon Specific Plan is another attempt by developers to ignore the policies and concentrate their development on a small portion of their land because the rest is severely constrained. Purchasing cheap blocks of land and creating fantasy development plans has no place in good planning. The constraints of water and fire in the Stilson Canyon foothills are all too clear from previous attempts to build in this extreme fire zone where water resources are severely limited. The fire danger is extreme and water resources are severely limited and will further exacerbate the groundwater depletion the Vina Subbasin is currently experiencing.

C-4

C-5

The final comments are encapsulated here and detailed in the materials supplied with this letter. The Future Planned Development, also referred to as the Regional Recreation Campus Planned Development, really has no place in the General Plan to be considered at all. The fact that is referred to

C-6

2. Response to Comments

as a "Future" development and then immediately referred to as a "Planned Development" is very concerning. The constraints on this property are numerous and outreach by the proponents very limited. Most concerned citizens and stakeholders have no idea what this is and why it is being proposed. Without a lot of research, the general public has no way of knowing the details of the proposed project or the constraints on this land. There has been no early or frequent communication with affected citizens and stakeholders as required in LU-P7.6. This would certainly appear to fall into the category of a "Large Development Project" (LU-P9.6) and as such must prepare a fiscal impact analysis to ensure that the County will be able to maintain adequate service levels and fiscal sustainability. In addition, as with what happened with Valley's Edge, there is no way that this should be included in the Chico sphere of influence, which would eliminate involvement of county residents affected by the proposed project. The state and federal agencies will certainly have much to say about any development adjacent to Butte Creek. From personal conversations, it appears the proponents have had no such communications with the agencies regarding this future planned development. It would be best served by the County to remove this proposed project, in this location, from the General Plan. All of the elements of this proposed project would be better served by locating the project closer to adequate water resources, further away from fire dangers, and far from the critical habitat of the threatened spring run Chinook salmon and Central Valley Steelhead trout, and all the riparian species, aquatic, terrestrial, and avian, which call Butte Creek home. The Forebay Aquatic Center in Oroville would seem to be a much better home with many less constraints, closer to out of town visitors using the facilities, and provide an incredible boost to the economy of Oroville.

C-6
cont'd

C-7

C-8

C-9

C-10

C-11

Sincerely,



Allen Harthorn, Executive Director
Friends of Butte Creek

2. Response to Comments

LAND USE ELEMENT

1. Planned Unit Developments

There are three land areas that are intended for development as part of a Planned Unit Development (PUD). These areas are described below.

- a. Tuscan Ridge Planned Unit Development
- b. The Tuscan Ridge PUD will determine the mix of uses that will occur in a 165-acre area along the Skyway at the site of the former Tuscan Ridge Golf Course. A mix of residential uses, community commercial uses, and water and/or sanitary sewer facilities provided by a public or private entity may be developed in this area. Additionally, approximately 49 acres of the site would consist of landscaped areas, as well as recreational and open space areas to include bicycle and pedestrian trails. Paradise Summit Planned Unit Development.

The Paradise Summit PUD will determine the mix of uses that will occur in a 333-acre area southeast of Paradise. The PUD will limit development to not more than 312 dwelling units in a clustered development pattern. The Board of Supervisors approved the PUD in 2012 and the applicant subsequently submitted a time extension request to record the final map for the project prior to June 22, 2025.

c. Regional Recreation Campus Planned Development

A future planned development project will determine the mix of uses that will occur in a 264-acre area southeast of Chico shown on Figure LU-2B. The planned development project will identify opportunities for serving the region with active recreation such as baseball, softball, soccer, and football fields, archery courses, and basketball/volleyball courts. The planned development project may include wellness and education centers with ancillary housing and event centers. The planned development will include areas of open space and habitat conservation.

2. Berry Creek Area Plan

Through the Berry Creek Area Plan Overlay, this General Plan identifies Berry Creek as an area for which an Area Plan will be developed by the Berry Creek community. The intent of the Area Plan will be to maintain the rural character of this community while improving opportunities to locate jobs and services in Berry Creek. Any development that occurs prior to adoption of the Area Plan will be subject to the underlying land use designations of General Plan 2040 until and unless the Area Plan is adopted, at which point the land use designations in that Plan will replace the designations in the General Plan.

2. Response to Comments

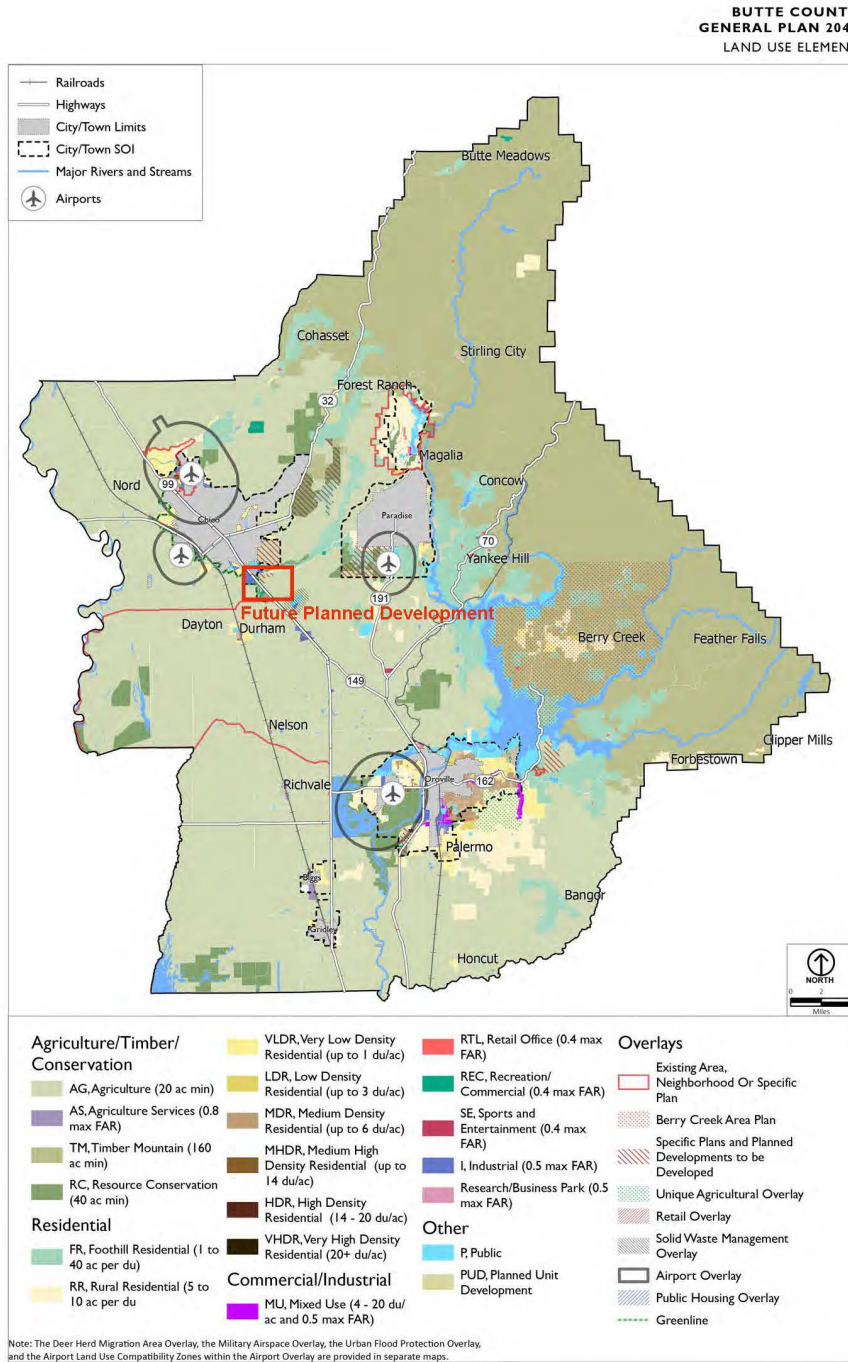


FIGURE LU-2A
GENERAL PLAN LAND USE DESIGNATIONS

2. Response to Comments

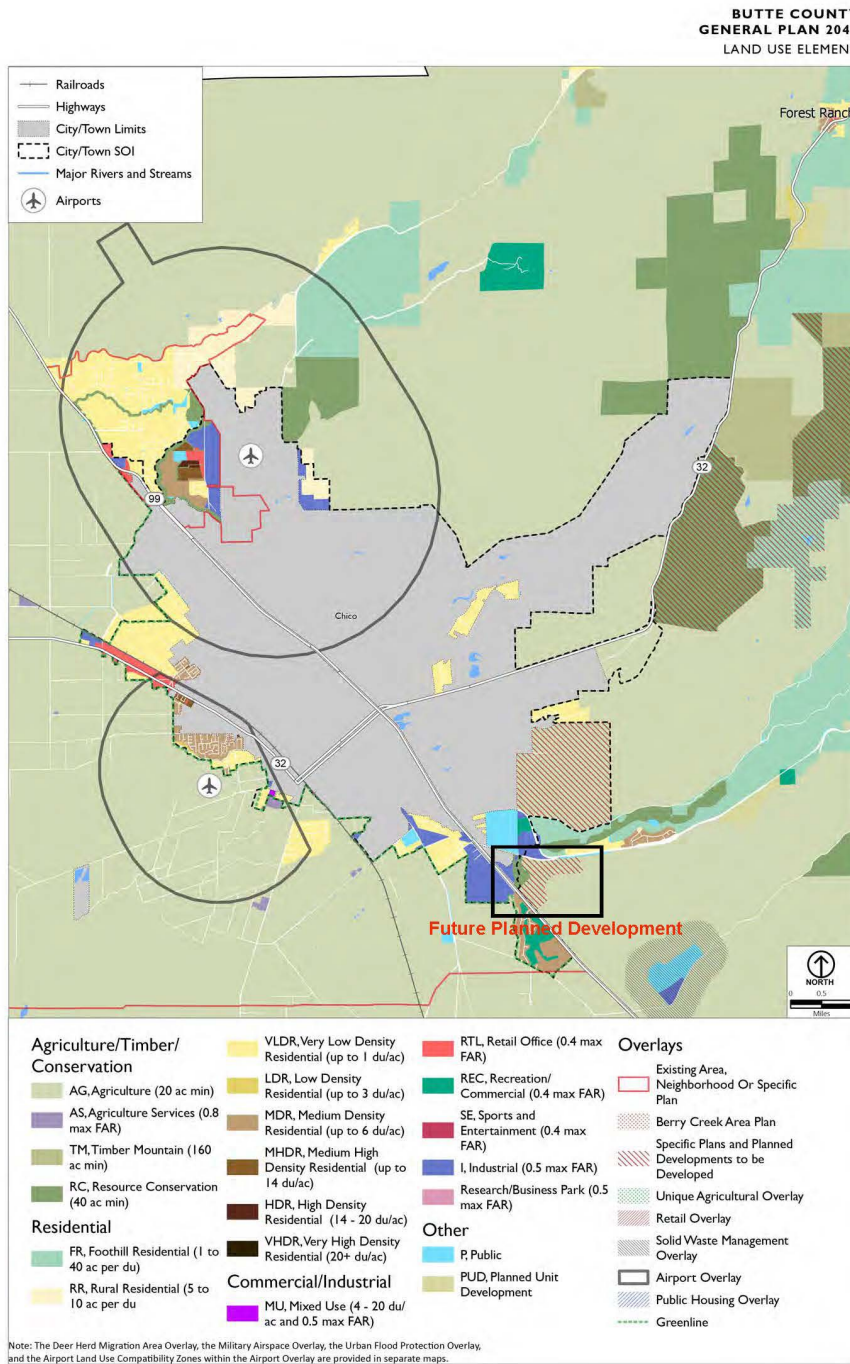
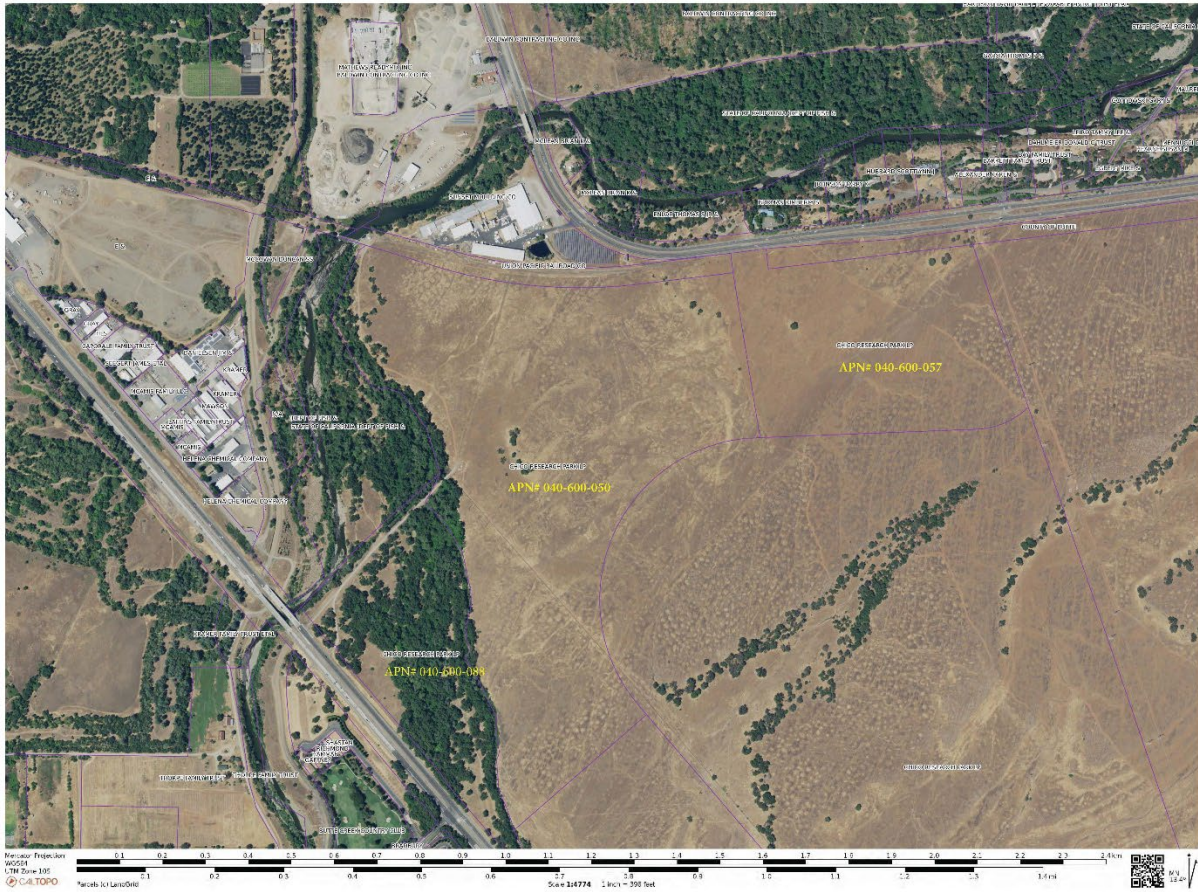
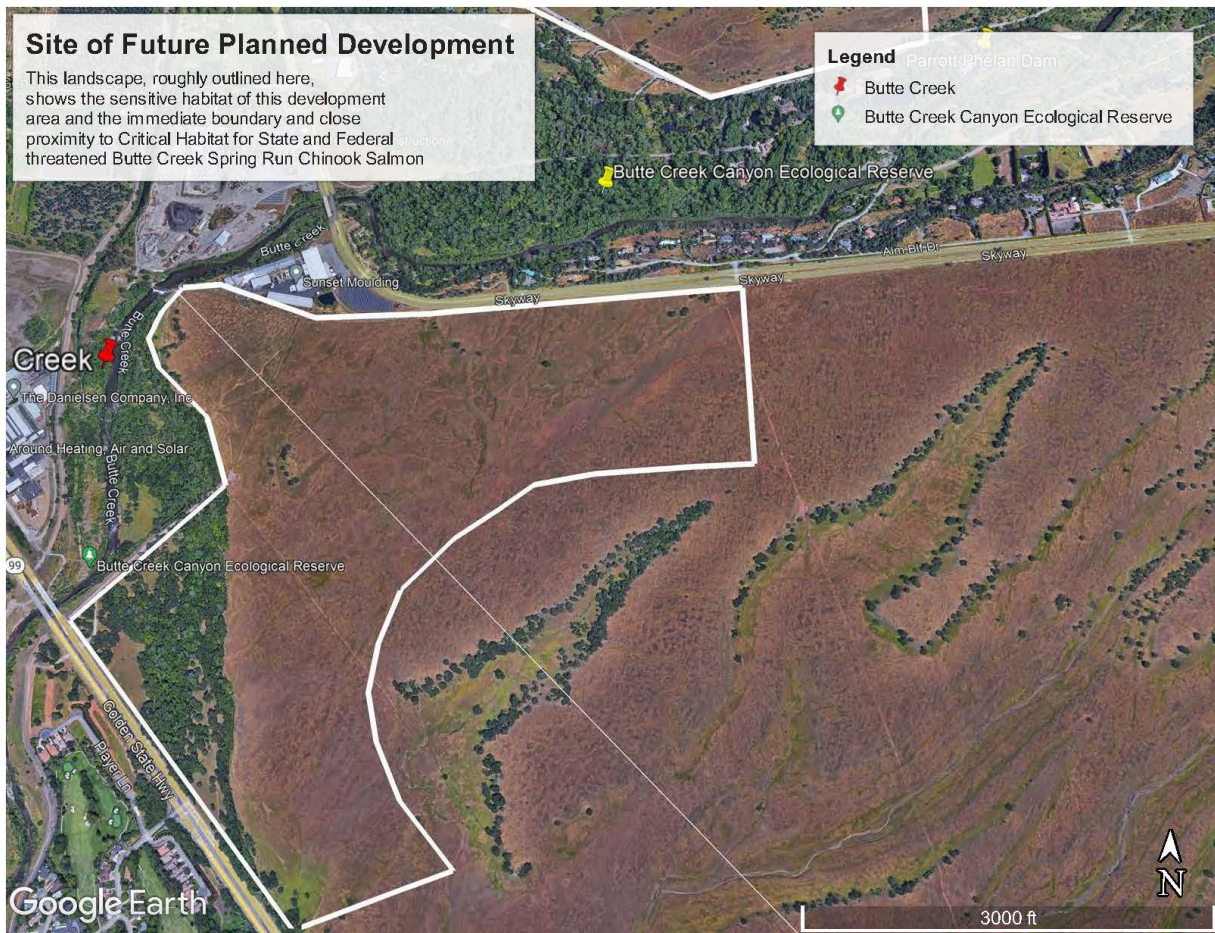


FIGURE LU-2B
GENERAL PLAN LAND USE DESIGNATIONS — CHICO AREA

2. Response to Comments



2. Response to Comments



2. Response to Comments



2. Response to Comments

Butte County General Plan Update-Land Use Element

February 2023

Regional Recreation Campus Planned Development

A future planned development project will determine the mix of uses that will occur in a 264-acre area southeast of Chico shown on Figure LU-2B. The planned development project will identify opportunities for serving the region with active recreation such as baseball, softball, soccer, and football fields, archery courses, and basketball/volleyball courts. The planned development project may include wellness and education centers with ancillary housing and event centers. The planned development will include areas of open space and habitat conservation.

Parcel Numbers: 040-600-050, 150 acres, AG-40; 040-600-057, 64 acres, AG-40; 040-600-058, 50 acres, AG-40

Owner: Chico Research LLP

This future planned development project should not be designated as anything other than Agriculture with the existing agricultural zoning of AG-40. The project is inconsistent with numerous policies and in direct conflict with the Goal LU-1. This is agricultural grazing land including sensitive habitats for many terrestrial, avian, invertebrate, and amphibian species. Most significantly every portion of this property is within 1500 feet of the centerline of Butte Creek. Butte Creek is home to the largest run of Spring Run Chinook Salmon (SRCS) in California. The SRCS are listed by both the State and Federal Endangered Species Acts as a threatened run. Their life history is dependent on access and speedy passage through the riparian corridor of Butte Creek. The riparian ecosystem is a complex web of plants, animals, birds, insects, bats, and amphibians, all dependent on the natural system of seasons, weather and daylength. The Recovery Plan for Central Valley Spring Run Chinook Salmon from the federal NOAA Fisheries, states the following actions in conflict with this development:

- BUC 1.5** **Develop information to better understand the interaction between surface water and groundwater in the Butte Creek watershed in order to evaluate the potential impacts of water management options (e.g., groundwater sales; conjunctive use) in the watershed on the Butte Creek flow regime.**
- BUC 2.6** **Develop and implement programs and projects that focus on maintaining and restoring riparian corridors within the Butte Creek watershed.**
- BUC 2.8** **Curtail further development in active Butte Creek floodplains through zoning restrictions, county master plans, and other Federal, State, and county planning and regulatory processes.**
- BUC 2.10** **Permanently protect riparian habitat in Butte Creek through easements and/or land acquisition**

Goals

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

2. Response to Comments

This future planned development project should never be considered as anything other than agricultural grazing land or protected in perpetuity with a conservation acquisition or easement.

Policies

- LU-P1.1 The County shall protect and conserve land that is used for agricultural purposes, including cropland and grazing land.
- This project would forever eliminate 264 acres of grazing land.**
- LU-P1.3 The County shall minimize potential conflicts between agricultural and urban uses.
- This project would increase conflicts between agricultural uses and urban uses. The boundary of the project on the south side is long and would be shared with grazing animals. The project would depend on groundwater which would lower the water table and affect the viability of the grazing areas.**
- LU-P-1.6 The County shall conserve important habitat and watershed areas, while protecting the public safety of County residents.
- There are no public safety issues for County residents related to this project but it would most certainly have a dramatic impact on important habitat and watershed areas. The impacts include severe unmitigable light pollution, noise pollution, groundwater extraction for irrigation, domestic use, and a lake, urban runoff from roads, trails, buildings and fields, and significant potential groundwater pollution from the enormous septic system that would be required.**
- LU-P1.10 The County shall limit development in foothill and mountain areas that are constrained by fire hazards, water supply, migratory deer habitat, or infrastructure.
- This project is at the edge of the Wildlands Urban Interface and is prone to fire. Most importantly this area is part of the groundwater recharge system that feeds Butte Creek and the Vina Basin Groundwater.**
- LU-P7.6 Sponsors of new development projects shall have early and frequent communication with affected citizens and stakeholders.
- The sponsors of this project have, for the most part, communicated with many affected citizens, but almost exclusively with proponents of the project who are completely unaware of the sensitivity of the ecosystem of the project area.**
- LU-P8.7 Land use patterns and development shall support the State's ability to achieve its vehicle miles traveled (VMT) and greenhouse gas (GHG) reduction goals, and the County's own VMT thresholds of significance.
- There are references to the fact that many parents and athletes must travel great distances to attend tournaments, competitions and that the project would reduce this travel. The other side of the coin is that the project is designed to ATTRACT people**

2. Response to Comments

- from out of the area to come to Chico for their events. This in fact would in fact be an increase in GHG, exceedance of the County's VMT.**
- LU-P9.6 Large development projects, as determined by the Department of Development Services that may not be served at adequate levels by existing public services (e.g., staffing, equipment, and facilities) shall be subject to additional fiscal review before gaining full entitlements to develop. The applicant shall prepare a fiscal impact analysis that identifies any fiscal mitigation measures needed to ensure that the County will be able to maintain adequate service levels and fiscal sustainability.
- The proponents of this project have not publicly done any transparent fiscal review and have based the support for the project on the landowner's desire to develop their property. It is outside the city limits of Chico and would serve to compete with the existing Recreation Districts in Chico and Paradise. Access would be far from public transportation and therefore would severely limit access to citizens who dependent on public transit. In addition, the project will not be free to the public. The fiscal review would clarify the cost to use the facilities and would likely completely eliminate the affordability of lower income citizens.**

2. Response to Comments

C Response to Comments from Friends of Butte Creek, dated February 21, 2023.

C-1 Commenter states the Planned Development needs to be discussed more broadly in the County with diverse interest groups. The commenter states the projects such as Valley's Edge would have been better served by maintaining County Control of the planning process and only Chico voters will get to vote on the direction of the project.

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

C-2 Commenter states the project will affect a significant number of County residents and take 1,450 acres of agricultural grazing land out of the foothill grasslands. The commenter states Butte County failed to follow LU Policies P1.1, P1.3, P1.6,P1.10, P7.6, and P 9.6 which protects agricultural land.

The commenter is correct in saying that the proposed project will affect agriculture. As stated in the DEIR under Impact AG-4, the proposed project would result in approximately 4,460 new acres of forest land would be subject to non-forest land use designations. Although the proposed project includes policies aimed to mitigate impacts loss of agricultural and forest land, the proposed project would reduce and covert forest and agricultural lands to accommodate future demand. Therefore, the DEIR determines that Impact AG-1 and AG-4 would be significant and unavailable. No changes to the analysis are required.

C-3 The commenter references CEQA lawsuit and the Referendum to repeal the City Council decision. The commenter adds the Valley's Edge has not provided a publicly transparent fiscal analysis of the project. The commenter states the City of Chico and other stakeholders will fight the development for many years to come.

This comment criticizes the processes involving the Valley's Edge project. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

C-4 The commenter states that other Planned Developments, Specific Plan Areas, and Future Planned Developments need to do a better job of following the General Plan Land Use policies. The commenter gives Stilson Canyon Specific Plan as an example of developers ignoring the policies and concentrating on their development.

This comment urges developers and future projects to follow policies in the General Plan. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

C-5 Commenter states there are constraints of water and fire in the Stilson Canyon foothills. The commenter emphasizes that the fire danger is extreme and water resources are

2. Response to Comments

severely limited and will further exacerbate the groundwater depletion in the Vina Subbasin.

See response to A-5 regarding the Vina Subbasin. The DEIR includes Impact WILD-2 which states that while possible forms of mitigation for wildfire risks in the unincorporated county would be implemented by the County through its General Plan 2040 policies and actions, doing so to reduce impacts to a less-than-significant level would be infeasible. In addition, due to potential unknown impacts from future development under the General Plan 2040, impacts at the programmatic level would remain significant and unavoidable. No changes to the analysis are required.

- C-6 The commenter states the Future Planned development, also referred to as the Regional Recreation and Campus Planned Development has no place in the General Plan to be considered at all. The commenter states that the fact that it is referred to as a “Future” development and “Planned Development” is concerning. The commentator states the constraints on this property are numerous and outreach by the proponents very limited, and most citizens and stakeholders have no idea what this is and why it is being proposed.

The Regional Recreation Campus Planned Development is listed as a Planned Unit Development on page 29 of the Butte County General Plan 2040. The plans listed under Planned Unit Development would be subject to subsequent CEQA review that would be prepared including a public hearing process and be subject to discretionary legislative action. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

- C-7 Commenter states there has been no early or frequent communication with affected citizens and stakeholders as required in LU-P7.6 and fall into the category of a “Large Development Project” (LU-P9.6) and as such must prepare a fiscal impact analysis to ensure that the County will be able to maintain adequate service levels and fiscal sustainability.

See response to comment C-6.

- C-8 Commenter references the Valley’s Edge and states this should be included in the Chico sphere of influence which would eliminate involvement of county residents affected by the proposed project.

CEQA extends the ability to comment on environmental documents beyond just responsible agencies to the public at large. Any person may comment on an environmental document.

- C-9 Commenter states the state and federal agencies will have much to say about any development adjacent to Butte Creek. The commenter states it appears the proponents

2. Response to Comments

have had no such communications with the agencies regarding this future planned development. The commenter recommends that the County remove this proposed project, in this location, from the General Plan.

See response to A-4 and 6-14 regarding impacts analyzed from proposed projects adjacent to Butte Creek.

- C-10 Commenter states the proposed project would be better served by locating the project closer to adequate water resources, further away from fire dangers, and far from the critical habitat of the threatened spring run Chinook salmon and Central Valley Steelhead trout, and all the riparian species, aquatic, terrestrial, and avian, which call Butte Creek home.

See response to comment A-4 regarding impacts spring run Chinook salmon and Central Valley Steelhead trout in Butte Creek. See response to comment A-5 regarding water resources. See response to comment C-5 regarding future projects near wildfire areas and their potential impacts.

- C-11 Commenter recommends the Forebay Aquatic Center in Oroville would seem to be a much better home with many less constraints, closer to out of town visitors using the facilities, and provide an incredible boost to the economy of Oroville.

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

2. Response to Comments

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2. Response to Comments

LETTER 1 – Mrs. Jack Williamson (1 page)

2. Response to Comments

From: [Michelle Souza](#)
To: [PCClerk](#); [DSPlanning](#); [DSGeneralPlan](#); Rubyroethler@gmail.com; schleiger.bcpc@gmail.com
Subject: Public Comment DEIR thru 2/21/23 - Butte County General Plan 2040 Update - Public Hearing 1/26/23
Date: Monday, January 23, 2023 1:43:02 PM

ATTENTION: This message originated from outside **Butte County**. Please exercise judgment before opening attachments, clicking on links, or replying.

Honorable Chair and Butte County Planning Commissioners,

The following comments primarily relate to the updating of the Butte County General Plan Land Use Element and the General Plan designations mapped and described in the Butte County General Plan, current and proposed for the 2040 update focusing on the "Placeworks" power point provided for the 1/26/23 Public Hearing, and the "Upper Stilson Canyon Proposed Specific Plan" shown under "Project Overview - Expanded Overlay," described as a proposed specific plan for a 4,264-acre area east of State Route 32 in Little Chico Creek Canyon.

As noted in the Land Use Element, A "Specific Plan" is defined in the California Government Code Sections 65450-65457 Article 8. Specific Plans.

1-1

I guess it is a little early to comment on a specific plan when it is only being proposed and the current underlying general plan designations will need to be redesignated in the future to increase allowable densities in Little Chico Creek Canyon to make the specific plan feasible to current and future affected property owners, while determining the necessary environmental mitigations for a successful sustained development for years to come.

My concerns will be kept to a minimum, as it does not look like the Upper Stilson Canyon Proposed Specific Plan is ready for next steps as defined in the California Government Code, Title 7 - Planning and Land Use, Division 1 - Planning and Zoning, Chapter 3 - Local Planning, Article 8 - Specific Plans (Sections 65450-65457).

Circulation and traffic flow are critical items to mitigate when proposing to increase density, sell property, or obtain fire insurance in an area designated as a *High Fire Hazard Severity Zone* according to the California 2022 Fire Hazard Severity Zone Map affecting real estate sales (AB 38 Defensible Space Inspections).

1-2

That being said, and if there are no objections, please add the following language below, where most appropriate, to the update to the Butte County General Plan Land Use Element under item 3. Future Specific Plans a. Upper Stilson Canyon Specific Plan:

Traffic flow will not impact or incorporate the use of Santos Ranch Road or Ten Mile House Trail for ingress and egress.

Thank you for the opportunity to comment on the Butte County General Plan 2040 Update during the DEIR Public Comment Period through February 21, 2023.

Thank you to the staff in Development Services for providing clarification and guidance and helping with this important process.

Sincerely,

Mrs. Jack Williamson

[Redacted Signature]

2. Response to Comments

1. Response to Comments from Mrs. Jackson Williamson, dated January 23, 2023.

1-1 The commenter has comments regarding the “Upper Stilton Canyon Proposed Specific Plan” shown under “Project Overview – Expanded Overlay”, a specific plan for a 4,264-acre area east of State Route 32 in Little Chico Creek Canyon. The commenter acknowledges that it is too early to comment on a specific plan when it is only being proposed and the current underlying general plan designations will need to be redesignated to increase allowable densities in Little Chico Creek Canyon.

There are no specific plans by the name “Upper Stilton Canyon Proposed Specific Plan” mentioned in the DEIR. The Upper Stilton Canyon Specific Plan is referenced in the existing Butte County General Plan. On page 3-13 of the DEIR, under Heading “Land Use Map Changes”, states the General Plan Update states until a specific plan or planned development is adopted, any development within areas specified to change is subject to underlying land use designations. Project level information is not available and the EIR should not engage in speculation about information that may not be known until a later when specific development applications are known. This comment will be forwarded to decision makers for their consideration.

1-2 Commenter states circulation and traffic flow are critical items to mitigate when proposing to increase density, sell property, or obtain fire insurance in an area designated as a High Fire Hazard Severity Zone. The commenter asks to add the following language, “Traffic flow will not impact or incorporate the use of Santos Ranch Road or Ten Mile House Trail for ingress and egress” under item 3 Future Specific Plan, Upper Stilton Canyon Specific Plan.

The commenter is making requests to the Butte County General Plan; however this is not the purpose or within the power for the DEIR. Circulation and traffic are addressed in the Butte County General Plan DEIR, in Chapter 5.16, Transportation. The DEIR is a programmatic EIR, project level information is not known or available and the EIR should not engage in speculations about information that may not be known until a later phase, when specific development applications are known. All potential future development that is subject to discretionary approval would be required to undergo environmental and design review prior to project approval.

2. Response to Comments

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2. Response to Comments

LETTER 2 – Tyler Velten (1 page)

2. Response to Comments

From: Tyler Velton
To: Michael@placeworks.com
Subject: General Plan Update EIR
Date: Tuesday, January 24, 2023 9:05:23 PM

ATTENTION: This message originated from outside Butte County. Please exercise judgment before opening attachments, clicking on links, or replying.

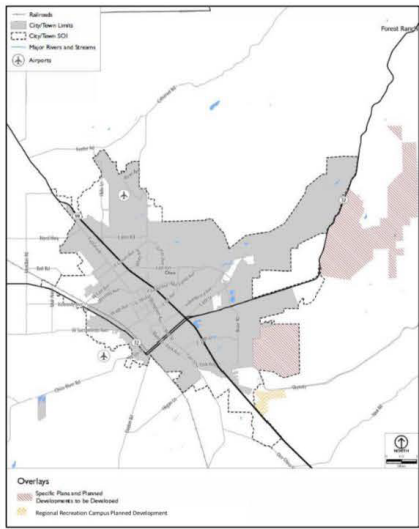
Good Evening Mark,

I am writing to you at this late hour as I have recently become aware of the General Plan Draft EIR documenting an "Expanded Overlay" for the Shiloh Canyon and Upper Ridge. I am deeply concerned about changes to this sensitive region severely impacted by the recent Camp Fire. The map appears to be combined with other regions to add nearly 6,000 units. However the map is also poorly annotated and the specific distribution of new units is impossible to gather from the information provided.

2-1

Project Overview – Expanded Overlay

- Specific Plans and Planned Developments to Be Developed "Overlay"
 - Applies to areas that are expected to be developed under a specific plan or planned development



The map displays the geographical area of Shiloh Canyon and Upper Ridge. It features various overlays: a large grey shaded area representing 'Specific Plans and Planned Developments to be Developed', and a smaller yellow shaded area representing 'Regional Recreation Campus Planned Development'. The map also shows major roads, streams, and airports. A legend in the top left corner identifies symbols for Railroads, City/Town Limits, City/Town SOI, Major Roads and Streams, and Airports. The PlaceWorks logo is visible in the bottom right corner of the map frame.

Given the lack of specificity impacting these properties, I firmly dispute the plan as drafted. I intend to be available for the hearing to represent my family who has lived in the Little Chico Creek canyon for nearly 60 years.

2-2

I would appreciate any clarification you may be able to share.

Regards,

Tyler Velton
4719 10 Mile House Trail

2. Response to Comments

2. Response to Comments from Tyler Velten, dated January 24, 2023

2-1 The commenter is concerned about the Expanded Overlay for Stilson Canyon and Upper Ridge and how changes to this region impacted the recent Camp Fire. Commenter provides the Overlay map and states the map is poorly annotated and the specific distributions of new units is impossible to gather from the information provided.

The commenter provides Figure 3-4, Specific Plans and Planned Development to Be Overlay, from the DEIR. The map is intended to give an overview of the areas the overlay will be applied to and not intended to give specific details such as the number of units for each specific plan or planned development. Additionally, as stated in Chapter 1, the DEIR fulfills the requirements for a Program EIR (programmatic) which is more conceptual than a Project EIR, therefore, project level information is not available and the EIR shouldn't engage in speculation about information that may not be known until a later phase, when specific development applications are known. Finally, the upper Stilson Canyon area was identified in the existing General Plan and was not changed as part of the proposed project.

2-2 Commenter disputes the plan as drafted given the lack of specificity impacting properties and intends to be available for the hearing to represent their family.

See response to comment 2-1.

2. Response to Comments

LETTER 3 – Bonnie Persons (1 page)

Over

PUBLIC PARTICIPATION CARD

Meeting Date 1/26/22

If you would like to speak at this meeting, please complete this card and place it in the bin to the right of the Clerk of the Board. **Completion and submission of this form are voluntary;** you may speak before the Board without identifying yourself. **However, your use of this card helps the Board better organize and schedule matters within the meeting.** No identification is necessary for your attendance at this meeting.

Where possible, please submit this card prior to the commencement of a meeting or during a recess.

When your name is called, please step up to a podium and state your name prior to speaking.

Name: Bonnie Persons

Address: [REDACTED]

Agenda Item No. or Subject:
Stilson Overlay

3-1

2. Response to Comments

3. Response to Comments from Bonnie Persons, dated January 26, 2023

3-1 The commenter voiced concerns over the Stilson Overlay.

The proposed project does not add a Stilson Overlay. The existing Specific Plans that could be Developed are shown on Figure 3-3, *General Plan 2030 Land Use Map*, of the existing 2030 General Plan is being carried over as The Specific Plans and Planned Developments to be Developed Overlay as shown on Figure LU-2A, *General Plan Land Use Designation*, on page 13 of the 2040 General Plan. The overlay applies to areas that could have a request for development under a future specific plan or planned development.

2. Response to Comments

Page intentionally left blank.

2. Response to Comments

Letter 4 – Elizabeth Devereaux (1 page)

PUBLIC PARTICIPATION CARD

Meeting Date _____

If you would like to speak at this meeting, please complete this card and place it in the bin to the right of the Clerk of the Board. Completion and submission of this form are voluntary; you may speak before the Board without identifying yourself. However, your use of this card helps the Board better organize and schedule matters within the meeting. No identification is necessary for your attendance at this meeting.

Where possible, please submit this card prior to the commencement of a meeting or during a recess.

When your name is called, please step up to a podium and state your name prior to speaking.

Name: Elizabeth Devereaux

Address: [REDACTED]

Agenda Item No. or Subject:
Stilson Overlay

2. Response to Comments

4. **Response to Comments from Elizabeth Devereaux, dated January 26, 2023**

4-1 The commenter voiced concerns over the Stilson Overlay

See response to comment 3-1.

2. Response to Comments

Letter 5 – Richard Harriman (1 page)

PUBLIC PARTICIPATION CARD

Meeting Date 1/26/23

If you would like to speak at this meeting, please complete this card and place it in the bin to the right of the Clerk of the Board. **Completion and submission of this form are voluntary;** you may speak before the Board without identifying yourself. **However, your use of this card helps the Board better organize and schedule matters within the meeting.** No identification is necessary for your attendance at this meeting.

Where possible, please submit this card prior to the commencement of a meeting or during a recess.

When your name is called, please step up to a podium and state your name prior to speaking.

Name: Richard Harriman
(please print)

Address: Chico

Agenda Item No. or Subject: VIII A

2. Response to Comments

Page intentionally left blank.

2. Response to Comments

5. Response to Comments from Tyler Velten, dated January 24, 2023

5-1 The commenter notes that they recently became aware of the General Plan Draft EIR documenting an 'Expanded Overlay' for the Stilson Canyon and Upper Ridge. The commenter is deeply concerned about changes to this sensitive region severely impacted by the recent Camp Fire. The map appears to be combined with other regions to add nearly 6,000 units. However, the map is also poorly annotated, and the specific distribution of new units is impossible to gather from the information provided.

See response to comment 3-1.

2. Response to Comments

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2. Response to Comments

Letter 6 – Planning Commission Meeting (2 pages)

2. Response to Comments

Summary of Verbal Comments

Butte County General Plan DEIR

January 26, 2023, Planning Commission Meeting

On the phone.

- | | |
|--|-----|
| 1. John Stone Breaker | |
| a. All written comments will be submitting. 5.18-2 evacuation table upside down. 2 vs. 4 lanes on Skyway | 6-1 |
| b. What is the actual proposed designation for the mixed use parcels in the Upper ridge plan. (Question about zoning not general plan designation) | 6-2 |
| 2. Katie Simmons – County Staff | |
| 3. Kay Sweeny – County Staff | 6-3 |
| 4. Tyler – Little Chico Creek Resident. Worried about the inclusion of the overlay for Stilson Specific Plan. | 6-4 |

At the meeting.

- | | |
|---|------------------------------|
| 5. Richard Harriman – | |
| a. Am going to make written comments but know Mark Teague and | 6-5 |
| b. “as feasible” in mitigation and policies and in document issues don’t know what it means in terms of time and when. Language shouldn’t be used. | 6-6 |
| c. Has the Oak Woodland Ordinance been adopted by the County? | 6-7 |
| d. 43 percent of AQ impacts caused by agriculture...is this still true? Why are these impacts not mitigatable impacts? Can mitigate through less than significant. | 6-8 |
| e. Development of housing in the upper ridge. Should be a requirement for solar to be installed with batteries to make sure that electrical vehicles can be supported, also that any impacts of bringing in energy to the site are addressed. Recharger for evs in house. | 6-9 |
| f. Specific ‘permissive’ elements water, economic, agriculture resource element, with conservation element and break out a separate air quality element. Going to see significant AQ impacts, very similar to Sonoma County. More commuters to northern Sac. Should have a special air quality element. | 6-10 |
| g. Lots of open space in Butte County. We need to protect open space in the County. Like to see additional mitigation measures identified in written comments later. | 6-11 |
| 6. Bonnie Persons | |
| h. Stilson overlay. New to us. Immediately adjacent to them. Suggest continuance or have it removed from plan. Not clear how the lines were drawn and about 4,000 acres and 360 homes, density is a significant change. Also, WUI issues of ingress/egress and also water issues with well concerns. Needs to know how much of the area drains to Butte Creek. Will make written comments. Wants more time. | 6-12
6-13
6-14
6-15 |
| 7. Elizabeth Devereaux (sp) | |
| i. Surprise about the large upper ridge overlay. Concern over toxic runoff into Butte Creek that could kill young salmon. | 6-16
6-17 |
| j. Request continuance to have conversation about all of the upper ridge plan and Stillson overlay. | 6-18 |

2. Response to Comments

- k. Worried about fire, evacuation, and traffic.
- 8. Dan Breedon – Upper Stilson Specific Plan has been in the General Plan since 2010 as a specific plan. Since then, nothing has come forward to develop or submit a specific plan. If one was prepared there would need a CEQA review, public hearing process, and be subject to discretionary legislative act. The only addition is the regional recreation campus earmarked for future consideration.

6-19

6-20

2. Response to Comments

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2. Response to Comments

6. Response to Comments from Planning Commission, dated January 26, 2023

6-1 Commenter states all written comments will be submitted. Commenter states 5.18-2 evacuation table upside down 2 vs 4 lanes on Skyway.

Comment is referring to Table 5.18-2, *Estimated Maximum Capacity of Magalia/Paradise Pines Evacuation Routes*, on page 5.18-32 of the DEIR which shows the estimated maximum capacity of these evacuation routes. Table 5.16-3, *Regionally Significant Arterial and Collector Roadways Serving the Unincorporate County Area*, on page 5.16-6 of the DEIR, provides a description of roadways including Skyway which states has four lanes from Park Avenue to Bille Road in the Town of Paradise with the four lanes becoming divided approximately from Honey Run Road to the Paradise Town limits and has two lanes elsewhere.

6-1 Commenter asks what the actual proposed designation for the mixed-use parcels in the Upper Ridge Plan

Page 3-26 of the DEIR states the zoning will change from General Commercial to Mixed-Use and is consistent with the General Plan change that redesignated 28 parcels from Retail and Office to Mixed Use in the Upper Ridge Community Plan.

6-3 Comments refer to County Staff, Katie Simmons, and Kay Sweeny.

This comment refers to county staff who attended the meeting virtually and identified themselves. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

6-4 Commenter is worried about the inclusion of the overlay for Stilson Specific Plan

See response to comment 3-1.

6-5 The commenter states they will make written comment and knows Mark Teague.

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

6-6 Commenter states using language such as “as feasible” in mitigation and policies should not be used as this language does not provide clarity in terms of time and when mitigation will apply.

See Section 3, *Revisions to the Draft EIR*, of this FEIR, which includes revisions to Section Mitigation Measure NOI-1.

2. Response to Comments

6-7 Commenter asks if the Oak Woodland Ordinance been adopted by the County.

Oak Woodland Ordinance is not found to be in the County's Municipal Code.

6-8 Commenter asks if 43 percent of AQ impacts are caused by agriculture and why are these impacts not mitigatable impacts. Commenter recommends mitigating impacts to less than significant level.

The DEIR does not make the claim that 43 percent of AQ impacts are caused by agriculture. The DEIR determined that complete mitigation for Impact AQ-1, AQ-2, AQ-3, AQ-5, AQ-5, AQ-6, and AQ-7 was not feasible and found to be significant and unavoidable. Although Mitigation Measures AQ-1, AQ-2, AQ-3, AQ-4, and AQ-5 would reduce project-level impacts in an individual basis, the actual reduction of emissions and noise achieved by each individual projects during construction and operation from implementation of Mitigation Measures is unknown therefore impacts would remain significant and unavoidable after mitigation. The DEIR makes these conclusions within each AQ Impact found to be significant and unavoidable.

6-9 Commenter states development of housing in the Upper Ridge should require installment of solar with batteries to make sure that electrical vehicles can be supported, and impacts associated with energy should be addressed.

Energy impacts from future development in the Upper Ridge Community Plan are analyzed under Impact ENE-1, ENE-2, and ENE-3 in the DEIR. On page 5.6-28 of the DEIR lists strategies from the Upper Ridge Community Plan regarding solar energy in future housing such as Strategy HS-2.2 and Strategy UI-4.2 which encourages solar panels and energy storage in homes to provide backup electricity.

6-10 Commenter suggests breaking out a separate air quality element. The commenter states going to see significant AQ impacts and similar Sonoma County. The commenter suggests more commuters to northern Sac should have a special air quality element.

The commenter is referring to making changes to the format of the Elements in the General Plan which is not within the power of this DEIR. See response to comment 6-8 regarding AQ impacts. The comment regarding northern Sac having a special air quality element does not describe any inadequacies within the DEIR analysis therefore no changes are necessary.

6-11 Commenter states there is a lot of open space in Butte County and would like to see additional mitigation measures identified in written comments.

On page 5.15-65 of the DEIR, Impact PS-9 analyzes whether future development and growth under the proposed project would result in substantial physical deterioration of recreational resources including open space. The DEIR determines that the promotion of development of new park facilities couples with policies that address funding for park

2. Response to Comments

facilities would not cause significant physical deterioration to recreational resources including open space resources. No specific mitigation was identified by the commenter, and therefore no additional mitigation is applicable or feasible.

- 6-12 Commenter suggest removal of overlay. The commenter states it is not clear how lines were drawn and about 4,000 acres and 360 homes density is a significant change.

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

- 6-13 Commenter has WUI issues of ingress and egress.

Impact WILD-1 in the DEIR analyzes if the proposed project would substantially impair an adopted emergency response plan or emergency evacuation plan specially in wildfire areas. The DEIR determined that construction of new development within wildfire areas could have evacuation constraints, including only one ingress and egress from neighborhoods or communities. Therefore, implementing Mitigation Measure WILD-1 which would require project applicants for future development to prepare a Traffic Control Plan to ensure that construction equipment or activities do not block roadways during the construction period and needs to be submitted to the Butte County Fire Department and Sheriff's Office for review and approval prior to approval of building permits. Implementation of Mitigation Measure would reduce impacts from ingress and egress in wildfire hazardous areas to less than significant levels. No changes to the analysis are required.

- 6-14 Commenter has a concern with water issues specifically wells and how much of the area drains to Butte Creek

See response to comment A-5 regarding water issues. The DEIR includes Chapter 5.10, Hydrology and Water Quality, which presents information regarding water resources (surface and groundwater) and water quality, storm water, and flooding hazards. Table 5.10-6, *Number of Wells by Inventory Unit and Inventory Submit*, presents the number of wells throughout the county. In addition, Figure 5.10-7, *Recharge Pond Constraints Mapping*, Figure 5.10-8, *Field Flooding Constraints Map*, Figure 5.10-9, *Groundwater Injection Constraints Mapping*, and 5.10-10, *In-Lieu Recharge Constraints Mapping*, illustrates the analysis done focused on the identification and feasibility of both direct and in-lieu recharge of the groundwater basins in Butte County.

- 6-15 Commenter states will make written comments and wants more time.

The Draft EIR was distributed to the State Clearing for public comment on January 26, 2023 to February 21, 2023 for 45 days following Guidelines § 15105. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no

2. Response to Comments

- changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.
- 6-16 Commenter is surprised about the large Upper Ridge Overlay
- As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.
- 6-17 Commenter is concerned over toxic runoff into Butte Creek that could kill young salmon.
- See response to A-4 regarding impacts to salmon in Butte Creek.
- 6-18 Commenter asks for a continuance to have conversation about all the Upper Ridge Plan and Stilson Overlay.
- This comment asks to extend public comments on the General Plan but does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. In addition, the Upper Ridge Community Plan's Chapter 2, *Community Engagement and Vision*, details the public outreach that was done including four community workshops. At the start of the Upper Ridge Community Plan, a project webpage was created on the Butte County Department of Development Services (<https://www.buttecounty.net/dds/urcp>). The website provided information on upcoming opportunities to participate in the planning process and a link to sign up to the project email list.
- 6-19 Commenter is worried about fire, evacuation, and traffic.
- The DEIR includes Chapter 5.18, Wildfire, which addresses protentional wildfire impacts from the proposed project discussed in Impacts WILD-1, WILD-2, WILD-3, WILD-4, and WILD-5. The DEIR includes Chapter 5.18, Wildfire, which addresses protentional wildfire impacts from the proposed project discussed in Impacts WILD-1, WILD-2, WILD-3, WILD-4, and WILD-5. SB 743 initiated an update to the CEQA Guidelines to change how lead agencies evaluate transportation impacts under CEQA, which traffic congestion is no longer a significant impact. The DEIR includes Impact TRANS-4 which analyzes potential impacts the proposed project would result regarding emergency access routes.
- 6-20 Commenter states the Upper Stilson Specific Plan has been in the General Plan since 2010 as a potential future specific plan. If development is proposed under the Specific Plan then subsequent CEQA review would be prepared including a public hearing process and also be subject to discretionary legislative action. The commenter states the only addition to the plan is the regional recreation campus.

2. Response to Comments

The commenter provides clarification on the Upper Stilson Specific Plan, no changes to the DEIR are necessary.

2. Response to Comments

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2. Response to Comments

Letter 7 – Mrs. Jack Williamson (19 pages)

2. Response to Comments

February 8, 2023

Butte County Department of Development Services
Mark Michelena, Lead Agency Representative
7 County Center Drive
Oroville, CA 95965

Public Comment Draft Environmental Impact Report (DEIR) thru 2/21/23
Project - SCH# 2022100151
<https://ceqanet.opr.ca.gov/>
[Environmental Document Submission - Office of Planning and Research \(ca.gov\)](#)

Butte County General Plan 2040 Update

Thank you for the opportunity to participate in the Local Public Review Period starting January 6, 2023 and ending February 21, 2023.

The following evidence describes an existing land use entitlement that is no longer consistent with the Butte County General Plan designation map. The land use entitlement, approved by the Butte County Planning Commission on February 14, 2019, Butte County File No. MIN18-0002 includes CEQA environmental documents (SCH 2011022022, 2001112006, et al.) in the land use application review. The Environmental Justice Index (EJI) shows that the February 14, 2019 approved mining permit and reclamation plan location is within Census Tract 16, Butte County, California.

7-1

The recommended and approved action of the Butte County Planning Commission on February 14, 2019 is summarized as follows:

7-2

Adopt the Addendum to the Mitigated Negative Declarations prepared pursuant to the California Environmental Quality Act (CEQA), and approve the Mining Permit and Reclamation Plan (MIN18-0002), subject to findings and conditions found in the Lead Agency permanent land use application file, Butte County Department of Development Services, 7 County Center Drive, Oroville, CA 95965.

There is a specific plan overlay included in the Butte County General Plan Land Use Designation November 6, 2012, Butte County General Plan 2030 Land Use Element map. The legend describes the overlay as follows: Specific Plan to be Development.

7-3

The opportunity exists to peel back the overlay and reveal the inconsistent land use (MIN18-0002 approved by the Butte County Planning Commission on February 14, 2019). The location of the approved land use entitlement is within the Little Chico Creek Canyon waterway, Township 22N, Range 2E, Section 11, APN 063-290-056, 063-290-057 and 063-290-058. The approval of the land use application (MIN18-0002) extended the estimate life of the mining operation to **January 1, 2043**.

2. Response to Comments

February 8, 2023 – Butte County Department of Development Services
Page 2

The parcel size area of the mining operation and future reclamation plan (MIN18-0002) included in the February 14, 2019 Planning Commission Agenda Report is +/- 326 acres along Scenic Highway (State Highway 32) in Butte County. The General Plan designation is RC (Resource Conservation) and the zoning classification is RC (Resource Conservation). The original land use application approved Butte County Permit MIN 99-02 (Environmental project issues: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Cumulative Effects, Drainage/Absorption, Geology/Soils, Hazards and Hazardous Material, Hydrology/Water Quality, Mineral Resources, Noise, Public Service, Transportation, Vegetation and Wildlife), thus producing the document type (MND – Mitigated Negative Declaration).

7-3
CONT'D

Currently it is difficult to see, but when the overlay is peeled back and removed the evidence comes to light. This overlay is described in the Butte County General Plan Land Use Element as the “Upper Stilson Canyon Proposed Specific Plan.” If the Lead Agency is already planning to remove this overlay during the Butte County General Plan 2040 Update, then my remarks are concluded. If not, please read on.

These facts and this evidence are offered during the public comment period so as not to miss the opportunity to receive a response from the Lead Agency before the Final Environmental Impact Report returns to the Butte County Planning Commission for approval, and then on to the Butte County Board of Supervisor’s for approval.

7-4

Would the Butte County Lead Agency for the project agree that the above-described land use entitlement approved by the Butte County Planning Commission on February 14, 2019 is not consistent with the current specific plan overlay described as the “Upper Stilson Canyon Proposed Specific Plan?”

If the Butte County Lead Agency does agree that the land use entitlement (approved mining permit and reclamation plan through January 1, 2043) in Little Chico Creek Canyon is not consistent with the specific plan development overlay, (Upper Stilson Canyon Proposed Specific Plan), removing the overlay during the Butte County General Plan 2040 Update can be anticipated. It is difficult to forecast into the future beyond the Butte County General Plan 2040 Update, so I will leave that to the professionals working for Butte County.

Please refer to the July 1, 2022 Population Estimate map referenced in the supporting documents attached on page 15 (Attachment A-page 15). Page numbers are found on each page in the upper right corner. The map prepared by the California Department of Finance, Demographic Research Unit, January 2023, shows that Butte County falls in the northern region of the State of California, where county populations are between 1,175 to 222,430. Any projected numbers exceeding this range would take a significant financial investment by Butte County’s decision makers to prepare the necessary infrastructure and man power to maintain and pay for supporting public infrastructure improvements.

7-5

2. Response to Comments

February 8, 2023 – Butte County Department of Development Services
Page 3

Thank you for reviewing these public comments and the attached supporting documents related to the Draft Environmental Impact Report (DEIR) SCH 2022100151, Butte County General Plan 2040 Update. I look forward to the Lead Agency's response.

Sincerely,

Mrs. Jack Williamson
AP 063-300-043
Butte County

Enclosures: Attachment A – Pages 1 through 15 (supporting documents)

2. Response to Comments

ATTACHMENT A

2. Response to Comments

1

From:
Sent: Friday, February 3, 2023 3:02 PM
To: michellechico2010@yahoo.com
Subject: CEQA Portal

<https://ceqanet.opr.ca.gov/>

(1)

2. Response to Comments

https://ceganet.opr.ca.gov

Appendix C

2

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2022100151

Project Title: Butte County General Plan Update

Lead Agency: Butte County

Contact Person: Mark Michelena

Mailing Address: 7 County Center Drive

Phone: (530) 552-3683

City: Oroville

Zip: 95965

County: Butte County

Project Location: County: Butte

City/Nearest Community:

Zip Code: 95965 and others

Cross Streets: Countywide

Longitude/Latitude (degrees, minutes and seconds): ° ' " N / ° ' " W Total Acres:

Assessor's Parcel No.: Section: Twp.: Range: Base:

Within 2 Miles: State Hwy #: 32,70,99,149, 162, 191

Waterways: Sly Creek Reservoir, Lake Oroville, Feather River, Thermaito Afterbay, Sacramento River

Airports: Chico Municipal, Oroville Municipal, Paradise, Ranchero

Railways: Butte County Railroad Schools: BUSD, CUSD, DUSD, GUSD, PUSD, and others

Document Type:

- CEQA: NOP Draft EIR Supplement/Subsequent EIR (Prior SCH No.) Other: Mit Neg Dec
- NEPA: NOI EA Draft EIS FONSI
- Other: Joint Document Final Document Other:

Local Action Type:

- General Plan Update Specific Plan Rezone Annexation
- General Plan Amendment Master Plan Prezone Redevelopment
- General Plan Element Planned Unit Development Use Permit Coastal Permit
- Community Plan Site Plan Land Division (Subdivision, etc.) Other:

Development Type:

- Residential: Units _____ Acres _____
- Office: Sq.ft. _____ Acres _____ Employees _____
- Commercial: Sq.ft. _____ Acres _____ Employees _____
- Industrial: Sq.ft. _____ Acres _____ Employees _____
- Educational: _____
- Recreational: _____
- Water Facilities: Type _____ MGD _____
- Transportation: Type _____
- Mining: Mineral _____
- Power: Type _____ MW
- Waste Treatment: Type _____ MGD
- Hazardous Waste: Type _____
- Other: General Plan Update

Project Issues Discussed in Document:

- Aesthetic/Visual Fiscal Recreation/Parks Vegetation
- Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
- Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
- Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
- Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
- Coastal Zone Noise Solid Waste Land Use
- Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
- Economic/Jobs Public Services/Facilities Traffic/Circulation Other: GHG Emissions

Present Land Use/Zoning/General Plan Designation:

Countywide

Project Description: (please use a separate page if necessary)

The Butte County General Plan outlines the County's goals for physical growth, conservation, and community life in the unincorporated area, and contains policies and actions to guide the County in reaching those goals. The 2040 Update will be focused primarily on safety, housing, and environmental justice.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

(2)

Revised 2010

2. Response to Comments

3

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
 If you have already sent your document to the agency please denote that with an "S".

- | | |
|---|--|
| <input checked="" type="checkbox"/> Air Resources Board | <input checked="" type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input checked="" type="checkbox"/> California Emergency Management Agency | <input checked="" type="checkbox"/> Parks & Recreation, Department of |
| <input checked="" type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input checked="" type="checkbox"/> Caltrans District # 3 | <input checked="" type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input checked="" type="checkbox"/> Regional WQCB # 5 |
| <input checked="" type="checkbox"/> Caltrans Planning | <input checked="" type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input checked="" type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input checked="" type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input checked="" type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input checked="" type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input checked="" type="checkbox"/> SWRCB: Water Rights |
| <input checked="" type="checkbox"/> Fish & Game Region # 2 | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input checked="" type="checkbox"/> Toxic Substances Control, Department of |
| <input checked="" type="checkbox"/> Forestry and Fire Protection, Department of | <input checked="" type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | Other: _____ |
| <input type="checkbox"/> Health Services, Department of | Other: _____ |
| <input checked="" type="checkbox"/> Housing & Community Development | |
| <input checked="" type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date Friday, January 06, 2023 Ending Date Tuesday, February 21, 2023

Lead Agency (Complete if applicable):

Consulting Firm: <u>PlaceWorks</u>	Applicant: <u>Butte County</u>
Address: <u>101 Parkshore Drive</u>	Address: <u>7 County Center Drive</u>
City/State/Zip: <u>Folsom, CA 95630</u>	City/State/Zip: <u>Oroville, CA 95965</u>
Contact: <u>Mark Teague</u>	Phone: <u>(530) 552-3683</u>
Phone: <u>(916) 245-7500 ext. 2730</u>	

Signature of Lead Agency Representative: Michelena, Mark Digitally signed by Michelena, Mark
Date: 2022.01.19 09:04:13 -0800 Date: 12/19/2022

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

(3)

Revised 2010

2. Response to Comments

4

**BUTTE COUNTY PLANNING COMMISSION
 AGENDA REPORT – February 14, 2019**

<p>✓ Applicant: Franklin Construction, Inc.</p> <p>Owner: Hall & Isom Investment Co.</p> <p>File #: MIN18-0002</p>	<p>Location: The project site is located east of State Highway 32, within the Little Chico Creek Canyon along Canyon Shadows Road, 1.6 miles east from Humboldt Road, and 3.5 miles east of the City of Chico.</p>
<p>Request: Amendment to Mining Permit MIN 99-02 and Reclamation Plan RP10-0002 to enlarge the permitted mining area of the Little Chico Creek Mine from 8.3 acres to 12.1 acres, resulting in the extraction, processing and export of an additional 458,000 cubic yards of aggregate, and extending the estimated life of the mine to January 1, 2043.</p>	<p>Supervisor District: 3</p> <p>Project Planner: Rowland Hickel Senior Planner</p> <p>Parcel Size: +/-326 acres</p>
<p>G.P. : RC (Resource Conservation)</p> <p>Zoning: RC (Resource Conservation)</p> <p>APN: 063-290-056, 063-290-057 and 063-290-058</p>	<p>Attachments:</p> <p>A: Planning Commission Resolution</p> <p>B: Proposed Mine Operations Plan/Reclamation Plan</p> <p>C: Draft CEQA Addendum to Initial Study/Mitigated Negative Declaration (SCH No. 2001112006 and No. 2011022022)</p> <p>D: Agency/Public Comments</p> <p>E: Site Photos</p>

RECOMMENDED ACTION:

Staff recommends the Planning Commission adopt the Addendum to the Mitigated Negative Declarations prepared pursuant to the California Environmental Quality Act (CEQA), and approve the Mining Permit and Reclamation Plan (MIN18-0002), subject to the findings and conditions in Attachment A.

EXECUTIVE SUMMARY:

The applicant is requesting an amendment (MIN18-0002) to an approved Mining Permit and Reclamation

2. Response to Comments

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<https://ceqa.net.opr.ca.gov>

Little Chico Creek Quarry Reclamation Plan (Project No. RP10-0002)

Summary

SCH Number	2011022022 ✓
Lead Agency	Butte County
Document Title	Little Chico Creek Quarry Reclamation Plan (Project No. RP10-0002)
Document Type	MND - Mitigated Negative Declaration
Received	2/4/2011
Present Land Use	Surface Mine/Unclassified/Resource Conservation
Document Description	The project represents an amendment to an existing reclamation plan for a surface mine of approximately 8.3 acres that has been in operation under Mining Permit 99-02 since 2004. The amended reclamation plan provides greater specificity in regards to revegetation, monitoring and a factor of safety analysis for the quarry pit walls than did the reclamation plan approved with Mining Permit 99-02.

Contact Information

Name	Chris Thomas
Agency Name	Butte County Department of Development Services
Contact Types	Lead/Public Agency
Address	7 County Center Drive Oroville, CA 95965
Phone	(530) 538-6706

Location

Cities	Chico
Counties	Butte
Cross Streets	Humboldt Road/SR 99
Zip	95926
Total Acres	8.3
Parcel #	063-290-056 & 57 (1)

2. Response to Comments

✓	State Highways	Hwy 99	6
	Waterways	Little Chico Creek	
	Township	22N	
	Range	3E	
	Section	11	
	Base	MDB&M	

Notice of Completion

State Review Period Start	2/4/2011
State Review Period End	3/7/2011
State Reviewing Agencies	California Department of Conservation (DOC), California Department of Fish and Wildlife, North Central Region 2 (CDFW), California Department of Parks and Recreation, California Department of Transportation, District 3 (DOT), California Highway Patrol, California Native American Heritage Commission (NAHC), California Regional Water Quality Control Board, Central Valley Redding Region 5 (RWQCB), Department of Toxic Substances Control, Department of Water Resources, Resources Agency
Development Types	Mining (Mineral Aggregate)
Local Actions	Rec Plan
Project Issues	Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards & Hazardous Materials, Hydrology/Water Quality, Mineral Resources, Noise, Public Services, Transportation, Vegetation, Wildlife

Disclaimer: The document was originally posted before CEQAnet had the capability to host attachments for the public. To obtain the original attachments for this document, please contact the lead agency at the contact information listed above. You may also contact the OPR via email at state.clearinghouse@opr.ca.gov or via phone at (916) 445-0613.

(2)

2. Response to Comments

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<https://ceqa.net.opr.ca.gov>
Deer Creek Rock Mining Permit (MIN 99-02)

Summary

SCH Number	2001112006 ✓
Lead Agency	Butte County
Document Title	Deer Creek Rock Mining Permit
Document Type	NEG - Negative Declaration
Received	11/1/2001
Present Land Use	Undeveloped dry land grazing. Zoning: U (Unclassified). General Plan Designation: Grazing & Open Lands.
Document Description	Use Permit and Mining Permit/Reclamation Plan to operate a surface aggregate mine for the extraction of basalt from a 5 acre area within a 326 acre property.

Contact Information

Name	Daniel C. Breedon
Agency Name	Butte County
Contact Types	Lead/Public Agency
Address	7 County Center Drive Oroville, CA 95965
Phone	(530) 538-7601

Location

Cities	Chico
Counties	Butte
Cross Streets	State Route 32 and Canyon Shadows Road
Zip	95928
Total Acres	5
Parcel #	063-290-056 & 063-290-057 (1)
State Highways	32

2. Response to Comments

✓	Waterways	Little Chico Creek	8
	Township	22N	
	Range	2E	
	Section	11	
	Base	MDB&M	
	Other Location Info	Forest Ranch	

Notice of Completion

State Review Period Start	11/1/2001
State Review Period End	11/30/2001
State Reviewing Agencies	Air Resources Board, Major Industrial Projects, California Department of Conservation (DOC), California Department of Fish and Wildlife, North Central Region 2 (CDFW), California Department of Parks and Recreation, California Department of Transportation, District 3 (DOT), California Native American Heritage Commission (NAHC), California State Lands Commission (SLC), Department of Toxic Substances Control, Office of Historic Preservation, Resources Agency, State Water Resources Control Board, Division of Water Quality, California Regional Water Quality Control Board, Central Valley Redding Region 5 (RWQCB), California Highway Patrol
State Reviewing Agency Comments	California Regional Water Quality Control Board, Central Valley Redding Region 5 (RWQCB), California Highway Patrol
Development Types	Industrial (Acres 5, Employees 2.5), Mining (Mineral Basalt, crushed)
Local Actions	Mining Permit
Project Issues	Air Quality, Cultural Resources, Cumulative Effects, Drainage/Absorption, Geology/Soils, Hydrology/Water Quality, Public Services, Transportation, Vegetation, Wildfire, Wildlife

Disclaimer: The document was originally posted before CEQAnet had the capability to host attachments for the public. To obtain the original attachments for this document, please contact the lead agency at the contact information listed above. You may also contact the OPR via email at state.clearinghouse@opr.ca.gov or via phone at (916) 445-0613.

(2)

2. Response to Comments

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From:
Sent: Tuesday, February 7, 2023 9:57 AM
To: michellechico2010@yahoo.com
Subject: Environmental Justice Index

Environmental Justice Index

<https://onemap.cdc.gov/portal/apps/sites/#/eji-explorer>

(1)

2. Response to Comments



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EJI Home: eji.cdc.gov

Learn more: [Place & health @ CDC/ATSDR](#)



Environmental Justice Index (EJI) Explorer

The Environmental Justice Index measures cumulative impacts of environment and vulnerability to build towards a cleaner, healthier, and more equitable future for all.

[Web Accessibility Tool](#)

[Submit Feedback](#)

[Download the Data](#)

✓ Explore the EJI Map (REFERENCE - EXPLORE DETAILS)

The Environmental Justice Index (EJI) scores census tracts using a percentile ranking which represents the proportion of tracts that experience cumulative impacts of environmental burden and injustice equal to or lower than a tract of interest. For example, an EJI ranking of 0.85 signifies that 85% of tracts in the nation likely experience less severe cumulative impacts on health and well-being than the tract of interest, and that 15% of tracts in the nation likely experience more severe cumulative impacts from environmental burden. Click [here](#) for more information on EJI background and methods.



1. Select State **CA**

2. Select County **Butte**

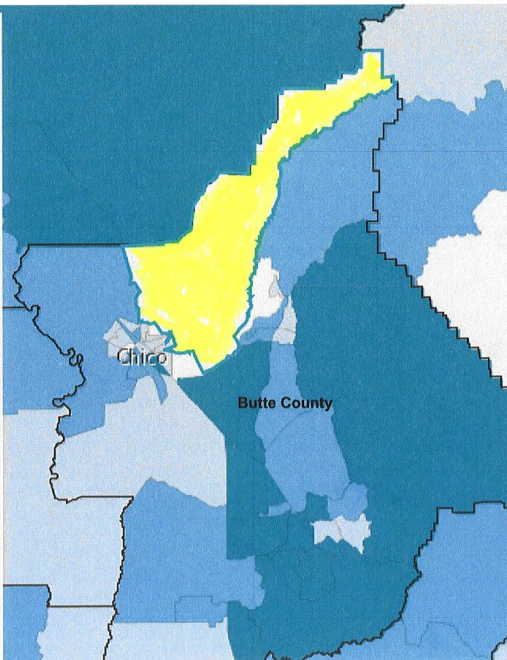
Showing 1 ✕

Environmental Justice Index 2022

For more information on EJI indicators, click on the indicator names in the table below.

Note: ▲ indicates a score of >0.75 or high prevalence of a chronic condition test

Location	Census Tract 16, Butte County, California
Total Population	4,753
EJI Rank	0.25
Environmental Burden Rank	0.23
Social Vulnerability Rank	0.38
Air Pollution	0.43
Ozone	▲0.82



(2)

2. Response to Comments

EJI Home: eji.cdc.gov

Learn more: [Place & health @ CDC/ATSDR](#)

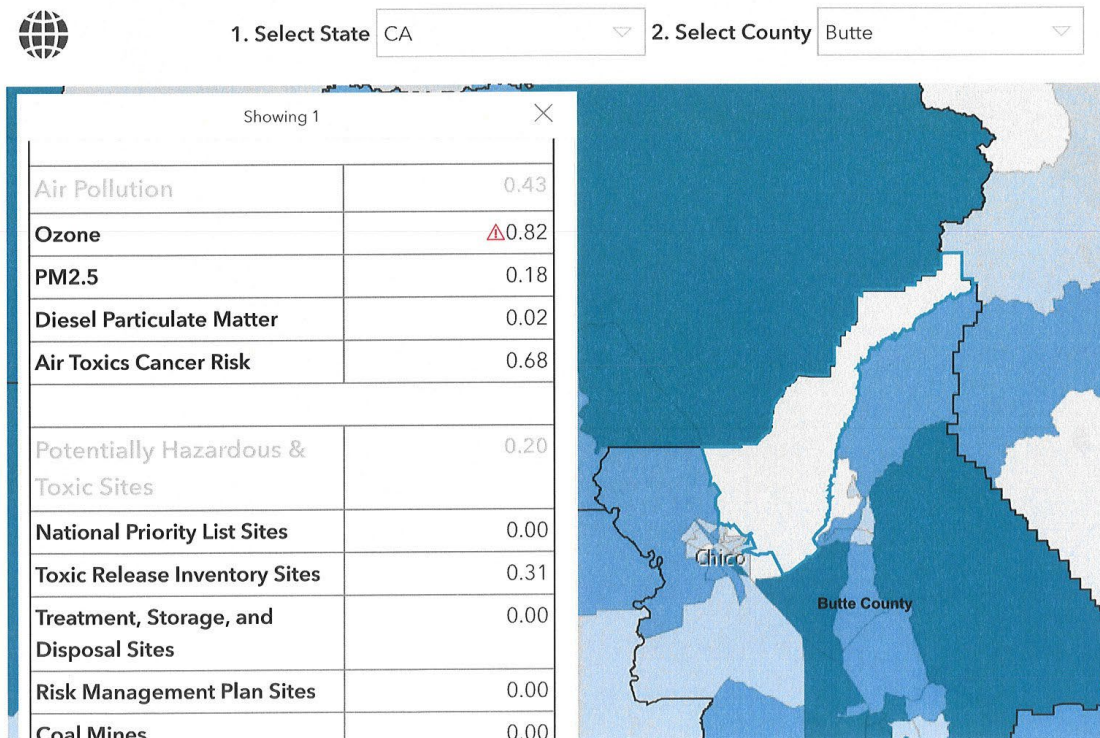


The Environmental Justice Index measures cumulative impacts of environment and vulnerability to build towards a cleaner, healthier, and more equitable future for all.

[Web Accessibility Tool](#) [Submit Feedback](#) [Download the Data](#)

Explore the EJI Map

The Environmental Justice Index (EJI) scores census tracts using a percentile ranking which represents the proportion of tracts that experience cumulative impacts of environmental burden and injustice equal to or lower than a tract of interest. For example, an EJI ranking of 0.85 signifies that 85% of tracts in the nation likely experience less severe cumulative impacts on health and well-being than the tract of interest, and that 15% of tracts in the nation likely experience more severe cumulative impacts from environmental burden. Click [here](#) for more information on EJI background and methods.



(3)

2. Response to Comments

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EJI Accessibility Tool

The **Environmental Justice Index (EJI)** uses data from the U.S. Census Bureau, the U.S. Environmental Protection Agency, the U.S. Mine Safety and Health Administration, and the U.S. Centers for Disease Control and Prevention to rank the cumulative impacts of environmental injustice on health for every census tract. Census tracts are subdivisions of counties for which the Census collects statistical data. The EJI ranks each tract on 36 environmental, social, and health factors and groups them into three overarching modules and ten different domains. ✓

This application allows you to filter and view subsets of EJI data, as well as download the data in CSV, JSON and GeoJSON formats. You can filter data by using the drop downs below for "State Abbreviation" as well as "County." To view or download data for the entire US, you can choose not to apply a filter. Once you are ready to view the data, you can use the "Apply" button to view results. When viewing your results, you can interact with each individual tract record to inspect relevant data. There are also options to clear (trashcan icon) or download (four dots) the results of your selection.

For additional information about the EJI, data, and metadata please visit the links below.

← Results



Features displayed: 1 - 51 / 51

Household Characteristics	0.76
Age 65 and Older	0.91
Age 17 and Younger	0.21
Civilian with a Disability	0.57
Speaks English "Less than Well"	0.63
Housing Type	0.91
Group Quarters	0.78
Mobile Homes	0.78
High Pre-existing Chronic Disease Prevalence Sum	1.00 out of 5
High Prevalence of High Blood Pressure	No
High Prevalence of Asthma	No
High Prevalence of Cancer	Yes
High Prevalence of Diabetes	No
High Prevalence of Poor Mental Health	No

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2. Response to Comments

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Place and Health

Place and Health Home

Environmental Justice Index

Environmental justice is the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, to develop, implement, and enforce environmental laws, regulations, and policies. This goal will be achieved when everyone enjoys the same degree of protection from environmental and health hazards, and equal access to the decision-making process to live, learn, and work in a healthy environment.

The **Environmental Justice Index** uses data from the U.S. Census Bureau, the U.S. Environmental Protection Agency, the U.S. Mine Safety and Health Administration, and the U.S. Centers for Disease Control and Prevention to rank the cumulative impacts of environmental injustice on health for every census tract. Census tracts are subdivisions of counties for which the Census collects statistical data. The EJI ranks each tract on 36 environmental, social, and health factors and groups them into three overarching modules and ten different domains.



Fact Sheet



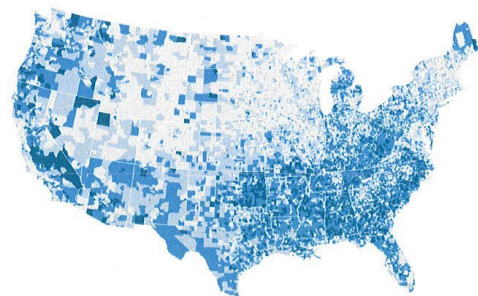
FAQs



Technical Documentation



EJI Indicators



Explore the Environmental Justice Index

EJI News

[Environmental Burden Index Methods Paper Now Available](#)

[Accessible Version of the Environmental Justice Index and Data Download](#)

[Contact the EJI Coordinator](#)

[Media Inquiries](#)

Community Engagement

CDC/ATSDR is committed to engaging with communities, EJ advocates, public health partners, and academic subject matter experts as part of the development and improvement of this tool. Learn more about EJI and opportunities for community engagement.

(5)

2. Response to Comments

11 12

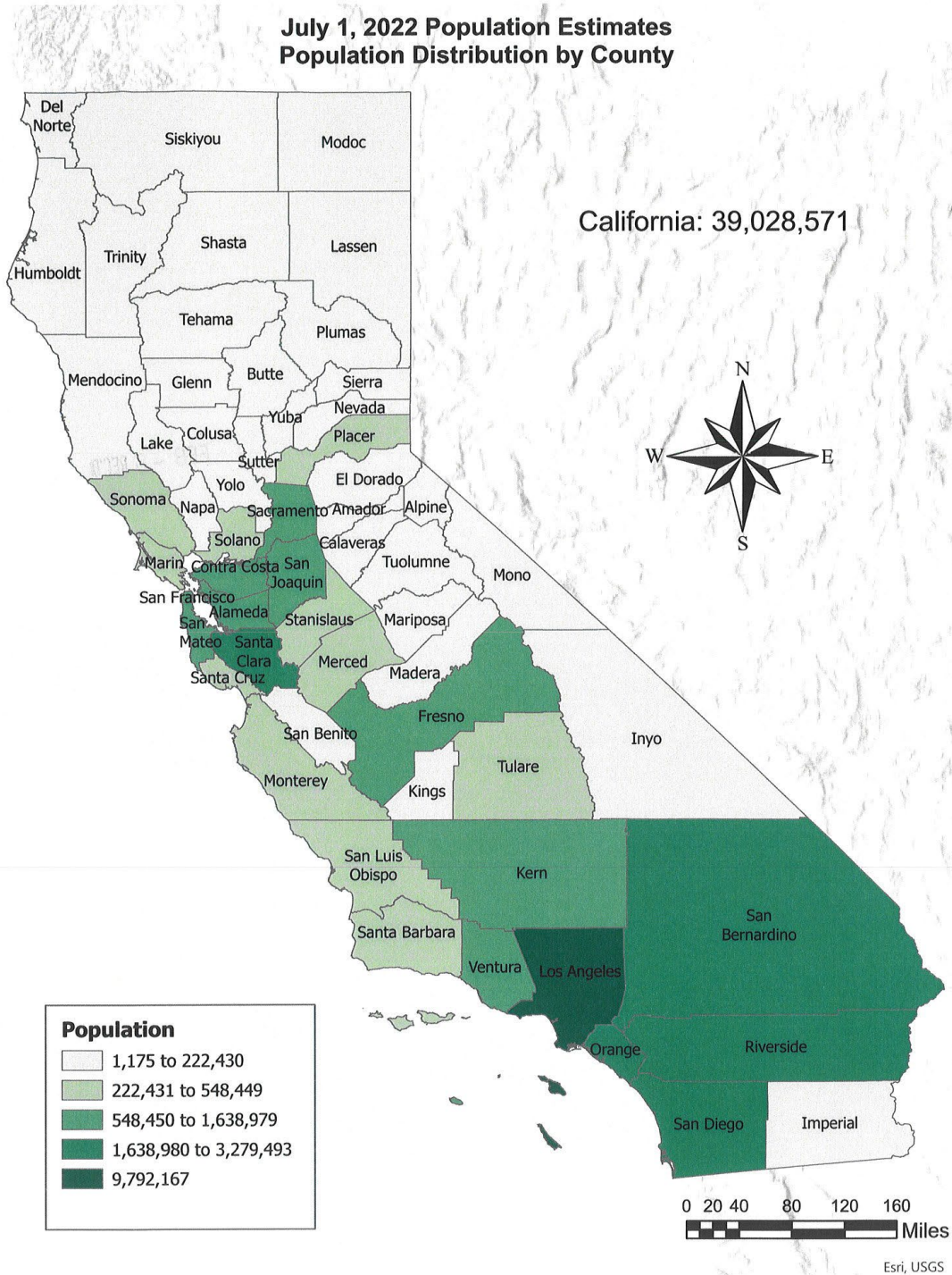
Page last reviewed: August 10, 2022

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2. Response to Comments

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Map prepared by: California Department of Finance, Demographic Research Unit, January 2023

2. Response to Comments

7. Response to Comments from Mrs. Jack Williamson, dated February 08, 2023

7-1 Commenter states an existing land use entitlement (MIN 18-002) is no longer consistent with the Butte County General Plan designation map. The commenter states the Environmental Justice Index shows the approved mining permit and reclamation plan location within Census Tract. Butte County, California.

The mining permits is referenced in Table 5.12-1, *Permitted Mines in Butte County*, on page 5.12-5 of the DEIR. The existing land use entitlement is zoned as Resource Conservation which allows natural, wilderness, and study areas with limited recreational, commercial, and residential uses. This zone does not allow residential uses in North Chico Specific Plan and Rio Doro Specific Plan areas. The DEIR explains that since the General Plan 2040 would not result in rezone of property and land use changes then there would be no inconsistencies with the land use entitlement.

7-2 Commenter summarizes the approved action of the Butte County Planning Commission on February 14, 2019: Adoption of the Addendum to Mitigated Negative Declaration, approve Mining Permit and Reclamation Plan (MIN 18-0002).

This comment refers to other CEQA documents and actions not related to the Butte County General Plan Update EIR. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration.

7-3 Commenter explains there is Specific Plan to be Development overlay in the Butte County General Plan 2030 Land Use Element map. The commenter explains removing the overlay reveals the inconsistent land use (MIN 18-0002). The commenter describes the entitlement's location, size, designation, and zoning classification. The commenter also states the environmental project issues stated in the Mitigated Negative Declaration

See response to comment 6-1.

7-4 Commenter states the overlay is described in the Butte County General Plan Land Use Element as the "Upper Stilson Canyon Proposed Specific Plan". The commenter asks if the lead agency agrees that the land use entitlement (approved mining permit) in Little Chico Creek Canyon is not consistent with the specific plan development overlay (Upper Stilson Canyon Proposed Specific Plan). The commenter states to disregard comments if the overlay is intended to be removed during the Butte County General Plan 2040 Update.

The Butte County General Plan 2030 and 2040 Update does not have an overlay describes as the "Upper Stilson Canyon Proposed Specific Plan" rather have an overlay that will be applied to specific plan or planned development such as the Stilson Canyon Proposed Specific Plan. The Land Use Element includes the Specific Plan Overlay (Specific Plans and Planned Developments to be Developed) which applies to areas that are expected to

2. Response to Comments

be developed under a specific plan or planned development. Each specific plan or planned development will be intended to implement the vision identified in the General Plan. Until a specific plan or planned development is adopted, any development within this area is subject to the underlying agricultural land use designations. The overlay is not intended to be removed with the Butte County General Plan 2040 Update.

- 7-5 Commenter states the California Department of Finance map from January 2023 shows that Butte County falls in the northern region of California, where populations are between 1,175 to 222,430. The commenter states that if the project exceeds this range, then the project would take a significant financial investment in preparing and funding the necessary infrastructure improvements.

The DEIR's Chapter 5.15, Public Services, and Chapter 5.17, Utilities and Service Systems, analyze the potential impacts of implementing the General Plan 2040 Update EIR. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration.

2. Response to Comments

Letter 8 – Richard Harriman (2 pages)

2. Response to Comments

-----Original Message-----

From: Richard Harriman [REDACTED]
Sent: Tuesday, February 21, 2023 4:38 PM
To: Michelena, Mark <MMichelena@buttecounty.net>
Cc: Stephens, Brad J. <BStephens@buttecounty.net>; Breedon, Dan <DBreedon@buttecounty.net>
Subject: Re: Request for One-Day Extension to Submit Comments on the General Plan EIR

.ATTENTION: This message originated from outside Butte County. Please exercise judgment before opening attachments, clicking on links, or replying..

Mark:

Sorry to receive this denial. I have never had a one day request denied before. So, I'll just wait until the Response to Comments have been included in the Final EIR hearing to submit them, and you can address them at that time.

Please provide written notice of the public availability of the Response to Comments and the hearing on the Final General Plan document.

Richard

On Tue, Feb 21, 2023 at 3:17 PM Michelena, Mark <MMichelena@buttecounty.net> wrote:

>
> Good Afternoon Richard,
>
> Due to the timing of the General Plan 2040 update hearing schedule, there is not the opportunity to grant anyone an extension to submit in comments on the BCGP 2040 EIR.

8-1

>
> Respectfully,
>
> Mark Michelena
> Principal Planner
> Department of Development Services
> 7 County Center Drive, Oroville, CA 95965
> T: 530.552.3683 (Direct) | 530.552.3701 (Planner Desk) Helpful Links:
> FAQs | Forms | ADUs | STRs | Zoning | Code | eTRAKit | Butte Fire Safe
> | Be Ready

> -----Original Message-----

> From: Richard Harriman [REDACTED]
> Sent: Tuesday, February 21, 2023 2:56 PM
> To: Michelena, Mark <MMichelena@buttecounty.net>
> Cc: Stephens, Brad J. <BStephens@buttecounty.net>
> Subject: Re: Request for One-Day Extension to Submit Comments on the
> General Plan EIR

> .ATTENTION: This message originated from outside Butte County. Please exercise judgment before opening

> Mark and Brad:

>
> I am requesting the above-referenced one day extension of time to file my comments on the BCGP EIR, due to conflict with the City of Chico Paradise Sewer Project hearing this evening, through 5 p.m. tomorrow, 2/22/23.
> My BCGP EIR comments will address Comments re the Ag, Econ, and Water Res.
> Elements re proposed mitigation measures.

8-2

8-3

2. Response to Comments

> I would appreciate it if you can approve my request.

>

> Respectfully yours,

>

> Richard Harriman

[REDACTED]

[REDACTED]

2. Response to Comments

Page intentionally left blank.

2. Response to Comments

8. Response to comments from Richard Harriman, dated February 21, 2023.

8-1 Commenter states they will wait until the response to comments have been included in the Final EIR hearing to submit comments. Commenter asks to provide written notice of the public availability of the Response to comments and the hearing on the Final General Plan document.

Comment is noted. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

8-2 Commenter requests one day extension of time to file comments on the BCGP EUR due to conflict with the City of Chico Paradise Sewer Project hearing on 2/22/23.

See response to comment 6-15.

8-3 Commenter states BCGP EIR comments will address comments regarding the Ag, Econ, and Water Resources. Commenter also states elements re proposed mitigation measures.

No specific comments were identified by the commenter, and therefore no additional changes to the DEIR are required.

2. Response to Comments

Page intentionally left blank.

2. Response to Comments

Letter 9 – John Stonebreaker (3 pages)

2. Response to Comments

First and foremost, this EIR process has siphoned untold public dollars out of this jurisdiction to consultants whose unfamiliarity with our ground truth stains every page of this document. Further public dollars will go to Sacramento bureaucrats tasked with reading it, themselves insufficiently familiar with our communities to detect the numerous errors upon which false conclusions have been drawn. The burden falls upon unpaid volunteers from disaster-ravaged communities to try to hammer this back into shape, and there are just not enough of us to undertake this task within this time frame given our other obligations. 9-1

I did everything I possibly could to polish the Upper Ridge Community Plan, and many of my corrections applied thereto have been omitted from the text of this document. Again the boulder sits at the foot of the hill.

This is a Program EIR, not a Project EIR. The General Plan Update will not build one housing unit for a fire survivor, will not widen the only through road in Magalia to make it safe for pedestrians and cyclists, will not make any meaningful change to daily existence in the disaster area; it will only facilitate future recovery efforts. The AQMD's boilerplate mitigation list seems out of place. 9-2

I do not see how the General Plan Update would result in conversion of forest land to non-forest use. Rather it goes to great lengths to dissuade development at elevations where forest could grow. To the extent that it might indirectly lead to conversion of Farmland to non-agricultural use as housing needs to go somewhere and the already-disturbed footprints of previous human habitation have become deprecated for residential use. 9-3

The Project is not to blame for the displacement of thousands of households; decades of PUC complicity with the felons doing business as Pacific Gas & Electric bear that blame. The Project does however necessitate the construction of replacement housing elsewhere. It has been crafted thus, excluding the High and Very High Fire Hazard Severity Zones from the site inventory and diverting the low-income portions of the RHNA away from the recovery it purports to support. Here is where affordable housing was destroyed by arson; here is where affordable housing must be built anew. 9-4
9-5

Part of the problem is that urbanites accustomed to big-city real estate prices have directed state government to classify affordability based on dwelling units per acre rather than the actual cost of land acquisition or housing construction. Urban infrastructure like sanitary sewer comes with a cost that is reflected in the price of land and also facilitates denser development than is possible on septic. Because only a small portion of unincorporated Butte County has access to sewer, regulations goad county government into pointing at locations like Rio d'Oro for housing judged affordable by state standards. The result is a tragedy compounding a tragedy -- that persons displaced from Magalia and Concow may never be able to return, and that what remains of these communities will fade as younger generations move elsewhere to find housing. 9-6
9-7

Magalia used to be a place where young couples would move to start families because here was where they could afford a second bedroom and a yard. The County and the consultants are not the ones who obliterated that housing. The Project and especially the Housing Element reinforce rather than mitigate the displacement caused by the Camp Fire. PH-2 impact is significant and demands mitigation. 9-8

The state should not abide counties directing all of their low-income RHNA to areas which cities will ultimately annex. 9-9

This intentional, willful redistribution of population towards the periphery of Chico and Oroville absolutely impacts where police and fire protection would need to be located to respond quickly enough to calls for service. This may or may not require a new fire station; I do not see the analysis thereof herein, though section 6.2 acknowledges the eventual demand. That analysis may belong in the EIR documents for the subdivisions in question, but those will be incremental cumulative impacts for which no single phase of development is solely responsible. The overarching design to direct dense housing into these precise areas results from this Project at hand. 9-10

Implementation of this Project might not require the expansion of existing water facilities having significant environmental effects, but concentrating housing within Cal Water Service's Chico district will impact valley 9-11

2. Response to Comments

groundwater supply. Again, these will be incremental cumulative impacts, not individually significant enough for any one phase of development to require mitigation; that evaluation needs to be made of Butte County and City of Chico's joint plan for the City to sprawl further north and east. 9-11 cont'd

Regarding the nonsense strewn throughout the three hundred and some odd thousands words of verbiage, I contributed public comment to the Planning Commission that should already be part of the public record. I will not nitpick the entire document here. I will gloss over sections 5.1 through 5.17 to focus on just 5.18 as representative of outside authorship and illustrative of why Projects such as this must be a collaboration between community residents and professionals with the right letters after their names. 9-12

On page 5.18-4, "In Zone 1, all dead and dying plants are required to be removed and any flammable vegetation that could catch fire must be removed" is a loose and misleading paraphrase of section 1299.03(a)(4). This section and this document are littered with sentences that resemble large language model output more than human authorship. 9-13

On page 5.18-12, "Between 2010 and 2017, wildfires in California burned" obfuscates that the figures are an annual average, not a cumulative total. Publishing this wording reveals unfamiliarity with the true scale of wildfire California has seen since 2012. 9-14

The colors of figures 5.18-1 and 5.18-4 do not match the current (2007) Fire Hazard Severity Zones published at [https://urldefense.com/v3/__https://egis.fire.ca.gov/FHSZ/__;!!KNMwiTCp4spf!Hb-pB4b1c7y6nyf-wcHq51rouO6xEYgiQJN2-2TJEn7Fp1LOWfPk7UrJt4BurJSdIFAEq1I1YwhVQ2rXMmxrcNb7\\$](https://urldefense.com/v3/__https://egis.fire.ca.gov/FHSZ/__;!!KNMwiTCp4spf!Hb-pB4b1c7y6nyf-wcHq51rouO6xEYgiQJN2-2TJEn7Fp1LOWfPk7UrJt4BurJSdIFAEq1I1YwhVQ2rXMmxrcNb7$) and [https://urldefense.com/v3/__https://osfm.fire.ca.gov/media/6652/fhszs_map4.pdf__;!!KNMwiTCp4spf!Hb-pB4b1c7y6nyf-wcHq51rouO6xEYgiQJN2-2TJEn7Fp1LOWfPk7UrJt4BurJSdIFAEq1I1YwhVQ2rXMmq-6yIK\\$](https://urldefense.com/v3/__https://osfm.fire.ca.gov/media/6652/fhszs_map4.pdf__;!!KNMwiTCp4spf!Hb-pB4b1c7y6nyf-wcHq51rouO6xEYgiQJN2-2TJEn7Fp1LOWfPk7UrJt4BurJSdIFAEq1I1YwhVQ2rXMmq-6yIK$) nor the proposed update at [https://urldefense.com/v3/__https://osfm.fire.ca.gov/fire-hazard-severity-zones-maps-2022/__;!!KNMwiTCp4spf!Hb-pB4b1c7y6nyf-wcHq51rouO6xEYgiQJN2-2TJEn7Fp1LOWfPk7UrJt4BurJSdIFAEq1I1YwhVQ2rXMqezw-Cs\\$.](https://urldefense.com/v3/__https://osfm.fire.ca.gov/fire-hazard-severity-zones-maps-2022/__;!!KNMwiTCp4spf!Hb-pB4b1c7y6nyf-wcHq51rouO6xEYgiQJN2-2TJEn7Fp1LOWfPk7UrJt4BurJSdIFAEq1I1YwhVQ2rXMqezw-Cs$.) I don't know where Placemarks got that data layer. Note also that most of the health care facilities shown in Paradise have not existed since the Camp Fire while the former rural health clinic in Magalia closed circa 2014. Everyone here knows the only way to bring these services back to the Ridge is to bring back enough people for services to stay open, and that means creating housing. 9-15

Page 5.18-18 claims "the Camp Fire directly and indirectly caused 87 fatalities, including 3 CAL FIRE personnel and 84 residents." While we all know the names of our fellow residents who died in the fire, the claim that CAL FIRE personnel also died in the fire is unsupported. The actual indirect toll is in the thousands, both from regional smoke impacts in November 2018 and from the lack of health care on the Ridge in the years since, though that is somewhat outside the EIR's scope. 9-16

Section 5.18 broadly treats east as uphill, which is true for the South Feather area and not so true for the Cascade ridges west of the West Branch. The text often refers to easterly winds meaning downslope winds which simply does not apply to the Upper Ridge or Cohasset. 9-17

The annual mean temperature nonsense derives from Cal-Adapt defaulting to RCP 8.5, which is simply not plausible as coal furnaces and piston engines lose market share to more efficient, non-emitting alternatives. I suspect the state is urging the consultants to use these made-up numbers, but any conclusions drawn therefrom are spurious. 9-18

The primary travel routes listed on page 5.18-24 again appear to have come from a cursory glance at the evacuation maps. No local would write "Primary emergency travel routes in Butte Creek Canyon include SR-32" which runs along a ridge several hundred to a few thousand feet above. The map actually says that the way up there, "Center Gap Road is impassable," though someone on my street last week said he'd been using it. 9-19

2. Response to Comments

Figure 5.18-3 labels parcels "evacuation constrained" with no rhyme or reason, for example showing orange areas that have to go through red areas to get out. It also fails to show residential parcels in Stirling City and many other areas. The problem is not just that this map is nonsense or that conclusions have been drawn from a map that is nonsense; the problem is the lack of quality assurance putting the entire document in question.

9-20

Page 5.18-27 disagrees with page 5.18-18, saying "The Camp Fire ... caused

85 fatalities within the Town of Paradise and the Upper Ridge community."

Actually eight of the fatalities were in Concow and one was in Butte Creek Canyon, but this is arguably less wrong than stating that three CAL FIRE personnel died as well.

9-21

Table 5.18-2 is entirely backwards. Skyway from Chico to Pearson is 4-lane and mostly divided. The 2-lane road diet section is from Pearson to Elliott, which the table shows as 4-lane. Then Elliott to Bille is again 4-lane which the table shows as 2-lane. If this was a printed book rather than pixels on my screen, it would have been thrown against the wall.

9-22

The Upper Ridge Community Plan did not propose extending Athens Way into Paradise; rather using existing routes to connect to Honey Run Road within Little Butte Creek Canyon. Nimshew Road actually does cross Little Butte Creek to the northern outskirts of Paradise, but getting up the slope into town requires a mule.

9-23

Actual plausible evacuation improvements do exist within the Plan, and implementation of the Plan will significantly reduce wildfire risk relative to pre-disaster conditions, which should be the benchmark for comparison, not the existing conditions with thousands of residents displaced due to lack of housing.

9-24

There is, as usual, more to say than time to say it. The state would, in this case and in general, benefit from proactively involving rural residents in processes like this where County government may not fully understand the reality on the ground.

9-25

John Stonebraker
Upper Ridge Community Council
Magalia, CA

2. Response to Comments

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2. Response to Comments

9. Response to Comments from John Stonebreaker, dated February 21, 2023

9-1 Commenter states the EIR process siphons public dollars out of the jurisdiction to consultants and Sacramento bureaucrats who are unfamiliar with the communities and therefore cannot detect the errors upon which false conclusions have been drawn in the document. The commenter states they did everything to polish the Upper Ridge Community Plan and many of their corrections applied have been omitted from the text of the document.

Commenter is critiquing the CEQA processes and more specifically, the consultants. Public comments on the DEIR are welcomed to all. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

9-2 Commenter states this is a Program EIR and not a Project EIR. The Commenter states the General Plan will not make any meaningful change to daily existence in the disaster area and only facilitate future recovery efforts. The commenter also states the AQMD's boilerplate mitigation list seems out of place.

This comment is correct in saying this is a Program EIR. The commenter makes critiques on the purpose of the General Plan but no comment regarding the DEIR, other than the AQMD's mitigation list. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

9-3 Commenter states they do not see how the General Plan Update would result in conversion of forest land to non-forest use and argues that it dissuades development at elevations where forest could grow and lead to conversion of Farmland to non-agricultural use as housing needs and the already-disturbed footprints.

Page 5.2-30 of the DEIR under Impact AG-4 states that under the General Plan, approximately 4,460 new acres of forest land would be subject to non-forest land use designations. Although the analysis under Impact AG-4 presents other policies and actions aimed at limiting forest land conversion to non-forest uses, the General Plan would ultimately reduce and convert forestland to non-forest land uses to accommodate future demand. The commenter is correct, the General Plan Update as disclosed in Impact AG-1, on page 5.2-23 of the DEIR, has the potential to convert Farmland to non-agriculture use due to projected growth throughout the county.

9-4 Commenter states the project is not to blame for the displacement of thousands of households, decades of PUC complicity with felons doing business, the Pacific Gas & Electric bear the blame.

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

2. Response to Comments

- 9-5 Commenter states the project proposes construction of housing elsewhere and excluding the High and Very High Fire Hazard Severity Zones from the site inventory and diverting the low-income portion of the RHNA away from the recovery it purports to support. The commenter recommends affordable housing be built where affordable housing used to exist and was destroyed by arson.
- The comment states the proposed project would displace people; however, the General Plan aims to increase the resilience of housing in the county against wildfire hazards and other threats identified in the Community Health and Safety Element Update, in addition to facilitating the replacement and rehabilitation of housing lost or damaged in the Camp Fire. The DEIR's Impact PH-2 states approximately 5,589 housing units are expected to be added to the unincorporated county between 2020 and 2040. In addition, the DEIR includes Housing Element policies aimed to prevent impacts related to the displacement of housing. These comments are aimed at the Housing Element which was certified by Housing & Community Development (HCD) on February 22, 2023.
- 9-6 Commenter states part of the problem is that urbanites accustomed to big-city real estate prices have directed state government to classify affordability based on dwelling units per acre rather than the actual cost of land acquisition or housing.
- Commenter criticizes the way in which affordability is classified. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.
- 9-7 Commenter explains that sanitary sewer cost is reflected in the price of land and facilities denser development than possible on septic. The commenter states that only a small portion of unincorporated Butte County has access to sewer and the county governments use Rio d'Oro for affordable housing. The commenter states that is a tragedy that persons displaced from Magailia and Concow may never be able to return and what remains in the communities will fade away and move elsewhere to find housing.
- See response to comment 9-5.
- 9-8 Commenter states the County and consultants are not the ones who obliterated housing; however, the project and the Housing Element reinforce rather than mitigate the displacement caused by the Camp Fire. Commenter states PH-2 impact is significant and unavoidable and needs mitigation.
- See response to comment 9-5.
- 9-9 Commenter states the state should not abide counties directing all their low-income RHNA to areas which cities will ultimately annex.

2. Response to Comments

Commenter makes comments regarding where low-income housing should not be located. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

- 9-9 Commenter states this is a Program EIR and not a Project EIR. The Commenter states the General Plan will not make any meaningful change to daily existence in the disaster area and only facilitate future recovery efforts. The commenter also states the AQMD's boilerplate mitigation list seems out of place.

This comment is correct in saying this is a Program EIR. The commenter makes critiques on the purpose of the General Plan but no comment regarding the DEIR, other than the AQMD's mitigation list.

- 9-10 The commenter states the growth expected in Chico and Oroville will impact police and fire protect level of service. The commenter states this impact is not analyzed though section 6.2 acknowledges the eventual demand of new public service facilities. Commenter states the analysis may belong in the EIR documents for the subdivisions in question, but those will be incremental cumulative impacts for which no single phase of development is solely responsible.

The DEIR includes Chapter 5.15, Public Services Parks, and Recreation, which analyzes the potential of the project on public services such as fire and police services and facilities. Although the General Plan would result in additional growth throughout the county, the DEIR explains that the plan also includes policies and actions aimed to provide adequate fire and police protection services to serve existing and new development. In addition, since the DEIR is a programmatic level document it is not known at this point when such facilities would be required or what the exact nature of these facilities would be. As a result, it cannot be determined what project-specific environmental impacts would occur from their construction and operation. If construction or expansion of facilities to accommodate additional personnel or equipment becomes necessary, CEQA review and compliance with General Plan provisions would be required.

- 9-11 Commenter states the project might not require the expansion of existing water facilities having significant environmental effects, but concentrating housing within Cal Water Service's Chico district will impact valley groundwater supply. Commenter states evaluation of these impacts would need to be made by the Butte County and City of Chico's joint plan.

See response to A-5 regarding groundwater supply impacts. Since this DEIR is a programmatic level document, it is not known at this point when such facilities would be required or what the exact nature of these facilities would be. As a result, it cannot be determined what project-specific environmental impacts would occur from their construction and operation. If construction or expansion of facilities becomes necessary, CEQA review and compliance with General Plan provisions would be required.

2. Response to Comments

- 9-12 Commenter states to have contributed public comments to the Planning Commission that should already be on public record. The commenter states they will give comments regarding sections 5.1 through 5.17 and focus on 5.18 as representative of outside authorship and illustrate why projects must be a collaboration between community residents and professionals with the right letters after their names.

See response to comments 6-1 and 6-2 which address the comments made during the Planning Commission meeting from this commenter. Refer to comments 9-14 through 9-22.

- 9-13 Commenter states on page 5.18-4, "In Zone 1, all dead and dying plants are required to be removed and any flammable vegetation that could catch fire must be removed" is a loose and misleading paraphrase of section 1299.03(a)(4).

See Section 3, *Revisions to the Draft EIR*, of this FEIR, which includes revisions to Section 5.18.1.1, *Regulatory Framework*, under subheading *State Responsibility Area and Very High Fire Hazard Severity Zone Fire-Safe Regulations*.

- 9-14 Commenter states that on page 5.18-12, "Between 2010 and 2017, wildfires in California burned" obfuscates that the figures are an annual average, not a cumulative total. Commenter states by publishing this wording reveals unfamiliarity with the true scale of wildfire California has seen since 2012.

See Section 3, *Revisions to the Draft EIR*, of this FEIR, which includes revisions to 5.18.1.2, Existing Conditions regarding Wildfire Background.

- 9-15 Commenter states that figures 5.18-1 and 5.18-4 have colors that do not match the current (2007) Fire Hazard Severity Zones and provides a link to the CAL FIRE (2007) Fire Hazard Severity Zones map. The commenter also states that most health care facilities shown in Paradise have not existed since the Camp Fire while the former rural health clinic in Magalia closed in 2014. The commenter states that the only way to bring these services back to the Ridge is to bring people back by creating housing in these areas.

Although the colors in figures 5.18-1, *Fire Hazard Severity Zones and Wildland-Urban Interface in Butte County*, and 5.18-4, *Fire Hazard Severity Zones on the Upper Ridge*, do not match the colors in the current CAL FIRE (2007) Fire Hazard Severity Zones maps, figures 5.18-1 and 5.18-4, *Fire Hazard Severity Zones on the Upper Ridge* rely on CAL FIRE GIS data and accurately match the fire hazard severity zones and WUI designated by CAL FIRE; both figures provide a legend that identifies the CAL FIRE fire hazard severity zones and WUI. The locations of critical facilities, including health care facilities in Paradise and the unincorporated county, are based on most recent State-level data. The Butte County Communications GIS provided the source information for the Butte County critical facilities layer.

2. Response to Comments

- 9-16 Commenter states that on page 5.18-18 claims, "the Camp Fire directly and indirectly caused 87 fatalities, including 3 CAL FIRE personnel and 84 residents" but the claim that CAL FIRE personnel also died in the fire is unsupported. Commenter states the actual indirect toll is in the thousands, both from regional smoke impacts in November 2018 and from the lack of health care on the Ridge in the years since.

See Section 3, *Revisions to the Draft EIR*, of this FEIR, which includes revisions to 5.18.1.2, *Existing Conditions*, regarding 2018 Camp Fire fatalities. The information presented in this section describes the indirect and direct deaths from the Camp Fire at the local level not regional as stated by the commenter.

- 9-17 Commenter states section 5.18 treats east as uphill, which is true for the South Feather area but not so true for the Cascade ridges west of the West Branch. The commenter also notes that the text often refers to easterly winds meaning downslope winds, but this description does not apply to the Upper Ridge or Cohasset.

Page 5.7-7 of the DEIR under Regional Geology explains the regional geology and topography throughout Butte County which states that much of the eastern portion of Butte County is part of the Sierra Nevada geomorphic provenance. Page 5.18-21 of the DEIR states that easterly winds define the words as winds that blow from the east.

- 9-18 Commenter states that the annual mean temperature nonsense derives from Cal-Adapt defaulting to RCP 8.5, and argues it is not plausible as coal furnaces and piston engines lose market share to more efficient, non-emitting alternatives. The commenter suspects the state is urging the consultants to use these made-up numbers, but any conclusions drawn therefrom are spurious.

The Cal-Adapt source is used to gather information on the annual or monthly average area burned which can help inform at a high level if wildfire activity is likely to increase in the area. The DEIR does not claim that it is plausible as coal furnaces and piston engines lose market share to more efficient, non-emitting alternatives. The commenter's remarks regarding that the state are urging consultants to fabricate numbers is unsupported.

- 9-19 Commenter states that no local would write, "Primary emergency travel routes in Butte Creek Canyon include SR-32" which runs along a ridge several hundred to a few thousand feet above. Commenter argues that the map says that the way up there, "Center Gap Road is impassable."

The comment does not like the structure of the sentence but does not provide specific corrections to the sentence; therefore, no further revisions are required. In addition, Figure 5.18-3, *Evacuation Constrained Residential Areas in Wildfire Hazard Areas*, shows evacuation-constrained residential areas throughout the county in wildfire hazard zones, pursuant to California Government Code Section 65302(g)(5).

2. Response to Comments

- 9-20 Commenter states Figure 5.18-3 labels parcels "evacuation constrained" with no rhyme or reason and fails to show residential parcels in Stirling City and many other areas. The commenter states the problem is the lack of quality assurance putting the entire document in question.

The DEIR states Figure 5.18-3 shows evacuation-constrained residential areas throughout the county in wildfire hazard zones, pursuant to California Government Code Section 65302(g)(5). See Section 3, *Revisions to the Draft EIR*, of this FEIR, which includes revisions that adds information from the California government Code Section 65302(g)(5).

- 9-21 Commenter states that page 5.18-27 disagrees with page 5.18-18, saying "The Camp Fire ... caused 85 fatalities within the Town of Paradise and the Upper Ridge community." Commenter corrects that actually eight of the fatalities were in Concow and one was in Butte Creek Canyon but is arguably less wrong than stating that three CAL FIRE personnel died as well.

See Section 3, *Revisions to the Draft EIR*, of this FEIR, which revises information under the subheading, *Wildlife History*.

- 9-22 Commenter states Table 5.18-2 is entirely backwards. Skyway from Chico to Pearson is 4-lane and mostly divided. The 2-lane road diet section is from Pearson to Elliott, which the table shows as 4-lane. Then Elliott to Bille is again 4-lane which the table shows as 2-lane.

See response to comment 6-1.

- 9-23 Commenter states that the Upper Ridge Community Plan did not propose extending Athens Way into Paradise; rather using existing routes to connect to Honey Run Road within Little Butte Creek Canyon.

The commenter references making changes to the Upper Ridge Community Plan rather than in the DEIR. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

- 9-24 Commenter states that actual plausible evacuation improvements do exist within the Plan and implementation of the Plan will reduce wildfire risk relative to pre-disaster conditions, which should be the benchmark for comparison, not the existing conditions with thousands of residents displaced due to lack of housing.

The Health and Safety Element from the proposed General Plan includes policies aimed at ensuring adequate evacuation routes and improvements. The DEIR includes policies such as HS-P11.6, HS-P13.1, HS-P18.2, HS-P18.3, and HS-P18.5 which focuses on evacuation route improvements. Section 5.18.2, *Standard of Significance*, sets the thresholds in which impacts are analyzed pursuant to Appendix G, Environmental Checklist Form, of the California Environmental Quality Act (CEQA) Guidelines.

2. Response to Comments

9-25 The commenter states that the state would benefit from proactively involving rural residents in processes like where County government may not fully understand the reality on the ground.

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

2. Response to Comments

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3. Revisions to the Draft EIR

3.1 INTRODUCTION

This section contains revisions to the DEIR based upon (1) additional or revised information required to prepare a response to a specific comment; (2) applicable updated information that was not available at the time of DEIR publication; and/or (3) typographical errors. This section also includes additional mitigation measures to fully respond to commenter concerns as well as provide additional clarification to mitigation requirements included in the DEIR. The provision of these additional mitigation measures does not alter any impact significance conclusions as disclosed in the DEIR. Changes made to the DEIR are identified here in ~~strikeout text~~ to indicate deletions and in underlined text to signify additions.

3.2 DEIR REVISIONS IN RESPONSE TO WRITTEN COMMENTS

The following text has been revised in response to comments received on the DEIR.

Page 5.18-12, Chapter 5.18, *Wildfire*. The following changes are incorporated into 5.18.1.2, *Existing Conditions*, under subheading *Types of Wildfires*, from John Stonebraker, dated February 21, 2023.

Types of Wildfires

There are three basic types of wildfires:

- Crown fires burn trees to their tops and are the most intense and dangerous wildland fires.
- Surface fires burn surface litter and duff and are known for being the easiest fires to extinguish and to cause the least damage. Brush and small trees enable surface fires to reach treetops, and so are referred to as ladder fuels.
- Underground fires occur underground in deep accumulations of dead vegetation. These fires move very slowly and can be difficult to extinguish due to limited access (Natural Resources Canada 2018).

Wildfires burn in many types of vegetation—forest, woodland, scrub, chaparral, and grassland. Many species of native California plants are adapted to fire. Chaparral shrubs and conifer forests recover from fire. For example, many species of conifers have seed cones that require fire to open in order for them to reproduce (CAL FIRE 1999). Between 2010 and 2017, wildfires in California burned an average annual amount of about 265,000 acres of forest land; 207,000 acres of ~~scrub~~ shrubland vegetation; 99,000 acres of grassland; 18,000 acres of desert vegetation; and 14,000 acres of other vegetation types (California Board of Forestry and Fire Protection and CAL FIRE 2018). Wildfires have been observed to be more frequent and growing in intensity the past several years, with 4,304,379 acres and 2,568,948 acres burning in 2020 and 2021, respectively (CAL FIRE 2022).

3. Revisions to the Draft EIR

Page 5.18-4, Chapter 5.18, *Wildfire*. The following changes are incorporated into 5.18.1.1, *Regulatory Framework*, under subheading *State Responsibility Area and Very High Fire Hazard Severity Zone Fire-Safe Regulations*, from John Stonebraker, dated February 21, 2023.

State Responsibility Area and Very High Fire Hazard Severity Zone Fire-Safe Regulations

California Code of Regulations Title 14, Division 1.5, Chapter 7, Subchapter 2, SRA/VHFHSZ Fire Safe Regulations, establishes minimum wildfire protection standards for construction and development within the SRA and Very High Fire Hazard Severity Zone. These standards include basic emergency access and perimeter wildfire protection measures, signing and building numbering, private water supply resources for emergency fire use, and vegetation modification. These regulations apply to all residential, commercial, and industrial buildings within the SRA, the siting of new mobile homes, all tentative and parcel maps, and applications for building permits approved before 1991 where these standards were not proposed. Fire Safe Regulations also include a minimum setback of 30 feet for all buildings from property lines and/or the center of a road. Section 1273.08, Dead-End Roads, of these standards provide regulations for the maximum lengths of single-access roadways requiring the following:

- Parcels zoned for less than 1 acre: 800 feet.
- Parcels zoned for 1 to 4.99 acres: 1,320 feet.
- Parcels zoned for 5 to 19.99 acres: 2,640 feet.
- Parcels zoned for 20 acres or larger: 5,280 feet.

Fire Safe Regulations, Section 1299.03, Fire Hazard Reduction Around Buildings and Structure Requirements, provides defensible space requirements for areas within 30 feet of a structure (Zone 1) and between 30 and 100 feet from a structure (Zone 2). In Zone 1, all dead and dying plants are required to be removed from any location within the zone; all branches must be kept at a minimum of ten feet away from chimney and stovepipe outlets; exposed firewood piles must be relocated outside of the zone; and any flammable vegetation that could catch fire (adjacent or under combustible infrastructure) must be removed.

Page 5.18-18, Chapter 5.18, *Wildfire*. The following changes are incorporated into 5.18.1.2, *Existing Conditions*, under subheading, *2018 Camp Fire*, from John Stonebraker, dated February 21, 2023.

2018 Camp Fire

In November 2018, Pacific Gas and Electric Company (PG&E) notified customers for two days that it might shut down power due to a forecast of high winds and low humidity, and a red flag warning issued by the National Weather Service, but ultimately PG&E did not de-energize the power lines. On Thursday, November 8, 2018, around 6:15 a.m., a power transmission line above Poe Dam near Pulga malfunctioned and sparked. A PG&E Rock Creek Powerhouse field crew reported a fire under power transmission lines near Poe Dam to CAL FIRE by at 6:33 a.m. By 8:00 a.m., the fire entered the Town of Paradise and evacuation orders were sent out for the town, the Upper Ridge community, and surrounding areas. The emergency alert system faltered due to its opt-in nature and the loss of 17 cell towers, and the majority of residents in the area did not receive emergency notifications.

3. Revisions to the Draft EIR

By November 10, 2018, the Camp Fire had become the most destructive fire in California's history. The fire spread rapidly, and firefighter crews were unable to fully contain the fire until November 25, after rain fell on November 21. While the majority of damage occurred in the Town of Paradise, several unincorporated communities and areas were also damaged or destroyed. In the unincorporated areas of the county, 4,569 structures were completely destroyed, 194 were damaged, and only 2,402 structures within the fire perimeter remained undamaged (Butte County 2019).

In total (including the Town of Paradise), the Camp Fire directly and indirectly caused ~~84~~ 87 fatalities, ~~including 3 CAL FIRE personnel and 84 residents~~. The Camp Fire burned 153,336 acres and destroyed 14,500 structures, including 13,696 single-family homes, 376 multifamily homes, 528 commercial structures, and 4,293 other structures. Approximately 589 additional structures were also damaged. The fire, by far, killed more people and destroyed more structures than any other fire in California's recorded history (Butte County District Attorney 2020).

Page 5.18-27, Chapter 5.18, Wildfire. The following changes are incorporated into 5.18.1.2, Existing Conditions, under subheading, Evacuation and Access, from John Stonebraker, dated February 21, 2023.

Wildfire History

As shown in Figure 5.18-5, the Camp Fire in 2018 is the only historic fire to burn through the Upper Ridge community between 1878 and 2021. *As mentioned above, T he Camp Fire caused 84 fatalities, burned 153,336 acres, and destroyed 14,500 structures (Butte County District Attorney).* burned almost 19,000 structures, destroyed over 11,000 houses, and caused 85 fatalities within the Town of Paradise and the Upper Ridge community (Sieglar 2019). Within the Upper Ridge community, including the Old Magalia, Lower Pines, Nimshew, and Central Skyway neighborhoods were worst hit by the Camp Fire, with hundreds of homes and commercial buildings destroyed. Several fires, including the North Complex Fire in 2020, BTU Lightning Complex in 2008, Humboldt Fire in 2008, Doe Mill Fire in 1999, and Bidwell Fire in 1984 have also burned within close proximity to the community.

Page 5.18-23, Chapter 5.18, *Wildfire*. The following changes are incorporated into 5.18.1.2, *Existing Conditions*, under subheading, Wildfire History, from John Stonebraker, dated February 21, 2023.

Wildfire History

Evacuation routes are designated roadways that allow for many people to quickly leave an area due to a potential or imminent disaster. These routes should have a sufficient capacity to accommodate the needs of the community, be safely and easily accessible, and allow people to travel far enough away to be safe from any emergency conditions.

Primary evacuation routes throughout Butte County include State Routes (SR) that traverse the county. These include, but are not limited to, SR-99, SR-32, SR-191, SR-149, SR-70, and SR-162. During emergencies, Butte County Sheriff's Office, BCFD, Butte County Geographical Information Services, and Butte County Search and Rescue coordinate the use of Zone Haven, an internet-based evacuation mapping application that uses

3. Revisions to the Draft EIR

zones to provide evacuation warnings and orders. This application allows for quick and transparent evacuation decision making that speeds up the evacuation notification process.

In remote areas of the county, several communities have evacuation constraints, including only one ingress and egress from neighborhoods or communities. Figure 5.18-3 shows evacuation-constrained residential areas throughout the county in wildfire hazard zones, pursuant to California Government Code Section 65302(g)(5) which states the Safety Element must identify residential developments in any hazard area identified in the Safety Element that does not have at least two emergency evacuation routes.

Page 5.8-42, Chapter 5.13, *Greenhouse Gas Emissions*. The following changes are incorporated into Mitigation Measure GHG-1, from Jason Mandly, on behalf of Butte County Air Quality Management District (BCAQMD), dated February 21, 2023.

Mitigation Measure GHG-1: The County shall prepare and update its next regularly planned update to the Climate Action Plan (CAP) per the schedule (within five years or sooner) established under Implementation Strategy 4 of the Butte County 2021 CAP, to achieve, or move towards achieving a GHG reduction target consistent with the Assembly Bill 1279 GHG reduction target of 85 percent of 1990 levels by 2045. The CAP may consider the recommendations found in the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Change Vulnerabilities, and Advancing Health and Equity published by the California Air Pollution Control Officers Association and update shall include the following:

- GHG inventories of existing and forecast-year GHG levels.
- Tools and strategies for reducing GHG emissions to ensure a trajectory with the long-term GHG reduction target of AB 1279.
- Plan implementation guidance that includes, at minimum, the following components consistent with the updated CAP:
 - Administration and Staffing
 - Finance and Budgeting
 - Timelines for Measure Implementation
 - Community Outreach and Education
 - Monitoring, Reporting, and Adaptive Management
 - Tracking Tools

Page 5.13-50, Chapter 5.13, *Noise*. The following changes are incorporated into Mitigation Measure NOI-1, from the Planning Commissioner Meeting, especially Richard Harriman, dated January 26, 2023.

Mitigation Measure NOI-1: The construction contractors shall implement the following measures for construction activities in Butte County. Construction plans submitted to the County shall identify these measures on demolition, grading, and construction plans, and the County's Planning and Building Department(s) shall verify that submitted grading, demolition, and/or construction plans include these notations prior to issuance of demolition, grading, and/or building permits:

3. Revisions to the Draft EIR

- Construction activity is limited to the daytime hours exempted in the County Code, Chapter 41A, Noise Control, and by Policy HS-P1.7, and shall adhere to Construction control noise measures in Policy HS-P1.9.
- During the entire active construction period, equipment and trucks used for project construction shall use the best-available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds).
- Impact tools (e.g., jack hammers and hoe rams) shall be hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools.
- Stockpiling shall be located as far as *feasible* from nearby noise-sensitive receptors.
- Construction traffic shall be limited, to the extent *feasible*, to approved haul routes established by the County Planning and Building Department(s).
- At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours, as well as the telephone numbers of the County's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, they shall investigate, take appropriate corrective action, and report the action to the County.
- Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queuing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes.
- During the entire active construction period and to the extent *feasible*, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.
- Erect temporary noise barriers (at least as high as the exhaust of equipment and breaking line-of-sight between noise sources and sensitive receptors), as necessary and *feasible*, to maintain construction noise levels at or below the performance standard of 80 dBA L_{eq} . Barriers shall be constructed with a solid material that has a density of at least 4 pounds per square foot with no gaps from the ground to the top of the barrier.

3.3 DEIR REVISIONS

The following are additional revisions that have been made to the Draft EIR. The changes to Impact statement AG-6 and Impact statement WILD -5 below are to correct a typo discovered while preparing this FEIR. There are also revisions to the HAZ-3 and BIO-5 discussion. These changes to the impact discussion do not present new information and the analysis is consistent with the new revised impact discussion therefore these changes do not constitute recirculation of the EIR.

Page 1-7, Chapter 1, *Executive Summary*, the following changes are incorporated into Table 1-1, *Summary of Impacts and Mitigation Measures*, which include changes to Impact statement AG-6, Mitigation Measure NOI-1, and Impact statement WILD-5.

3. Revisions to the Draft EIR

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
5.2 AGRICULTURE AND FORESTRY RESOURCES			
<p>AG-6: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant and unavoidable cumulative impacts with respect to agricultural and forestry resources.</p>	Potentially Significant	There are no feasible mitigation measures	Significant and Unavoidable
5.13 NOISE			
<p>NOI-1: Implementation of the project would result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards.</p>	Potentially Significant	<p>Mitigation Measure NOI-1: The construction contractors shall implement the following measures for construction activities conducted in Butte County. Construction plans submitted to the County shall identify these measures on demolition, grading, and construction plans submitted to the County, and the County’s Planning and Building Department(s) shall verify that submitted grading, demolition, and/or construction plans include these notations prior to issuance of demolition, grading, and/or building permits:</p> <ul style="list-style-type: none"> ▪ Construction activity is limited to the daytime hours exempted in the County Code, Chapter 41A, Noise Control, and by Policy HS-P1.7, and shall adhere to Construction control noise measures in Policy HS-P1.9. ▪ During the entire active construction period, equipment and trucks used for project construction shall use the best-available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds). 	Significant and Unavoidable

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Potential Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<ul style="list-style-type: none"> ▪ Impact tools (e.g., jack hammers and hoe rams) shall be hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools. ▪ Stockpiling shall be located as far as feasible from nearby noise-sensitive receptors. ▪ Construction traffic shall be limited, to the extent feasible, to approved haul routes established by the County Planning and Building Department(s). ▪ At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours, as well as the telephone numbers of the County’s and contractor’s authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor’s representative receives a complaint, they shall investigate, take appropriate corrective action, and report the action to the County. ▪ Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to 	

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Potential Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes.</p> <ul style="list-style-type: none"> ▪ During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws. <p>Erect temporary noise barriers (at least as high as the exhaust of equipment and breaking line-of-sight between noise sources and sensitive receptors), as necessary and feasible, to maintain construction noise levels at or below the performance standard of 80 dBA Leq. Barriers shall be constructed with a solid material that has a density of at least 4 pounds per square foot with no gaps from the ground to the top of the barrier.</p>	
5.18 WILDFIRE			
<p>WILD-5: The project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant <u>and unavoidable</u> cumulative impacts with respect to wildfire.</p>	<p>Potentially Significant</p>	<p>Implement Mitigation Measure WILD-1</p>	<p>Significant and Unavoidable</p>

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Page 5.18-26, Chapter 5.18, *Wildfire*. The following changes are incorporated into 5.18.5, *Cumulative Impacts*,

AG-6: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in ~~less than significant and unavoidable~~ cumulative impacts with respect to agricultural and forestry resources.

Page 5.18-26, Chapter 5.18, *Wildfire*. The following changes are incorporated into 5.18.5, *Cumulative Impacts*.

WILD-5: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in ~~less than significant and unavoidable~~ cumulative impacts with respect to wildfire.

Page 5.9-25, Chapter 5.9, Hazards and Hazardous Materials. The following changes are incorporated into HAZ-3 under subheading Upper Ridge Community Plan.

Upper Ridge Community Plan

As discussed in Chapter 3, Project Description, of this Draft EIR, the Upper Ridge Community Plan would increase development potential in the Upper Ridge community with 28 parcels redesignated from Retail and Office to Mixed-Use land uses in the Old Magalia and Magalia Center neighborhoods. Although there are ~~no~~ existing schools within 0.25 miles of these neighborhoods ~~including the Ridgeview High School, Pine Ridge Elementary School, Mountain Ridge Middle School and Cedarwood Elementary~~; therefore, it is possible that such uses could occur near ~~future proposed~~ schools. However, exposure to hazardous materials would be limited as all users of hazardous materials are subject to federal, State, and local laws that ensure that hazardous material use, emission, and transportation are controlled to a safe level. The combination of federal, State, and local regulations described in previous sections, and Health and Safety Element policies that call for reducing risks from the harmful effects of hazardous materials, would ensure that the risk to schools from hazardous materials or emissions would be less than significant.

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Page 5.4-91, Chapter 5.4, *Biological Resources*. The following changes are incorporated into BIO-5 under subheading Upper Ridge Community Plan.

Upper Ridge Community Plan

As discussed in Chapter 3, Project Description, the URCP would increase development potential in the Upper Ridge community with 28 parcels redesignated from Retail and Office to Mixed-use land uses in the Old Magalia and Magalia Center neighborhoods. Potential future development under the proposed project would add additional residents to the Upper Ridge community. ~~The biological resource requirements in the Oak Woodlands Management Plan would remain intact following implementation of the proposed project.~~ Furthermore, ~~the~~ The General Plan Update includes Policy COS-P6.1, which directs the County to coordinate with applicable federal, State, regional, and local agencies on natural resources and habitat planning. Thus, the project would have no impact regarding conflicts with local ordinances or policies protecting biological resources.

Page 5.4-12, Chapter 5.4, *Biological Resources*. The following changes are incorporated into Section 5.4.1.1, *Regulatory Framework*, under heading Local Regulations and under subheading Upper Ridge Community Plan.

Butte County Oak Woodlands Management Plan

~~In 2007, the Butte County adopted the Oak Woodlands Management Plan Resolution, which is intended to provide incentive-based, voluntary opportunities to private landowners who wish to pursue oak woodland conservation strategies as provided by the 2001 California Oak Woodlands Conservation Act. This resolution adopts the 2006 Oak Woodland Resources Assessment Report, developed by the Butte County Resource Conservation District, as the Butte County Oak Woodlands Management Plan (Management Plan). Through the Management Plan, the County acknowledges the values associated with oak woodlands, and recognizes and supports private landowners who choose to voluntarily adopt measures to ensure oak woodland viability through participation in the Oak Woodlands Conservation Program. The Management Plan also accepts individual grant applications and provides review by the Butte County Board of Supervisors before submitting them to the Wildlife Conservation Board.~~

Defensible Space and Hazardous Vegetation Management

Section 38A-6 (Defensible Space and Hazardous Vegetation Management) of Chapter 38A (Fire Prevention and Protection) of the County Code establishes requirements for maintenance of defensible space on urban parcels and parcels within the unincorporated area of the county. Any urban parcel or parcel within the unincorporated area of the county must follow the maintenance requirements outlined in this section of the County Code, including, but not limited to ensuring five feet from any building is free of dead vegetative debris, maintaining a 100-foot firebreak around any building, and maintaining clearance of hazardous vegetation from the road corridor. Unimproved urban parcels 1.25 acres or smaller in size require firebreaks on the entire area of each parcel.

Butte County Oak Woodlands Management Plan Resolution

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~~The Butte County Oak Woodlands Management Plan Resolution (No. 07-084), adopted on April 24, 2007, outlines oak woodland conservation goals and policies. This resolution adopts the 2006 Oak Woodland Resources Assessment Report, developed by the Butte County Resource Conservation District, as the Butte County Oak Woodlands Management Plan (Management Plan). Through the Management Plan, the County supports private landowners who choose to voluntarily adopt measures to ensure oak woodland viability through participation in the Oak Woodlands Conservation Program. The Management Plan also provides for review and acceptance of individual grant applications by the Butte County Board of Supervisors before submitting them to the state's Wildlife Conservation Board.~~

Page 5.4-54, Chapter 5.4, *Biological Resources*. The following changes are incorporated into Section 5.4.1.2, *Existing Conditions*, under subheading Oak Woodland.

Oak woodland is a common habitat locally and regionally and in most instances is not considered by CDFW 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 in the Planning Area should be considered in the context of the Butte County Oak Woodlands Management Plan Resolution.~~

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3.4 ERRATA TO THE GENERAL PLAN

In summer 2022, Butte County released draft General Plan 2040 for review and invited input from the public. In response to the input received by commenters in the DEIR, the General Plan Project Team has made a series of revisions to the draft General Plan 2040. This section of the DEIR details the recommended revisions made by commenters to the General Plan 2040. As shown below are the changes in underline and strikeout.

The text changes do not require recirculation of the EIR because they do not provide significant new information that would give rise to a new significant environmental impact nor a substantial increase in the severity of an environmental impact.

Page 10-17, Chapter 10, *Conservation and Open Space Element*. The following changes are incorporated into Section III.A, *Air Quality Background Information*, based on comments from Jason Mandly, on behalf of BCAQMD, dated February 21, 2023.

III. AIR QUALITY

A. Background Information

Butte County is in the northern portion of the Sacramento Valley Air Basin (SVAB), which includes the counties of Butte, Colusa, Glenn, Shasta, Sutter, Tehama, and Yuba. The SVAB is bounded on the north by the Cascade Range, on the south by the Greater Sacramento Air Region and San Joaquin Valley Air Basin, on the east by the Sierra Nevada, and on the west by the Coast Range. Dispersion of local pollutant emissions is predominantly affected by the prevailing wind patterns and inversions that often occur in the northern SVAB.

Existing air quality conditions in Butte County can be characterized in terms of the ambient air quality standards that the federal and State governments have established for various pollutants and by monitoring data collected in the region. The California Air Resources Board (CARB) operates ozone (summertime smog) monitoring equipment in Chico and Paradise. CARB operates fine particulate (PM2.5) monitoring equipment in Chico, Paradise, and in South Butte County outside of Gridley. The Chico air monitoring station is the only official ambient air quality site in Butte County monitoring for coarse particulates (PM10), Nitrogen Dioxide (NO2), Lead, and Carbon Monoxide (CO).

Table COS-2 shows Butte County’s attainment status with state and federal ambient air quality standards as of 2022:

TABLE COS-2 STATE AND FEDERAL AIR QUALITY ATTAINMENT STATUS

<u>Pollutant</u>	<u>State Designation</u>	<u>Federal Designation</u>
<u>1-Hour Ozone</u>	<u>Nonattainment</u>	<u>No Standard (revoked)</u>
<u>8-Hour Ozone</u>	<u>Nonattainment</u>	<u>Nonattainment</u>
<u>Carbon Monoxide</u>	<u>Attainment</u>	<u>Attainment</u>
<u>Nitrogen Dioxide</u>	<u>Attainment</u>	<u>Attainment</u>

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<u>Sulfur Dioxide</u>	<u>Attainment</u>	<u>Attainment</u>
<u>24-Hour PM10</u>	<u>Nonattainment</u>	<u>Attainment</u>
<u>24-Hour PM2.5</u>	<u>No Standard</u>	<u>Attainment</u>
<u>Annual PM10</u>	<u>Attainment</u>	<u>No Standard</u>
<u>Annual PM2.5</u>	<u>Nonattainment</u>	<u>Attainment</u>

The most recent annual air quality report from the Butte County Air Quality Management District is available at <https://bcaqmd.org/air-quality>.

Existing air quality conditions in Butte County can be characterized in terms of the ambient air quality standards that the federal and State governments have established for various pollutants and by monitoring data collected in the region. There are three air quality monitoring stations in Butte County, located in Chico, on Paradise Airport Road and at the Paradise Fire Station. Monitoring data indicate that the following standards have been exceeded during the last five years (2003 to 2008) in Butte County. It should be noted that a measured exceedance does not necessarily represent a violation since the standards are often based on average values over a period of time:

Ozone concentrations often exceeded the federal and State standards.

PM₁₀ (particulate matter) concentrations occasionally exceeded the State standards.

PM_{2.5} concentrations occasionally exceeded the federal standards.

The US Environmental Protection Agency (EPA) has designated Butte County as a nonattainment area for the federal 8-hour ozone standard. For the federal PM_{2.5} standard, the EPA has designated the lower elevations of the county as a nonattainment area, while the upper foothills are classified as attainment areas. For the carbon monoxide standard, the EPA has classified the Chico Urbanized Area as a moderate maintenance area, while the rest of Butte County is classified as an unclassified/attainment area. Butte County is in attainment for the federal PM₁₀, nitrogen dioxide and sulfur dioxide standards.

CARB has designated Butte County as a moderate nonattainment area for the State 1-hour ozone standard and as a nonattainment area for the State 8-hour ozone, PM₁₀ and PM_{2.5} standards. Butte County is in attainment for the State carbon dioxide, nitrogen dioxide and sulfur dioxide standards.

Page 18, Chapter 14, *Environmental Justice Element*. The following changes are incorporated into Action EJ-A8.1 based on comments from Jason Mandly, on behalf of BCAQMD, dated February 21, 2023.

Action EJ-A8.1: Participate in emission and exposure reduction, public education, engagement, and outreach programs sponsored by Butte County Air Quality Management District (BCAQMD) ~~Butte County Air Pollution Control District (BCAPCD)~~ and other activities that promote air quality, focusing on Communities of Opportunity.

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Page 10-18, Chapter 10, *Conservation and Open Space Element*. The following changes are incorporated into Policy COS-P5.3 based on comments from Jason Mandly, on behalf of BCAQMD, dated February 21, 2023.

COS-P5.3: Only wood burning devices meeting current EPA certifications ~~EPA Phase II certified wood burning or equivalent devices~~ may be installed in any residential projects.

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