

INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST

California Environmental Quality Act (CEQA)

PROJECT INFORMATION

1. Project Title: Siller Grading Permit (CEQA23-0002/PWGRD23-0003) and Zoning Code Amendment (ZCA23-0007)
2. Lead Agency Name and Address: Butte County – Department of Development Services
Planning Division
7 County Center Drive
Oroville, CA 95965
3. Contact Person and Phone Number: Mark Michelena, Principal Planner
530.552-3683; mmichelena@buttecounty.net
4. Project Location: The subject property is comprised of one parcel totaling approximately 36.23 acres (APN 035-460-022). It is located at 3355 Feather River Boulevard (southeast of the intersection of Feather River Boulevard and Georgia Pacific Way), Oroville, CA. Lat. 39°28'32.87" N/Long. - 121°34'19.18" W.
5. Project Sponsor's Name and Address: Neal Siller, CWS Enterprises, Inc.
P.O. Box 430
Penn Valley, CA 95946
6. General Plan Designation: Industrial (I)
7. Zoning: Heavy Industrial (HI)
8. Description of Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

The proposed project is approval of a retroactive grading permit authorizing grading/clearing activities associated with addressing a Butte County code violation and a zoning code amendment to add Assessment Facility as a new land use. The code violation addressed fire risk abatement caused by vegetation and trash/debris generated by homeless encampments located on the site. The owner removed all trees and trash and subsequently received a notice of violation of Butte County Code, Ordinance 4026 for unlawfully conducting dirt work on the site without a permit. Of the 36.23 acres, approximately 2 acres is currently fenced and being temporarily used by Pacific Gas & Electric (PG&E) for unpermitted equipment storage. The storage yard area has been stabilized using gravel and bark. Further, there is an existing mobile office unit operating within the fenced area that is a code violation. The remainder of the site is vacant; however, piles of slash from vegetation removal and graded soil are located on the site. An Assessment Facility is defined as:

An outdoor facility involving no permanent development, which may include temporary office trailers, storage units, and sanitation facilities, where a person and/or crews of workers are evaluated/assessed on knowledge, skills, abilities, and the safe handling of tools, equipment, and other critical competencies necessary to complete a required job task. Assessment facilities may include features such as utility poles, simulations of trees, and other features meant to duplicate conditions that workers may experience in carrying out their jobs. Examples of

assessment facilities include the assessment related to tree and brush removal, firefighting, utility work, and similar jobs.

With the approval of the zoning code amendment, an Assessment Facility will be added as permitted use in the Heavy Industrial, General Industrial, and Light Industrial zones. With approval of the retroactive grading permit, the owner intends to lease all or a portion of the site to PG&E for use as a training facility for brush clearing contractors. No new development of buildings or infrastructure in addition to the existing mobile office are proposed. Thus, no additional land disturbance would occur. The site would be accessed and used periodically by PG&E employees and contractors.

9. Surrounding Land Uses and Setting: (Briefly describe the project’s surroundings)

The site is undeveloped heavy industrial land. As stated, approximately 2 acres is fenced and used for equipment storage. The property is relatively flat with an elevation of approximately 148 feet above sea level. The site is bordered by vacant land to the east, vacant land and heavy industrial development to the north and south and the Combat Zone Paintball Park to the west on the west side of State Route (SR) 70 and Pacific Heights Road. The only site access appears to be via Merlo Avenue on the east side of the site. The project site is located approximately 2.2 miles southeast of Oroville Municipal Airport and is within Compatibility Zone D.

Direction	General Plan Designation	Zoning	Existing Land Use(s)
North	City of Oroville	City of Oroville	Light Industrial
South	Multi-Zone	Multi-Zone	Light/Heavy Industrial
East	City of Oroville	City of Oroville	Vacant
West	Industrial	Light Industrial	Residential

10. Other public agencies whose approval is required: (e.g., permits, financing approval, or participation agreement)

- Butte County Engineering Department: Grading Permit

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

See Discussion 1.18

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages. Where checked below, the topic with a potentially significant impact will be addressed in an environmental impact report.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forest Resources	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Energy
<input type="checkbox"/>	Geology / Soils	<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards / Hazardous Materials
<input type="checkbox"/>	Hydrology / Water Quality	<input type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Mineral Resources
<input type="checkbox"/>	Noise	<input type="checkbox"/>	Population / Housing	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Recreation	<input type="checkbox"/>	Transportation	<input type="checkbox"/>	Tribal Cultural Resources
<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	Wildfire	<input type="checkbox"/>	Mandatory Findings of Significance
		<input type="checkbox"/>	None	<input checked="" type="checkbox"/>	None with Mitigation Incorporated

DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project could not have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Mark Michelena

February 9, 2024

Mark Michelena, Principal Planner

Date

Dan Breedon

February 8, 2024

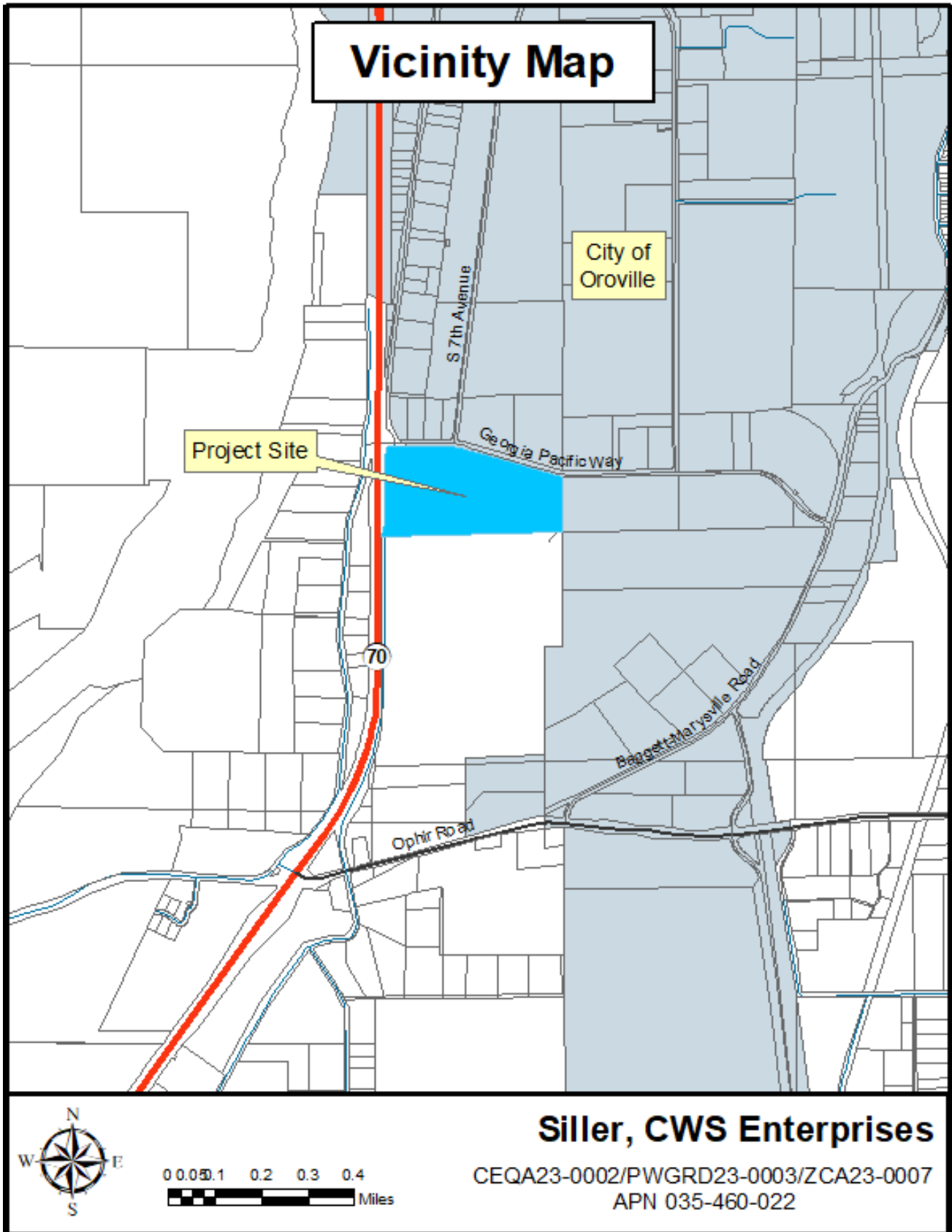
Dan Breedon, Planning Manager

Date

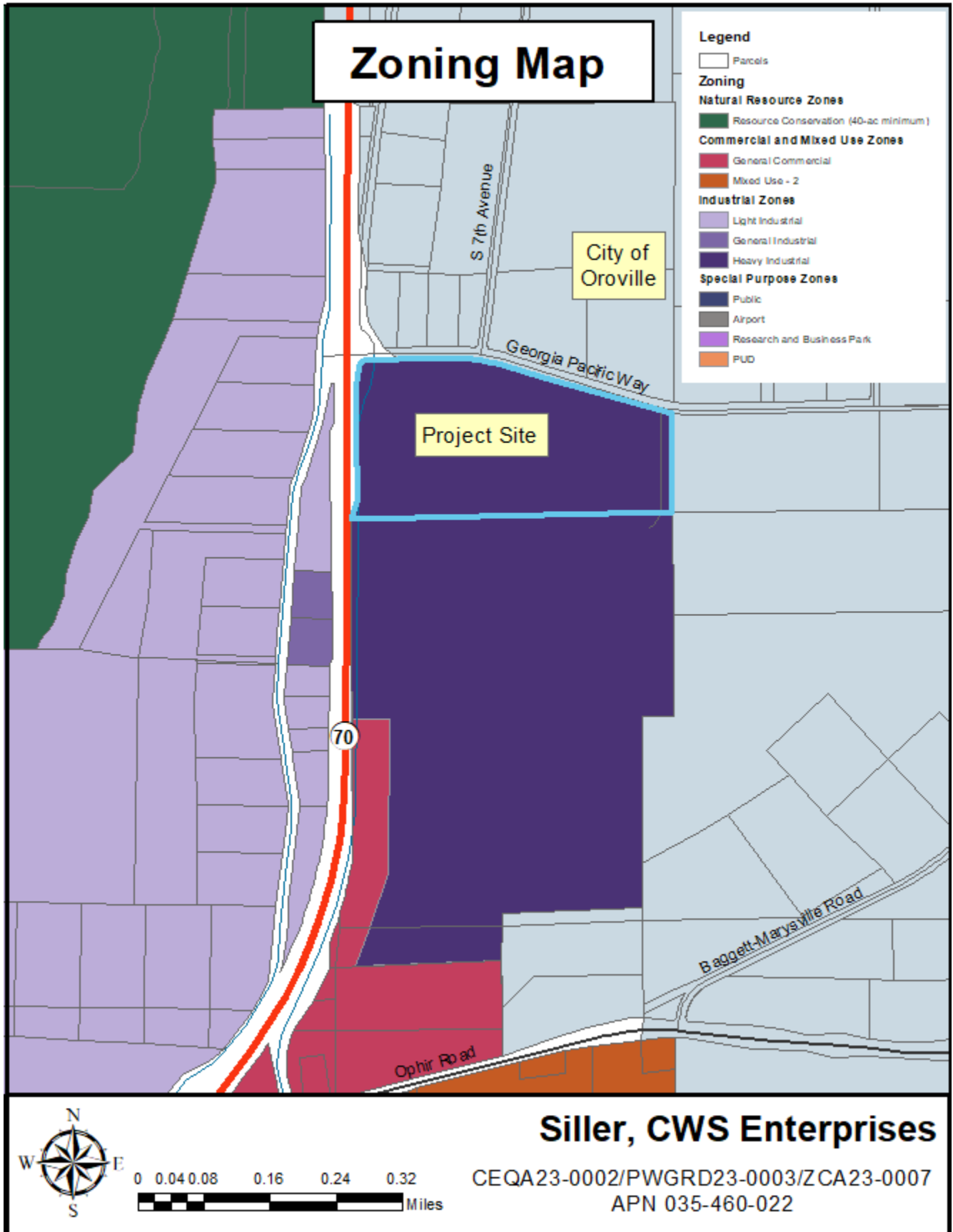
EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Vicinity Map



Zoning Map



1.1 AESTHETICS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. Aesthetics.				
Except as provided in Public Resources Code section 21099 (where aesthetic impacts shall not be considered significant for qualifying residential, mixed-use residential, and employment centers), would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project site is vacant with the exception of a two-acre area that is fenced and used for temporary equipment storage. The site is designated for Heavy Industrial uses. The topography in the project site area is gentle and flat, with an elevation at 148 feet above sea level. Vegetation in the project site area is ruderal, disturbed. As stated, all trees and other vegetation was removed during unpermitted grading. No drainages or wetlands occur on-site under existing conditions; thus, none would be affected by the project. Surrounding uses are vacant land and industrial uses.

The Butte County General Plan depicts identified scenic resources in Butte County, including land-based and water-based Scenic Resources (Figure COS-6), County Scenic Highways (Figure COS-7), and Scenic Highway Overlay Zones (Figure COS-8). Based on the information provided in the General Plan, the project site is not located within, or in the vicinity of, identified scenic resources, or along a scenic highway or Scenic Highway Overlay Zone.

Discussion

a) Have a substantial adverse effect on a scenic vista?

Less than significant impact. With the exception of the temporary equipment storage yard, the proposed project site would remain vacant with removal of the existing vegetation slash piles and debris. As stated, the owner intends to lease all or a portion of the property to PG&E for periodically training brush clearing contractors. No development is proposed. Views to and from the site changed with vegetation removal; however, the views are not considered scenic. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No impact. The project site and surrounding area is not identified as a scenic resource nor are either Georgia Pacific Way or Feather River Boulevard designated a State or County scenic highway. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than significant impact. The project parcel is located in a Heavy Industrial south of the City of Oroville. The subject parcel is vacant with the exception of temporary equipment storage and would remain vacant with completion of the grading operation. Removal of the vegetation would change the views into the site; however, the change would be consistent with the surrounding disturbed land use. A less than significant impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than significant impact. No outdoor lighting is proposed. Thus, the project action did not create new sources of substantial lighting or glare that would generate a significant impact.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

1.2 AGRICULTURE AND FOREST RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>II. Agriculture and Forest Resources.</p> <p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.</p> <p>In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</p> <p>Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The subject parcel is zoned HI and designated for this use in the Butte County General Plan.

Regulatory Setting

Williamson Act/Land Conservation Act (LCA) Contracts

The California Land Conservation Act of 1965, commonly known as the Williamson Act, was established based on numerous State legislative findings regarding the importance of agricultural lands in an urbanizing society. Policies emanating from those findings include those that discourage premature and unnecessary conversion of agricultural land to urban uses and discourage discontinuous urban development patterns, which unnecessarily increase the costs of community services to community residents. The Williamson Act authorizes each County to establish an agricultural

preserve. Land that is within the agricultural preserve is eligible to be placed under a contract between the property owner and County that would restrict the use of the land to agriculture in exchange for a tax assessment that is based on the yearly production yield. The contracts have a 9-year term that is automatically renewed each year, unless the property owner or county requests a non-renewal or the contract is cancelled.

Farmland Mapping and Monitoring Program

To characterize the environmental baseline for agricultural resources, Important Farmland Maps produced by the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) were reviewed. Important Farmland maps show categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance (if adopted by the county), Grazing Land, Urban and Built-up Land, Other Land, and Water. Prime Farmland and Farmland of Statewide Importance map categories are based on qualifying soil types, as determined by the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), as well as current land use. These map categories are defined by the Department of Conservation's FMMP as follows:

Prime Farmland: Land which has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods.

Farmland of Statewide Importance: Land that is similar to *Prime Farmland* but with minor shortcomings, such as greater slopes or less ability to hold and store moisture.

Unique Farmland: Land of lesser quality soils used for the production of specific high economic value crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to produce sustained high quality or high yields of a specific crop when treated and managed according to current farming methods. It is usually irrigated but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Examples of crops include oranges, olives, avocados, rice, grapes, and cut flowers.

Farmland of Local Importance: Land of importance to the local agricultural economy, as determined by each county's board of supervisors and local advisory committees. Examples include dairies, dryland farming, aquaculture, and uncultivated areas with soils qualifying for *Prime Farmland* and *Farmland of Statewide Importance*. Butte County has not adopted a definition of Farmland of Local Importance.

Grazing Land: Land on which the existing vegetation, whether grown naturally or through management, is suitable for grazing or browsing of livestock.

Urban and Built-up Land: Land used for residential, industrial, commercial, construction, institutional, public administrative purpose, railroad yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment plants, water control structures, and other development purposes. Highways, railroads, and other transportation facilities are also included in this category.

Other Land: Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

Water: Water areas with an extent of at least 40 acres.

The project site is identified by the Department of Conservation as containing lands classified as "Other" and Urban/Built-Up Land.

California Public Resources Code Section 4526

"Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used

to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.

California Public Resources Code Section 12220(g)

"Forest land" is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

Butte County Right to Farm Ordinance

Butte County has adopted a Right to Farm Ordinance (Butte County Code Chapter 35, Protection of Agricultural Land). This ordinance protects properly conducted agricultural operations in the unincorporated County against nuisance lawsuits and requires annual disclosure to all property owners within the County of the right to farm. In addition, the ordinance requires disclosure to buyers of real property and as part of development approvals. While the County Right-to-Farm Ordinance specifically applies to commercial agricultural operations within the unincorporated area, all commercial agricultural operations that comply with agricultural standards currently are protected from nuisance claims under State law (Section 3482.5 of the California Civil Code), whether located within cities or unincorporated areas.

Discussion

The subject property is an undeveloped heavy industrial site. Surrounding uses to the west and south are vacant and industrial parcels within unincorporated Butte County. Uses to the north and east are vacant and industrial parcels within the City of Oroville. The project parcel is not under a Williamson Act contract.

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No impact. The California Farmland Mapping and Monitoring Program designates the project site area as Urban Built-Up land and Other land. The project would not convert Prime, Unique or Farmland of Statewide Importance. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

b) Conflict with existing zoning for agricultural use or a Williamson Act contract?

No impact. The proposed project site is zoned HI. It is not zoned for agricultural use nor is it restricted by a Williamson Act contract. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No impact. The project site is not located in a timber resource zone. The project site is also not classified as forest land, pursuant to California Public Resources Code Section 12220(g). Therefore, the proposed project would not conflict with, or cause the rezoning of, a timber resource zoning designation. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No impact. The project site is not considered forest land; and therefore, the proposed grading action would not result in loss or conversion of forest land to a non-forest use.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

No impact. The site is not designated for agricultural or forest use. There are no known changes to the existing environment that would result in the conversion of farmland to non-agricultural use or the conversion of forest land to non-forest use. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

1.3 AIR QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>III. Air Quality.</p> <p>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied on to make the following determinations.</p> <p>Are significance criteria established by the applicable air district available to rely on for significance determinations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Would the project:</p>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Butte County is located within the Sacramento Valley Air Basin (SVAB), comprising the northern half of California’s 400-mile long Great Central Valley. The SVAB encompasses approximately 14,994 square miles with a largely flat valley floor (excepting the Sutter Buttes) about 200 miles long and up to 150 miles wide, bordered on its east, north and west by the Sierra Nevada, Cascade and Coast mountain ranges, respectively.

The SVAB, containing 11 counties and some two million people, is divided into two air quality planning areas based on the amount of pollutant transport from one area to the other and the level of emissions within each. Butte County is within the Northern Sacramento Valley Air Basin (NSVAB), which is composed of Butte, Colusa, Glenn, Shasta, Sutter, Tehama, and Yuba Counties.

Emissions from the urbanized portion of the basin (Sacramento, Yolo, Solano, and Placer Counties) dominate the emission inventory for the Sacramento Valley Air Basin, and on-road motor vehicles are the primary source of emissions in the Sacramento metropolitan area. While pollutant concentrations have generally declined over the years, additional emission reductions will be needed to attain the State and national ambient air quality standards in the SVAB.

Seasonal weather patterns have a significant effect upon regional and local air quality. The Sacramento Valley and Butte County have a Mediterranean climate, characterized by hot, dry summers and cool, wet winters. Winter weather is governed by cyclonic storms from the North Pacific, while summer weather is typically subject to a high-pressure cell that deflects storms from the region.

In Butte County, winters are generally mild with daytime average temperatures in the low 50s°F and nighttime temperatures in the upper 30s°F. Temperatures range from an average January low of approximately 36°F to an average July high of approximately 96°F, although periodic lower and higher temperatures are common. Rainfall between

October and May averages about 26 inches but varies considerably year to year. Heavy snowfall often occurs in the northeastern mountainous portion of the County. Periodic rainstorms contrast with occasional stagnant weather and thick ground or “tule” fog in the moister, flatter parts of the valley. Winter winds generally come from the south, although north winds also occur.

Diminished air quality within Butte County largely results from local air pollution sources, transport of pollutants into the area from the south, the NSVAB topography, prevailing wind patterns, and certain inversion conditions that differ with the season. During the summer, sinking air forms a “lid” over the region, confining pollution within a shallow layer near the ground that leads to photochemical smog and visibility problems. During winter nights, air near the ground cools while the air above remains relatively warm, resulting in little air movement and localized pollution “hot spots” near emission sources. Carbon monoxide, nitrogen oxides, particulate matters and lead particulate concentrations tend to elevate during winter inversion conditions when little air movement may persist for weeks.

As a result, high levels of particulate matter (primarily fine particulates or PM2.5) and ground-level ozone are the pollutants of most concern to the NSVAB Districts. Ground-level ozone, the principal component of smog, forms when reactive organic gases (ROG) and nitrogen oxides (NOx) – together known as ozone precursor pollutants – react in strong sunlight. Ozone levels tend to be highest in Butte County during late spring through early fall, when sunlight is strong and constant, and emissions of the precursor pollutants are highest (Butte County CEQA Air Quality Handbook 2014).

Air Quality Attainment Status

Local monitoring data from the BCAQMD is used to designate areas a nonattainment, maintenance, attainment, or unclassified for the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS). The four designations are further defined as follows:

Nonattainment – assigned to areas where monitored pollutant concentrations consistently violate the standard in question.

Maintenance – assigned to areas where monitored pollutant concentrations exceeded the standard in question in the past but are no longer in violation of that standard.

Attainment – assigned to areas where pollutant concentrations meet the standard in question over a designated period of time.

Unclassified – assigned to areas where data are insufficient to determine whether a pollutant is violating the standard in question.

Table 1.3-1. Federal and State Attainment Status of Butte County

POLLUTANT	STATE DESIGNATION	FEDERAL DESIGNATION
1-hour ozone	Nonattainment	-
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

Source: Butte County AQMD, 2018

Sensitive Receptors

Sensitive receptors are frequently occupied locations where people who might be especially sensitive to air pollution are expected to live, work, or recreate. These types of receptors include residences, schools, churches, health care facilities, convalescent homes, and daycare centers. The project site is located in a heavy industrial area and surrounded by vacant or developed industrial parcels. Table 1.3-2 lists sensitive receptors that were identified in the project vicinity and the distances from the center of the project site.

Table 1.3-2. Sensitive Receptors in the Project Vicinity

SENSITIVE RECEPTORS	DISTANCE FROM PROJECT SITE TO RECEPTOR
Multiple Residences	One mile east and south of the site
Source: Google Earth imagery	

Butte County Air Quality Management District

The Butte County Air Quality Management District (BCAQMD) is the local agency with primary responsibility for compliance with both the federal and state standards and for ensuring that air quality conditions are maintained. They do this through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues.

Activities of the BCAQMD include the preparation of plans for the attainment of ambient air quality standards, adoption and enforcement of rules and regulations concerning sources of air pollution, issuance of permits for stationary sources of air pollution, inspection of stationary sources of air pollution and response to citizen complaints, monitoring of ambient air quality and meteorological conditions, and implementation of programs and regulations required by the FCAA and CCAA.

According to the State CEQA Guidelines, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make significance determinations for potential impacts on environmental resources. BCAQMD is responsible for ensuring that state and federal ambient air quality standards are not violated within Butte County. Analysis requirements for construction and operation-related pollutant emissions are contained in BCAQMD’s *CEQA Air Quality Handbook: Guidelines for Assessing Air Quality and Greenhouse Gas Impacts for Projects Subject to CEQA Review*. Established with these guidelines are screening criteria to determine whether or not additional modeling for criteria air pollutants is necessary for a project. The CEQA Air Quality Handbook also contains thresholds of significance for construction-related and operation-related emissions: ROG, NOx and PM10. The screening criteria listed in Table 1.3-3 were created using CalEEMod version 2013.2.2 for the given land use types. To determine if a proposed project meets the screening criteria, the size and metric for the land use type (units or square footage) should be compared with that of the proposed project. If a project is less than the applicable screening criteria, then further quantification of criteria air pollutants is not necessary, and it may be assumed that the project would have a less than significant impact for criteria air pollutants. If a project exceeds the size provided by the screening criteria for a given land use type then additional modeling and quantification of criteria air pollutants should be performed (Butte County Air Quality Management District 2014).

Table 1.3-3. Screening Criteria for Criteria Air Pollutants

LAND USE TYPE	MAXIMUM SCREENING LEVELS FOR PROJECTS
Single-Family Residential	30 Units
Multi-Family (Low Rise) Residential	75 Units
Commercial	15,000 square feet
Educational	24,000 square feet
Industrial	59,000 square feet
Recreational	5,500 square feet
Retail	11,000 square feet
Source: Butte County AQMD, CEQA Air Quality Handbook, 2014	

Discussion

a) Conflict with or obstruct implementation of the applicable air quality plan?

No impact. The applicable air quality plan for the project area is the *Northern Sacramento Valley Planning Area 2015 Triennial Air Quality Attainment Plan*. In adopting this plan, BCAQMD assumes that growth within its jurisdiction will be in accordance with city and county general plans, for which air quality effects associated with build-out have been analyzed.

A project is deemed inconsistent with an air quality plan if it would result in population or employment growth that exceeds the growth estimates in the applicable air quality plan (i.e., generating emissions not accounted for in the applicable air quality plan emissions budget). The proposed project action would occur on a vacant HI site. No development would occur after grading is complete; thus, the action would not result in population growth in the County greater than that anticipated in the General Plan. Further, the project would not result in an increase in criteria air pollutants that would cause significant impacts to regional air quality.

Table 4-1 (Screening Criteria for Critical Pollutants) lists the established thresholds based on land use, including residential. The action was remedial grading to address a code violation. No further improvements on the site would occur; thus, there would be no exceedance of the screening criteria referenced above. Periodic use of the site by PG&E would generate negligible emissions. The project would not cause or contribute to increased population growth or conflict with or obstruct implementation of the air quality plan. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less than significant impact. As stated, the proposed action is retroactive approval of a grading permit. No development would occur after completion of the grading action. Construction-related emissions are generally created throughout the course of project implementation and would originate from construction equipment exhaust, worker vehicle exhaust, dust from grading disturbance and exposed soil eroded by wind. Construction-related emissions would vary depending on the level of activity, length of the construction period, specific construction operations occurring, types of equipment operating on the site, number of personnel, wind and precipitation conditions, and soil moisture content. While there are feasible control measures that can be reasonably implemented to reduce construction-related emissions to less than significant, the action has been completed; thus, mitigation cannot be implemented. For reference purposes, these measures as well as other common air pollution control measures are recommended in *Appendix C of BCAQMD's CEQA Handbook (2014)* and are to be implemented as Mitigation Measure AIR-1, listed below during grading actions that have been permitted and property conditioned.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than significant impact. Sensitive receptors in the project area and their distances from the project site area shown in Table 1.3-2. As stated, no development activities are proposed that would generate post-construction emissions. The project is not anticipated to have exceeded BCAQMD significance criterion.

Implementation of Mitigation Measure AIR-1 would have been implemented to reduce potential cumulative fugitive dust emissions during construction to less than significant.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less than significant impact. Future use of a two-acre portion of the site as a temporary equipment storage yard is not expected to create objectionable odors. If future development is proposed, Butte County DDS staff would review development applications to ensure compliance with applicable BCAQMD emission control standards related to odor causing uses. Future construction activities could include objectionable odors from tailpipe diesel emissions and from solvents in adhesives, paints, caulking materials and new asphalt. Since odor impacts would be temporary and limited to the area adjacent to the construction operations, odors would not impact a substantial number of people for an extended period of time. A less than significant impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

Mitigation Measures

Mitigation Measure AIR-1

The following best practice measures to reduce impacts to air quality shall be incorporated by the project applicant, subject property owners, or third-party contractors during construction activities on the project site. These measures are intended to reduce criteria air pollutants that may originate from the site during the course of land clearing and other construction operations.

Diesel PM Exhaust from Construction Equipment and Commercial On-Road Vehicles Greater than 10,000 Pounds

- All on- and off-road equipment shall not idle for more than five minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the five-minute idling limit.
- Idling, staging and queuing of diesel equipment within 1,000 feet of sensitive receptors is prohibited.
- All construction equipment shall be maintained in proper tune according to the manufacturer's specifications. Equipment must be checked by a certified mechanic and determined to be running in proper condition before the start of work.
- Install diesel particulate filters or implement other CARB-verified diesel emission control strategies.
- Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 100 feet of a restricted areas.
- To the extent feasible, truck trips shall be scheduled during non-peak hours to reduce peak hour emissions.

Operational TAC Emissions

- All mobile and stationary Toxic Air Contaminants (TACs) sources shall comply with applicable Airborne Toxic Control Measures (ATCMs) promulgated by the CARB throughout the life of the project (see <http://www.arb.ca.gov/toxics/atcm/atcm.htm>).
- Stationary sources shall comply with applicable District rules and regulations.

Fugitive Dust

Construction activities can generate fugitive dust that can be a nuisance to local residents and businesses near a construction site. Dust complaints could result in a violation of the District's "Nuisance" and "Fugitive Dust" Rules 200 and 205, respectively. The following is a list of measures that may be required throughout the duration of the construction activities:

- Reduce the amount of the disturbed area where possible.
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. An adequate water supply source must be identified. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stockpile areas should be sprayed daily as needed, covered, or a District approved alternative method will be used.
- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- Exposed ground areas that will be reworked at dates greater than one month after initial grading should be sown with a fast-germinating non-invasive grass seed and watered until vegetation is established.
- All disturbed soil areas not subject to re-vegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Butte County Air Quality Management District.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with local regulations.
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- Post a sign in prominent location visible to the public with the telephone numbers of the contractor and the Butte County Air Quality Management District - (530) 332-9400 for any questions or concerns about dust from the project.

All fugitive dust mitigation measures required should be shown on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend period when work may not be in progress. The name and telephone number of such persons shall be provided to the District prior to land use clearance for map recordation and finished grading of the area.

Please note that violations of District Regulations are enforceable under the provisions of California Health and Safety Code Section 42400, which provides for civil or criminal penalties of up to \$25,000 per violation.

Plan Requirements: The note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. This note shall also be placed on all building and site development plans.

Timing: Requirements of the condition shall be adhered to throughout all grading and construction periods.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional

map sheet. Building inspectors shall spot check and shall ensure compliance on-site. Butte County Air Pollution Control District inspectors shall respond to nuisance complaints.

1.4 BIOLOGICAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. Biological Resources.				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The project site is situated in the Oroville area within a heavy industrial area adjacent to and south and west of the City of Oroville municipal boundary. The land use designation in this area is HI.

Special-Status Species

Many species of plants and animals within the State of California have low populations, limited distributions, or both. Such species may be considered "rare" and are vulnerable to extirpation as the state's human population grows and the habitats these species occupy are converted to agricultural and urban uses. A sizable number of native species and animals have been formally designated as threatened or endangered under State and Federal endangered species legislation. Others have been designated as "Candidates" for such listing and the California Department of Fish and Wildlife (CDFW) have

designated others as "Species of Special Concern". The California Native Plant Society (CNPS) has developed its own lists of native plants considered rare, threatened or endangered. Collectively, these plants and animals are referred to as "special status species."

Various direct and indirect impacts to biological resources may result from the small amount of development enabled by the project, including the loss and/or alteration of existing undeveloped open space that may serve as habitat. Increased vehicle trips to and from the project site can result in wildlife mortality and disruption of movement patterns within and through the project vicinity. Disturbances such as predation by pets (e.g., cats and dogs) and human residents may also occur at the human/open space interface, while conversion of land from lower to higher density residential use can lead to a predominance of various urban-adapted wildlife species (e.g., coyotes, raccoons, ravens and blackbirds) that have been observed to displace more sensitive species.

California Environmental Quality Act Guidelines Section 15065 requires a mandatory finding of significance for projects that have the potential to substantially degrade or reduce the habitat of a threatened or endangered species, and to fully disclose and mitigate impacts to special status resources. For the purposes of this Initial Study, the California Environmental Quality Act (Sections 21083 and 21087, Public Resources Code) defines mitigation as measure(s) that:

- Avoids the impact altogether by not taking a certain action or parts of an action.
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment.
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project.
- Compensates for the impact by replacing or providing substitute resources or environments.

The California Natural Diversity Database (CNDDDB) was reviewed to determine if any special-status species have the potential to occur on the project site or in the vicinity. Table 4.4-1 lists the regulatory status and habitat requirements for each special-status species identified within a two-mile radius of the project site.

Table 4.4-1. Special-Status Species in the vicinity of the project site

Scientific Name	Common Name	Federal Status	State Status	CNPS/DFG List	Habitat
HABITAT					
<i>Northern Hardpan Vernal Pool</i>	Northern Hardpan Vernal Pool	None	None		Shallow ephemeral waterbodies found in depressions among grasslands and open woodlands throughout intermountain valleys of California.
BIRDS					
<i>Agelaius tricolor</i>	Tricolored blackbird	None	Threatened		Habitat, Cattail or tule marshes; forages in fields, farms. Breeds in large freshwater marshes, in dense stands of cattails or bulrushes.
MAMMALS					
<i>Lasionycteris noctivagans</i>	Silver-haired bat	None	None		Arid forested habitats at low elevations

<i>Eumops perotis californicus</i>	Western mastiff bat	None	None	Dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, montane meadows, and agricultural areas.
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	None	None	Lowland conifer-hardwood forest, ponderosa pine forest and woodlands

CRUSTACEANS

<i>Lepidurus packardii</i>	vernal pool tadpole shrimp	Endangered	None	Vernal pool type of habitat, and other freshwater aquatic habitats including ponds, reservoirs, ditches, road ruts, and other natural and artificial temporary water bodies.
<i>Branchinecta lynchi</i>	vernal pool fairy shrimp	Threatened	None	Same as above
<i>Linderiella occidentalis</i>	California linderiella	None	None	Same as above
<i>Gonidea angulata</i>	Western ridged mussel	None	None	Found more commonly in streams than lakes and prefer constant water flow and well-oxygenated stable substrates in areas of low gradient.

FISH

<i>Oncorhynchus tshawytscha</i> pop. 11	Chinook salmon - Central Valley spring-run ESU	Threatened	Threatened	The Chinook salmon Distinct Population Segment (DPS) includes all naturally spawned CV steelhead populations in the Sacramento and San Joaquin rivers and their tributaries.
<i>Oncorhynchus mykiss irideus</i> pop. 11	Steelhead - Central Valley DPS	Threatened	None	The CV steelhead Distinct Population Segment (DPS) includes all naturally spawned CV steelhead populations in the Sacramento and San Joaquin rivers and their tributaries.
<i>Acipenser medirostris</i> pop. 1	Green sturgeon - southern DPS	Threatened	None	Green sturgeon are mostly seen from inshore waters to 200 feet, primarily in the seawater and mixing

zones of bays and estuaries. In estuaries, they concentrate in deep areas with soft bottoms and move into intertidal areas to feed at high tides.

Source: California Natural Diversity Database, Version 5, February 2021

As stated, the site has been cleared. Vegetation is currently primarily comprised of ruderal weedy species. No wetlands, swales or drainages are located on the site. To provide supporting documentation regarding biological resources and better understand potential impacts that occurred during grading, a *Forensic Biological Resources Assessment* was prepared for the site (Gallaway Enterprises, January 2024). The findings therein are referenced in the discussion below.

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

Less than significant. As stated, the project action is approval of a retroactive grading permit authorizing grading/clearing activities that occurred in response to a Butte County code violation. According to the Forensic Biological Resources Assessment, there were four habitat types on the site prior to grading. These are summarized as follows:

Valley Foothill Riparian

Dominant tree species that have been identified within the BSA include foothill pine (*Pinus sabiniana*), Fremont's cottonwood (*Populus fremontii*), California black oak (*Quercus kelloggii*), and interior live oak (*Quercus wislizeni*). Understory species included Himalayan black berry (*Rubus armeniacus*), poison oak (*Toxicodendron diversilobum*), and California grape (*Vitis californica*). Species were identified either from aerial or Google Street View photos or during the site visit. As the Biological Study Area (BSA) had been severely altered prior to the site visit, habitats that were immediately adjacent to the BSA were used to help identify historical site conditions. Additionally, large log piles were located within the BSA, assumed to be the habitat that had recently been removed. From aerial imagery, elderberry shrubs (*Sambucus sp.*) were identified within the BSA. This habitat type provides a mosaic of habitats that are diverse in structure both vertically and horizontally, with a mix of hardwoods, conifers, and shrubs that are utilized by many wildlife species for breeding, nesting, roosting, foraging, and cover. Approximately 8.84 acres of this habitat was on the site prior to grading. This habitat type is no longer present within the site.

Annual Grassland

Species that were identified within the BSA included Spanish lotus (*Acmispon americanus*), wild oats (*Avena sp.*), rip-gut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), yellow star thistle (*Centaurea solstitialis*), Canada horseweed (*Erigeron canadensis*), long-beaked stork's bill (*Erodium botrys*), rye-grass (*Festuca perennis*), and hedge parsley (*Torilis arvensis*). Annual grassland habitats provide valuable foraging habitat for several species of wildlife. Approximately 25.58 acres of annual grasslands were on the site prior to grading. Currently, there are only remnants of annual grassland habitat at the site, mostly along the perimeter.

Barren

Barren habitat is typified by non-vegetated soil, rock, and gravel. Barren habitat within the BSA are areas where vegetation is not present such as gravel patches, mining spoils, staging areas, or access roads. Although some ground-nesting avian species, such as killdeer (*Charadrius vociferous*), and small reptiles, such as western fence lizards (*Sceloporus occidentalis*), can be found breeding in barren habitat, it is typically considered low quality habitat for most wildlife species. Prior to grading, approximately 4.99 acres of barren land was located on the site. Following disturbance, this is predominantly the habitat within the site.

Lacustrine

Aerial imagery identified some seasonally ponded waters and at least one permanent ponded water habitat within the BSA. Lacustrine habitats are inland depressions containing standing water that may vary from small ponds less than one hectare to large areas covering several square kilometers with depths varying from a few centimeters to hundreds of meters. The lacustrine habitat that was identified from aerial imagery could not be inspected during the site visit as it no longer exist within the BSA. A 0.07-acre pond located in the southeast portion of the BSA was consistently visible from aerial imagery and may have provided habitat for species such as western pond turtles (*Actinemys marmorata*). Lacustrine habitats in general provide habitat for reproduction, food, water, and cover for a variety of fish and wildlife species. Following site disturbances, this habitat type is no longer present within the site.

Endangered, Threatened, and Rare Plants

No special-status botanical species were present within the BSA; therefore, there will be no effects to botanical species and no avoidance and minimization measures are proposed for future activities at the site. Based on the forensic review of habitats and potential occurrences of special status botanical species, there may have been occurrences of botanical species within the BSA prior to site disturbances. However, the potential for occurrences for special status botanical species was low to none and therefore, no impact to special status botanical species occurred.

Endangered, Threatened, and Special-Status Wildlife

A wildlife habitat assessment was conducted within the BSA on November 29, 2023 in addition to desktop analysis. Suitable habitat that was present prior to site disturbances was identified for Swainson's hawk (*Buteo swainsoni*), burrowing owl (*Athene cunicularia*), northern harrier (*Circus hudsonius*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), northwestern pond turtle (*Actinemys marmorata*), western spadefoot (*Spea hammondi*), coast horned lizard (*Phrynosoma blainvillii*), and various migratory avian species protected under the Migratory Bird Treaty Act (MBTA).

Migratory Birds and Raptors (including Swainson's hawk, borrowing owl, and norther harrier)

Species protected under the MBTA and other nesting species are typically addressed by performing a preconstruction survey prior to grading to determine whether active nesting is occurring on the site. If so, then specific requirements are imposed upon the applicant to avoid or minimize impacts to these species. In this case, it is unknown whether these species occurred on-site prior to grading. Thus, no after the fact action is required.

Western Spadefoot

Based on the forensic review of habitats and potential occurrences of western spadefoot, there may have been occurrences within the BSA prior to site disturbances; however, the potential for occurrences for western spadefoot was low and therefore no after-the-fact action is recommended.

Northwestern Pond Turtle

Based on the forensic review of habitats and potential occurrences of northwestern pond turtle, there may have been occurrences of within the BSA prior to site disturbances. The potential for occurrences

for northwestern pond turtle was moderate; however, there is no evidence that supports the presence of this species on the site. Thus, Butte County has determined that no after the fact mitigation is required.

Coast Horned Lizard

Based on the forensic review of habitats and potential occurrences of coast horned lizard, there may have been occurrences within the BSA prior to site disturbances; however, the potential for occurrences for coast horned lizard was low and therefore no after the fact mitigation is recommended.

Valley Elderberry Longhorn Beetle

Based on the forensic review of Google Street View imagery and potential occurrences of valley elderberry longhorn beetle in the region, there may have been occurrences within the BSA prior to site disturbances. While one elderberry bush was reportedly observed, Butte County has determined that there is insufficient evidence supporting the need for after the fact mitigation. Thus, no after the fact mitigation is recommended.

Based on the evidence presented in the Forensic Habitat Assessment, potential impacts to special status plant or animal species associated with the unpermitted grading was less than significant.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

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

Less than significant with mitigation incorporated. As stated above, the project site contained approximately 8.48 acres of Valley Foothill Riparian vegetation. This includes 0.74 acres of oak canopy. Butte County has determined that specific mitigation for the loss of Valley Foothill Riparian vegetation, of which oak species are a part, is required.

Implementation of Mitigation Measure BIO-1 would provide sufficient after the fact mitigation for Valley Foothill Riparian forest. Impacts would be less than significant.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less than significant impact. No wetlands, drainages or other water resources are located on the site. As stated above, northern hardpan vernal pool habitat is known to occur in the area; however, it is unknown whether this habitat occurred on-site prior to grading and vegetation removal. Thus, impacts are less than significant under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No impact. Wildlife movement corridors are routes frequently utilized by wildlife that provide shelter and sufficient food supplies to support wildlife species during migration. Movement corridors generally consist of riparian, woodlands, or forested habitats that span contiguous acres of undisturbed habitat. Wildlife movement corridors are an important element of resident species home ranges, including deer and coyote.

The project site is not located within Butte County migratory deer corridors. No major migratory routes or corridors have been designated through the project site, and the existing developed components of the project area (i.e., roads and industrial; fenced parcels) preclude use of the area as a migratory wildlife corridor for large mammals. The project site is vacant and within an industrial area. A portion has been fenced. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than significant impact. As stated in the Forensic Biological Assessment, the project site had approximately 8.48 acres of Valley Riparian Forest habitat of which, 0.74 acres was oak canopy. No trees or other resources subject to preservation remain on the project site. As stated, implementation of Mitigation Measure BIO-1 would address adverse impact to trees comprising the Valley Riparian Forest previously located on the site. Impacts would be less than significant under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No impact. The Butte Regional Conservation Plan (BRCP) is a joint Habitat Conservation Plan (HCP)/National Community Conservation Plan (NCCP) for the western half of the Butte County. The project site is located within the proposed plan area of the BRCP. However, as the plan has not been adopted, the proposed project will not conflict, nor interfere with, the attainment of the goals of the proposed plan. Thus, no impact to sensitive biological resources that would require mitigation under the future habitat conservation plan would occur. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

Mitigation Measures

Mitigation Measure BIO-1

The removal of 0.74 acres of oak tree canopy, within the Valley Foothill Riparian forest as a result of site disturbance, shall be subject to mitigation requirements as determined by Butte County pursuant to

California Public Resources Code 21083.4. Mitigation will be addressed at the discretion of Butte County by one or more of the following:

- Replanting and maintaining oak trees, establishing conservation easements, contributing funds for off-site oak woodlands conservation, and/or other mitigation measures developed by Butte County. Replanted oak trees should be maintained for a period of seven years after they are planted. If any of the replanted oak trees die or become diseased, they should be replaced and maintained for seven years after the new oak trees are planted.
- A replanting schedule and diagram for trees removed by site disturbance activities consistent with PRC §21083.4(b)(2), applicable mitigation measures, and Butte County Ordinance, if any, should be submitted to and approved by the Director of Development Services or his/her designee. Replanted trees should be planted in areas deemed appropriate by the Plan.
- Conservation easements or funds for off-site oak woodlands conservation should be proposed to and approved by the Director of Development Services or his/her designee.

Plan Requirements: This requirement shall be required prior to issuance of the grading permit.

Timing: The property owner must provide evidence that this measure was satisfied to the Butte County Development Services Department prior to issuance of the grading permit.

Monitoring: The Butte County Department of Development Services shall verify that compliance with this measure has occurred prior to issuance of the grading permit.

1.5 CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. Cultural Resources.				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Butte County contains a rich diversity of archaeological, prehistoric and historical resources. The General Plan 2040 Update EIR observes that the “archaeological sensitivity of Butte County is generally considered high, particularly in areas near water sources or on terraces along water courses” (Butte County General Plan EIR, 2010, p. 4.5-7).

A substantial adverse change upon a historically significant resource would be one wherein the resource is demolished or materially altered so that it no longer conveys its historic or cultural significance in such a way that justifies its inclusion in the California Register of Historical Resources or such a local register (CEQA Guidelines Section 15064.5, subd. (b)(2)). Cultural resources include prehistoric and historic period archaeological sites; historical features, such as rock walls, water ditches and flumes, and cemeteries; and architectural features. Cultural resources consist of any human-made site, object (i.e., artifact), or feature that defines and illuminates our past. Often such sites are found in foothill areas, areas with high bluffs, rock outcroppings, areas overlooking deer migratory corridors or near bodies of water.

Discussion

a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

No impact. The project site has historically been vacant. No structures or other historic resources were located on the site prior to grading. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less than significant impact. As stated, the site was graded and cleared of all vegetation. The site had been previously disturbed and no prehistoric or historic resources were known to be located on the project site. Any unknown resources were either disturbed or buried too deep to have been affected by grading. No future development on the site is proposed. Whether resources were affected is unknown; however, no further

disturbance or impact would occur because no future development is proposed. Impacts to cultural resources are anticipated to have been less than significant.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

c) Disturb any human remains, including those interred outside of formal cemeteries?

Less than significant impact. Indications are that humans have occupied Butte County for over 10,000 years and it is not always possible to predict where human remains may occur outside of formal cemeteries. Therefore, excavation and construction activities, regardless of depth, may yield human remains that may not be interred in marked, formal burials.

Under CEQA, human remains are protected under the definition of archaeological materials as being “any evidence of human activity.” Additionally, [Public Resources Code section 5097.98](#) has specific stop-work and notification procedures to follow in the event that human remains are inadvertently discovered during project implementation.

The Butte County General Plan Conservation Element has established two policies that address the inadvertent discovery of human remains. COS-P16.3 requires human remains discovered during construction to be treated with dignity and respect and to fully comply with the federal Native American Graves Protection and Repatriation Act and other appropriate laws. COS-P16.4 requires work to stop if human remains are found during construction until the County Coroner has been contacted, and, if the human remains are determined to be of Native American origin, the North American Heritage Commission and most likely descendant have been consulted.

It is unlikely that human remains were disturbed during grading. Future use of the site for brush management training would not require further disturbance. Impacts were and would be less than significant.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

1.6 Energy

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. Energy.				
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less than significant impact. Grading activities consumed fuel through the operation of heavy off-road equipment. No project is proposed; thus, with the exception of fuel consumed by PG&E employees and contractors accessing the site periodically for training, no further energy consumption would occur on the project site. Energy consumption during construction related activities varies depending on the level of activity, length of the construction period, specific construction operations, types of equipment and the number of personnel. Despite this variability in the construction activities, the overall scope of the construction that occurred is not expected to have required a substantial amount of fuel to complete. Additionally, increasingly stringent state and federal regulations on engine efficiency combined with local, state and federal regulations limiting engine idling times and recycling of construction debris, would have further reduced the amount of transportation fuel demand during grading. Considering these factors, grading activities would not have resulted in the wasteful and inefficient use of energy resources and impacts were less than significant.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency

No impact. Many of the state and federal regulations regarding energy efficiency are focused on increasing building efficiency and renewable energy generation, as well as reducing water consumption and Vehicles Miles Traveled. Project designs are required to include energy conservation measures intended to meet and exceed regulatory requirements, including reducing idling time of heavy equipment during construction activities. Additionally, new development must be in compliance with the most recent Title 24 and CalGreen building code standards at the time of project construction. In this case, no future development is proposed; thus, the project would not result in wasteful or inefficient use of nonrenewable energy sources. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

1.7 Geology and Soils

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. Geology and Soils.				
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**

i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)**

No impact. There are no known active faults underlying, or adjacent to, the project site. The Cleveland Hill fault is the only active fault zone in Butte County identified in the most recent Alquist-Priolo Earthquake Fault Zoning Map. The only known active fault in Butte County is the Cleveland Hill fault zone, located approximately 4 miles east of the project site. Because the nearest active fault is located a considerable distance from the project site, the likelihood of a surface rupture at the project site is low. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

ii) **Strong seismic ground shaking?**

No impact. Like most of north central California, the site will likely be subjected to strong seismic ground shaking. No buildings or other improvements are proposed. No impacts would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

iii) **Seismic-related ground failure, including liquefaction?**

No impact. According to Butte County General Plan 2040 Update, areas that are at risk for liquefaction are found on the valley floor, especially near the Sacramento and Feather Rivers, and their tributaries, which have a higher potential to contain sandy and silty soils. Liquefaction is a phenomenon where loose, saturated, granular soils lose their inherent shear strength due to excess water pressure that builds up during repeated movement from seismic activity. Factors that contribute to the potential for liquefaction include a low relative density of granular materials, a shallow groundwater table, and a long duration and high acceleration of seismic shaking. Liquefaction usually results in horizontal and vertical movements from lateral spreading of liquefied materials and post-earthquake settlement of liquefied materials. Liquefaction potential is greatest where the groundwater level is shallow, and submerged loose, fine sands occur within a depth of approximately 50 feet or less. According to the Butte County General Plan Health and Safety Element, much of the western and southwestern portion of Butte County is subject to liquefaction. As stated, the project would not result in the construction of any new structures or improvements. If future development is proposed, it would be evaluated for liquefaction potential and if needed, design measures would be implemented to address this issue. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

iv) Landslides?

No impact. The project area is flat with 0-2% slopes. As a result, the landslide potential for the project site and surrounding area is low to none. The Subsidence and Landslide Potential Map of the Health and Safety Element of the Butte County General Plan (Figure HS-7 of the General Plan 2040 Update) indicates that there is a low to no potential for landslides in this area. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

b) Result in substantial soil erosion or the loss of topsoil?

Less than Significant impact. Construction activities associated with the clearing and grading would typically be subject to the National Pollutant Discharge Elimination System (NPDES) General Construction Activities Storm Water permit program if one acre or more is disturbed. Construction activities that result in a land disturbance of less than one acre, but which are part of a larger common plan of development, also require a permit. This program requires implementation of erosion control measures during and immediately after construction that are designed to avoid significant erosion during the construction period. In addition, the project operation would be subject to State Water Resources Control Board requirements for the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to control pollution in stormwater runoff from the project site, including excessive erosion and sedimentation. Because the grading action occurred without a permit, it is assumed that a SWPPP was not prepared. If required, Butte County would condition the applicant as part of the retroactive permit, to implement standard post-construction erosion control BMPs to minimize erosion from the site to ensure that potential impacts remain less than significant.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

No impact. The project is not located on an unstable geologic unit or soil and grading activities will not cause instability that would result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. If future development were to occur, it would be evaluated for soil instability and if needed, design measures would be implemented to address this issue. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?

No impact. Figure HS-9 of the General Plan Health and Safety Element indicates that the project site has a low to very low expansive soil potential. The Butte County Building Division may require soil tests prior to issuance of a building permit to determine if the soils on the site have an expansive potential. No impacts associated with expansive soil would occur.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No impact. No wastewater would be generated as a result of site grading; thus, no septic system would be required. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No impact. No previously recorded fossil sites have been identified on the project site or within the surrounding area. Butte County General Plan 2040 Update and the accompanying Environmental Impact Report do not indicate the project area is sensitive for paleontological resources. Therefore, it is not likely that unique paleontological resources were disturbed during clearing and grading or that these resources would be found in the project area if a future project were developed. If future development were to occur, the potential for the discovery of fossils would be evaluated at that time, and if warranted, mitigation measures would be recommended. No impact associated with approval of a retroactive grading permit would occur.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

1.8 GREENHOUSE GAS EMISSIONS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. Greenhouse Gas Emissions.				
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Discussion

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than significant impact. The grading activity generated greenhouse gas emissions associated with the operation of heavy equipment and support vehicles. The grading related GHG emissions occurred over a short duration and consisted primarily of equipment exhaust emissions. No long-term regional emissions are associated with the grading activities.

The Butte County Climate Action Plan (CAP) was adopted in February 2014 and updated in December 2021. The Butte County CAP includes strategies and associated actions related to public education and outreach efforts regarding reducing GHG emissions, administrative actions to monitor progress, and encouraging participation in programs. The strategies either apply to existing buildings that have already completed the environmental analysis, address operational characteristics of the county, or encourage options for actions that would reduce GHG emissions.

In this case, the grading activities are consistent with the Butte County General Plan and were analyzed and mitigated with the adoption of the Butte County CAP and the continued implementation of its strategies. Therefore, while grading activities did generate short-term GHG emissions, they were not substantial nor did they either directly or indirectly, significantly impact the environment. As stated, no further grading or other on-site development is proposed. A less than significant impact occurred.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than significant impact. The grading activities were generally consistent with the Butte County General Plan; and thus, were compliant with the GHG emission reduction strategies in the Butte County CAP. This in turn, supports County-wide efforts to meet statewide GHG emission reduction goals. Therefore, the impact was less than significant.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

1.9 HAZARDS AND HAZARDOUS MATERIALS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. Hazards and Hazardous Materials.				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than significant impact. Limited quantities of miscellaneous hazardous substances, such as gasoline, diesel fuel, hydraulic fluid, solvents, oils, etc. were used to maintain vehicles and motorized equipment during grading activities. Accidental spill of any of these substances could impact water and/or groundwater quality. Depending on the relative hazard of the material, if a spill were to occur of significant quantity, the accidental release could pose a hazard to construction workers, the public, as well as the environment. No spills were reported nor was any evidence of a spill visible on-site.

Hazardous materials were unlikely stored or used within the project site. Vehicles and equipment stored on-site likely contain fuel and other mechanical fluids. The vehicles would not be stored long-term and measures would be taken by the owner/operator to avoid soils contamination. A less than significant impact occurred under this threshold. Future use of the site would not require the storage of hazardous materials. Some fuel use may be required for gas powered equipment operation during brush clearing training. This would be in small quantities and only occur periodically. Impacts would be less than significant.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?

Less than significant impact. It is not anticipated that grading activities created a significant hazard to the environment or to the public due to the accidental release of hazardous materials into the environment. Accidental release of hazardous materials routinely used during construction activities or those associated with equipment stored on-site are addressed in section a.), above. A less than significant impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No impact. No existing or proposed schools have been identified within one-quarter mile of the project site. The closest school is Oakdale Heights Elementary which is located approximately 1.2 miles east of the site. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No impact. A review of regulatory agency databases (i.e., Geotracker website-<https://geotracker.waterboards.ca.gov/>), which includes lists of hazardous materials sites compiled pursuant to California Government Code Section 65962.5, did not identify any sites at or adjacent to the project site that have used, stored, disposed of, or released hazardous materials. Post grading, no development would occur and storage of equipment on-site is not expected to cause or contribute to hazardous materials conditions on or in proximity to the site. Thus, no impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

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

No impact. The project site is located approximately 2.1 miles southwest of the Oroville Municipal Airport. Per the Butte County Airport Land Use Compatibility Plan, the project site is located within Review Area D. According to the ALUCP compatibility policies, there are no specific restrictions within this review area other than the development of uses that would pose a hazard to flight. No development is proposed and the grading activities did not pose hazards to flight. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No impact. The grading activities did not affect site access or otherwise impact roadways. No development is proposed; thus, there would be no post grading activities that would include actions that physically interfere with emergency response or emergency evacuation plans. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

No impact. The project site is not located in a fire hazard severity zone as shown in Figure HS-11 in the Butte County General Plan 2040 Update Health and Safety Element and designated by the California Department of Forestry and Fire Protection (CalFire). The project site is within a Local Responsibility Area (LRA), which means that Butte County has fiscal responsibility for preventing and suppressing fires. The nearest staffed fire station is the Butte County Fire Station #63, located at 176 Nelson Avenue in Oroville, approximately 3.0 miles north of the site. No development would occur on-site and the site has been cleared for fire abatement; thus, no impact to people or structures from wildland fires would occur. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

1.10 HYDROLOGY AND WATER QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. Hydrology and Water Quality.				
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial on- or offsite erosion or siltation;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

No impact. The project is not proposing the development of new structures; thus, no wastewater would be generated on-site. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No impact. The Sacramento Valley Groundwater Basin supplies a portion of the municipal and agricultural water demands for the City of Oroville and surrounding unincorporated areas. The project site is located over the Sacramento Valley Groundwater Basin which underlies the majority of eastern Butte County.

According to the Butte County Groundwater Management Plan (2005), groundwater supplies approximately 31% of potable water demand county-wide. Water demand for the unincorporated areas of the county was projected to grow from 8,322.3 million gallons in 2000 to 9,736.4 million gallons in 2030, an increase of 17 percent. No development on the site is proposed and grading activities did not affect the pervious surface area. Thus, no impact to groundwater recharge occurred.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in substantial on- or offsite erosion or siltation;

Less than significant impact. No future development is proposed; however, it is possible that grading has altered the site drainage. As stated, Butte County may impose standard construction BMPs that would be implemented to control erosion and protect surface water. These control and protection measures, or BMPs, are commonly used to minimize soil erosion and water quality degradation. Grading activities have not altered the course of a stream or river. Impacts would be less than significant.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

Less than significant impact. No impervious surface was created; thus, the rate of runoff has not changed nor has it led to flooding on- or off-site. Impacts would be less than significant.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

No impact. The project would remain pervious. No stormwater system is proposed. All precipitation would percolate into the soil. No impact would occur.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

iv) Impede or redirect flood flows?

No impact. The floodplain mapping of the project area identifies the far western portion of the site as being located within an area with a 0.2% chance of flooding annually. The majority of the site is located within Flood Zone X (FEMA Map 06007C0980E, January 6, 2011). Areas designated Flood Zone X are not subject to inundation by 100-year flood events. No development would occur on the site; thus, grading activities had no effect on flood flows. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No impact. As stated, the majority of the site is located within Flood Zone X. The site is not located proximal to the ocean or other large open water body. The proposed grading action did not result in a risk of pollutant release during a flood hazard, tsunami or seiche event. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No impact. The project site is located within the Butte County Groundwater Management Plan area and West Butte Subbasin. Grading had no effect on water quality, groundwater demand or recharge. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

1.11 LAND USE AND PLANNING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. Land Use and Planning.				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

Butte County General Plan

The General Plan represents the basic community values, ideals and aspirations with respect to land use, development, transportation, public services, and conservation policy that will govern Butte County through 2040. The Land Use Element of the General Plan designates the land use of areas within the county and includes a description of the characteristics and intensity of each land use category. The land use designation for the project parcel is Industrial.

Industrial

This designation allows the processing, manufacturing, assembly, packaging, storage, and distribution of goods and commodities. It also allows for warehouses, storage, logistics centers, trucking terminals, and railroad facilities. Alternative energy facilities are allowed in the Industrial designation, subject to permit requirements. In addition, this designation allows hazardous waste management facilities where it can be demonstrated that potential environmental impacts can be mitigated. Industrial uses are allowed by right where applicants can demonstrate that adequate existing services are already available.

Butte County Zoning Ordinance

The Zoning Ordinance implements the goals and policies of the Butte County General Plan by regulating the uses of the land and structures within the County. The zoning designations of the project site and their intended use are as follows:

Heavy Industrial

The purpose of the Heavy Industrial (HI) zone is to allow for a full range of industrial uses, including operations that necessitate the storage of large volumes of hazardous or unsightly materials, or which produce dust, smoke, fumes, odors, or noise at levels that would affect surrounding uses. Uses permitted in the HI are similar to the GI zone, except that heavy industrial uses are permitted either as-of-right or with a Conditional Use Permit, and retail, personal service and restaurant uses are not allowed. The maximum permitted floor area ratio in the HI zone is one-half (0.5). The HI zone implements the Industrial land use designation in the General Plan.

a) **Physically divide an established community?**

No impact. The project site is located in an industrial area of Butte County adjacent to similar uses in the City of Oroville. The grading activity had no effect on an established community. No development is proposed and use of the site for periodic brush management training would have no land use impact.; thus, no impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No impact. Grading activities did not conflict with the existing General Plan land use and zoning designation. Further, no development is proposed and use of the site for periodic brush management training would have no land use impact. Thus, there would be no conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating environmental effects. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

1.12 MINERAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. Mineral Resources.				
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No impact. There are no known economically viable sources of rock materials in the immediate vicinity of the project site. No mining operations have occurred on the project site or surrounding area and the project would not preclude future extraction of available mineral resources. Grading activities did not require the use of mineral resources; however, gravel was used to stabilize the two-acre equipment storage area. The quantity of gravel used to stabilize the site is minor and would not result in the loss of the availability of mineral resources. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No impact. The project site is not within or near any designated locally important mineral resource recovery site and no mineral resources were affected by the grading activity. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

1.13 NOISE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII.Noise.				
Would the project result in:				
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

According to the Butte County General Plan 2030, noise is a concern throughout Butte County, but especially in rural areas and in the vicinity of noise-sensitive uses such as residences, schools, and churches. Noise is discussed in the Health and Safety Chapter of the Butte County General Plan 2030. Tables HS-2 and HS-3 in the County General Plan (included as Tables 1.13-1 and 1.13-2 below) outline the maximum allowable noise levels at sensitive receptor land uses.

Table 1.13-1. Maximum Allowable Noise Exposure Transportation Noise Sources

LAND USE	Exterior Noise Level Standard for Outdoor Activity Areas ^a		Interior Noise Level Standard	
	L _{dn} /CNEL, dB	L _{eq} , dBA ^b	L _{dn} /CNEL, dB	L _{eq} , dBA ^b
Residential	60 ^c	-	45	-
Transient Lodging	60 ^c	-	45	-
Hospitals, nursing homes	60 ^c	-	45	-
Theaters, auditoriums, music halls	-	-	-	35
Churches, meeting halls	60 ^c	-	-	40
Office Buildings	-	-	-	45
Schools, libraries, museums	-	70	-	45
Playgrounds, neighborhood parks	-	70	-	-

Source: Table HS-2, Butte County General Plan 2030

^a Where the location of outdoor activity areas is unknown, the exterior noise-level standard shall be applied to the property line of the receiving land use.

^b As determined for a typical worst-case hour during periods of use.

^c Where it is not possible to reduce noise in outdoor activity areas to 60 dB Ldn/CNEL or less using a practical application of the best-available noise reduction measures, an exterior noise level of up to 65 dB Ldn/CNEL may be allowed, provided that available exterior noise-level reduction measures have been implemented and interior noise levels are in compliance with this table.

Table 1.13-2. Maximum Allowable Noise Exposure Non-Transportation Noise Sources

NOISE LEVEL DESCRIPTION	Daytime 7 am - 7 pm		Evening 7 pm - 10 pm		Night 10 pm - 7 am	
	Urban	Non-Urban	Urban	Non-Urban	Urban	Non-Urban
Hourly Leq (dB)	55	50	50	45	45	40
Maximum Level (dB)	70	60	60	55	55	50

Source: Table HS-3, Butte County General Plan 2030

Notes:

1. "Non-Urban designations" are Agriculture, Timber Mountain, Resource Conservation, Foothill Residential and Rural Residential. All other designations are considered "urban designations" for the purposes of regulating noise exposure.
2. Each of the noise levels specified above shall be lowered by 5 dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g. caretaker dwellings).
3. The County can impose noise level standards which are up to 5 dB less than those specified above based upon determination of existing low ambient noise levels in the vicinity of the project site.
4. In urban areas, the exterior noise level standard shall be applied to the property line of the receiving property. In rural areas, the exterior noise level standard shall be applied at a point 100 feet away from the residence. The above standards shall be measured only on property containing a noise sensitive land use. This measurement standard may be amended to provide for measurement at the boundary of a recorded noise easement between all affected property owners and approved by the County.

Table 1.13.1, above, identifies the maximum allowable noise exposure to a variety of land uses from transportation sources, including from roadways, rail and airports. Table 1.13-2 identifies the maximum allowable noise exposure from non-transportation sources. In the case of transportation noise sources, exterior noise level standards for residential outdoor activity areas are 60 dB (Ldn/CNEL). However, where it is not possible to reduce noise in an outdoor activity area to 60 dB Ldn /CNEL or less using a practical application of the best-available noise-reduction measures, an exterior noise level of up to 65 dB may be allowed, provided that available exterior noise-level reduction measures have been implemented and interior noise levels are in compliance with applicable standards.

Butte County Noise Ordinance

Chapter 41A, Noise Control, of the Butte County Code of Ordinance applies to the regulation of noise. The purpose of the noise ordinance is to protect the public welfare by limiting unnecessary, excessive, and unreasonable noise. Section 41A-7 specifies the exterior noise limits that apply to land use zones within the County, which are provided in Table 1.13-2.

The Butte County Noise Ordinance provides the County with a means of assessing complaints of alleged noise violations and to address noise level violations from stationary sources. The ordinance includes a list of activities that are exempt from the provisions of the ordinance.

Discussion

- a) **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?**

Less than significant impact. The nearest noise sensitive properties to the project site are multiple residences located approximately one mile east and south of the site. The subject property is located within an industrial area. Traffic and airport operations are likely the primary noise source within the project area. The grading activities may have generated audible noise off-site, but no sensitive properties were affected. No daily vehicle trips would be generated as no development is proposed. Thus, with the exception of loading/unloading equipment stored on the two-acre portion of the site and potentially, the periodic use of gas powered equipment for brush clearing training, no further noise would be generated. On-site activities would have a less than significant impact on existing residences.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

- b) **Generation of excessive groundborne vibration or groundborne noise levels?**

No impact. Short-term vibration may have occurred during grading. However, this was temporary and had no effect on residences. Loading/unloading of heavy equipment would not generate perceptible vibration. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

- c) **For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

No impact. The Oroville Municipal Airport is located approximately 2.1 miles northwest of the site. Grading activities and equipment storage would not be affected by airport noise. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

1.14 POPULATION AND HOUSING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. Population and Housing.				
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a) **Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

No impact. Grading activities and on-site equipment storage would not induce population growth within the area. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

- b) **Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

No impact. The site was and remains vacant; thus, grading and equipment storage did not displace existing individuals or housing. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

1.15 PUBLIC SERVICES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. Public Services.				
Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:**

Fire protection?

No impact. Fire protection services are provided by the Butte County Fire Department. Grading and equipment storage would not require additional fire protection services. No development is proposed; thus, no payment of fire protection impact fees would be required to help offset the impacts of that development. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

Police protection?

No impact. The Butte County Sheriff's Office provides law enforcement service to the site. Grading and equipment storage is not expected to require any new law enforcement facilities or the alteration of existing facilities to maintain acceptable performance objectives. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

Schools?

No impact. Grading and equipment storage and periodic brush clearing training, would not increase demand for school services. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

Parks?

No Impact. Increase in the demand for recreational facilities is typically associated with increases in population. As discussed in Section 1.14 - *Population and Housing*, grading and equipment storage and periodic brush clearing training will not generate population growth. Thus, no impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

Other public facilities?

No impact. No other public facilities were or would be impacted by grading and equipment storage. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

1.16 RECREATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. Recreation.				
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a) **Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

No impact. Grading and equipment storage and periodic brush clearing training would not increase the use of existing recreational resources such that physical deterioration of facilities would occur. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

- b) **Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?**

No impact. Grading and equipment storage and periodic brush clearing training would not include plans for additional recreational facilities nor would these activities expand existing recreational facilities. Therefore, the proposed action would not result in any adverse physical effects on the environment from construction or expansion of recreational facilities. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

1.17 TRANSPORTATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. Transportation.				
Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

Roadway Network

Regional and local access to the project site is provided by Feather River Boulevard, Georgia Pacific Way and Merlo Avenue. No new access is proposed.

Bicycle and Pedestrian Transportation

Bicycle facilities include bike paths (Class I), bike lanes (Class II), and bike routes (Class III).

Class I Bike paths provide a completely separated facility designed for the exclusive use of bicycles and pedestrians within minimal cross flows by motorists. Caltrans standards call for Class I two-way bike paths to have 8 feet of pavement width with 2-foot wide graded shoulders on either side, for a total right-of-way width of 12 feet. Designated one-way bike paths are allowed 5 feet of minimum pavement width. Class I bike paths must also be at least 5 feet from the edge of a paved roadway, 8 feet from an obstruction, and meet specified minimum horizontal and vertical curve requirements for the speeds anticipated.

Class II Bike lanes provides restricted on-street right-of-way designated for the exclusive or semi-exclusive use of bicycles with through travel by motor vehicles or pedestrians prohibited, but with vehicle parking and crossflows by pedestrians and motorists permitted. Caltrans standards generally require a minimum 4-foot bike lane with 6-inch white strip separating the roadway from the bike lane. Where raised curbs without permitted parking or designated marked parking exists, a minimum 5-foot bike lane adjacent to the traffic lane is required. Where parking is permitted, but unmarked, the 6-inch white stripe separating the traffic lane from the bike lane must be a minimum of 12 feet from the raised curb.

Class III Bike routes provides a preferred shared route with motorists on the street, or to a more restricted extent, with pedestrians on sidewalks where designated by signs or permanent markings. The main purpose of designated bike routes is to provide continuity to the bikeway network by connecting discontinuous segments of Class I and II bikeways and may also be used to direct bicyclists to a route of higher degree of service or use. Roadways designated as Class III bike routes should have sufficient width to accommodate motorists, bicyclists, and pedestrians. Other than a street sign, there are no special markings required for a Class III bike route.

Pedestrian facilities include sidewalks, crosswalks, pedestrian signals, and paved shoulders adjacent to rural roads. The County of Butte's Development Standards typically require proposed development located in the County's urban areas to construct curb, gutter, and sidewalk improvements within the County roadway right of way fronting the development. In this case, no development is proposed and the site owner has used existing access via Merlo Avenue to bring in equipment for storage.

Discussion

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

No impact. The project site is located in a suburban Heavy Industrial area. The grading action and equipment storage will not generate daily trips. Periodic brush training on-site would generate trips by PG&E and brush contractors. Further, trucks will periodically access the site to load/unload equipment. The project will not adversely impact intersections proximal to the site. There are no pedestrian, bicycle or transit services in the area; thus, these would not be affected. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Less than significant impact. To assist in SB 743 implementation, the Office of Planning and Research (OPR) released a *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Technical Advisory) in December 2018. This includes technical recommendations regarding the assessment of VMT, thresholds of significance, VMT mitigation measures and screening thresholds for certain land use projects. Lead agencies may consider and use these recommendations at their discretion. The Technical Advisory contains recommendations related to assessing VMT impacts. Those projects that meet specific screening criteria have been determined to generate too few trips to warrant evaluation. With respect to the "small project" criteria, projects consistent with a Sustainable Community Strategy, the local general plan and that generate or attract fewer than 110 vehicle trips per day may be presumed to have a less than significant VMT impact. Because no use is proposed, no daily traffic would be generated.

As stated, periodic trips to access the site training and loading/unloading equipment stored on the site would occur. Related effects associated with use of heavy industrial property have been evaluated in the General Plan 2040 Update Program Environmental Impact Report (PEIR). The Transportation section of the PEIR (page 5.16-62 of the Draft PEIR), states that because growth expected under General Plan 2040 is consistent with previous plans, including the previous General Plan update and the County Climate Action Plan and the General Plan 2040 Update includes a variety of goals, policies, and actions applicable to specific projects that would reduce the VMT. Grading activities and ongoing as well as future use of the site for equipment storage would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b). A less than significant impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No impact. Grading and equipment storage as well as periodic site use for brush management training would not require site improvements. Thus, the configuration (alignment) of area roadways and would not change or

need to accommodate vehicles that are not already traveling on area roads. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

d) Result in inadequate emergency access?

No impact. Emergency vehicles access the area using Feather River Boulevard and Georgia Pacific Way. Grading and equipment storage as well as periodic on-site training would have no effect on these roadways; thus emergency access in the area would not be affected. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

1.18 TRIBAL CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. Tribal Cultural Resources.				
Has a California Native American Tribe requested consultation in accordance with Public Resources Code section 21080.3.1(b)?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

Tribal Cultural Resources are defined as a site feature, place, cultural landscape, sacred place or object, which is of cultural value to a Tribe and is either on or eligible for the California Historic Register, a local register, or a resource that the lead agency, at its discretion, chooses to treat as such (Public Resources Code Section 21074 (a)(1)).

Butte County contains a rich diversity of archaeological, prehistoric and historical resources. The General Plan 2030 EIR observes that the "archaeological sensitivity of Butte County is generally considered high, particularly in areas near water sources or on terraces along water courses" (Butte County General Plan EIR, 2010, p. 4.5-7).

A substantial adverse change upon a historically significant resource would be one wherein the resource is demolished or materially altered so that it no longer conveys its historic or cultural significance in such a way that justifies its inclusion in the California Register of Historical Resources or such a local register (CEQA Guidelines Section 15064.5, sub. (b)(2)). Cultural resources include prehistoric and historic period archaeological sites; historical features, such as rock walls, water ditches and flumes, and cemeteries; and architectural features. Cultural resources consist of any human-made site, object (i.e., artifact), or feature that defines and illuminates our past. Often such sites are found in foothill areas, areas with high bluffs, rock outcroppings, areas overlooking deer migratory corridors, or near bodies of water.

Per Assembly Bill AB 52 (Statutes of 2014) Notification Request, Public Resources Code Section 21080.3(b), the County sent letters to the Mechoopda Indian Tribe, United Auburn Indian Community, Mooretown Rancheria and Paskenta Band of Nomlaki Indians on October 9, 2023. No response was received.

Discussion

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?**

No impact. Per Assembly Bill AB 52 (Statutes of 2014) Notification Request, Public Resources Code Section 21080.3(b), the County sent letters to the Mechoopda Indian Tribe, United Auburn Indian Community, Mooretown Rancheria and Paskenta Band of Nomlaki Indians on October 9, 2023. As stated, no response was received. The project site was and remains vacant with the exception of a two-acre area used for equipment storage. No impact to historic resources occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

- b) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?**

No impact. See discussion 4.17(a) – *Tribal Cultural Resources*. No impact occurred under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

1.19 UTILITIES AND SERVICE SYSTEMS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIX. Utilities and Service Systems.				
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a) **Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?**

No impact. The project site is vacant with the exception of a two-acre area used for equipment storage. No wastewater would be generated that requires disposal in a public sewer or septic system. No potable water would be required.

No existing on-site storm water drainage facilities are located on the project site. As stated, Butte County may require the owner to implement BMPs to control erosion from runoff. However, all precipitation currently percolates into the ground.

The project site is currently served by electric power (PG&E), natural gas (PG&E) and wireless phone service; however, no utilities are required to support existing and anticipated use of the site. The project would not result in the relocation or construction of new or expanded infrastructure including water services, wastewater

treatment, stormwater drainage, natural gas, or telecommunication facilities. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

No impact. No domestic water services would be required. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?

No impact. As stated, no wastewater would be generated on-site. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

No impact. Grading activities may have resulted in the disposal of some materials at the Neal Road Recycling and Waste Facility. The Neal Road Facility has a maximum permitted throughput of 1,500 tons per day, and an estimated current daily average throughput of 466 tons per day. Under current conditions, equipment storage on the site and periodic use for brush clearing training does/would not generate any solid waste. Thus, no disposal would be required. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

No impact. Ongoing activities do not generate solid waste; thus, no compliance with statues and regulations related to solid waste is required. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

1.20 WILDFIRE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XX. Wildfire.				
Is the project located in or near state responsibility areas or lands classified as high fire hazard severity zones?				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
	<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No	
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The project site is located in a Local Responsibility Area for fire protection. The project site is not located within a wildfire hazard severity zone as identified by the State Department of Forestry and Fire Protection.

Discussion

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No impact. The project site is accessed via Feather River Boulevard, Georgia Pacific Way and Merlo Avenue. No access improvements are proposed. Thus, there would be no lane closures or other actions that would impact emergency access or interfere with an emergency evacuation plan. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

No impact. The project site is in a low fire hazard severity zone. No conditions or factors have been identified in the project area that would exacerbate wildfire risks. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

- c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

No impact. The project site is in a low fire hazard severity zone and no development is proposed. Thus, there would no activities that would require infrastructure improvements that could exacerbate fire risks or generate temporary impacts to the site or surrounding area. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

No impact. The project site area is located within a suburban area and the topography is generally flat. The project area does not exhibit flooding potential (see discussion Section 1.10.d – Hydrology and Water Quality) or landslide potential (see discussion Section 1.7.a – Geology Soils). If a fire were to occur, no impacts from post-fire instability or drainage changes would occur. No impact would occur under this threshold.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

1.21 MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XXI. Mandatory Findings of Significance.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a) **Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?**

No impact. The project site has been cleared and a two-acre portion is currently used for heavy equipment storage. The storage area is fenced and stabilized with gravel and bark. As stated, approximately 8.84 acres of Valley Foothill Riparian vegetation, including 0.74 acres of oak canopy, occurred on the site prior to removal without a permit or mitigation. Whether impacts to sensitive northern hardpan vernal pool habitat and/or sensitive species known to inhabit the area is unknown. Implementation of Mitigation Measure BIO-1 would reduce potentially significant impacts associated with the removal of Valley Foothill Riparian vegetation to less than significant. No resources are known to have occurred during grading and improvement of the two-acre storage area and use of the area for storage of heavy equipment. Future use of the site for brush clearing training would have no effect on vegetation or other biological resources. Similarly, no known cultural resources occurred on the site. While any surface resources were likely disturbed, grading activities did not require excavation which could have disturbed subsurface resources. Because no further development is proposed, no impacts to biological or cultural resources are anticipated. Fish or wildlife populations would not

drop below self-sustaining levels nor would movement/distribution of a rare or endangered species be affected.

Future development would be evaluated as a separate action and findings may necessitate the implementation of mitigation measures. Further, any future applicant would be required to comply with [California Code of Regulations \(CCR\) Section 15064.5\(e\)](#), [California Health and Safety Code Section 7050.5](#), and [Public Resources Code \(PRC\) Section 5097.98](#) as a matter of policy in the event human remains are encountered at any time.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less than significant impact. With implementation of Mitigation Measure BIO-1, the grading action and use of the site for equipment storage and brush management training would have no impact or a less than significant impact with respect to all environmental issues pursuant to CEQA. Due to the limited scope of direct physical impacts to the environment associated with the project, potential impacts are considered to be project-specific.

The cumulative effects resulting from build out of the Butte County General Plan 2040 Update were previously identified in the General Plan EIR. The type, scale, and location of grading activity, improvements to the two-acre storage area and current use of the area for equipment storage is consistent with the Heavy Industrial General Plan and zoning designation and is compatible with the pattern of development on adjacent properties. Because of this consistency, the potential cumulative environmental effects associated with the grading action and current use would fall within the impacts identified in the County’s General Plan EIR. Cumulative impacts are less than significant.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Less than significant impact. There have been no impacts discovered through the review of this application demonstrating that grading, site improvements and use of the site for equipment storage has caused or would cause substantial adverse effects to human beings either directly or indirectly. As stated, impacts that have occurred to date are assumed to be less than significant based on the scope of grading and related improvements and site characteristics.

The Zoning Code Amendment to allow assessment facilities by-right in the Industrial Zones will have no impact. Assessment facilities will not involve permanent construction and will be a less intensive in nature than other uses that are permitted by-right in the Industrial Zones.

Authority for the Environmental Checklist: Public Resources Code Sections 21083, 21083.5.

Reference: Government Code Sections 65088.4.

Public Resources Code Sections 21080, 21083.5, 21095; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

Environmental Reference Materials

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2. Butte County. *Butte County General Plan 2030 Final Environmental Impact Report*. April 8, 2010. Available at http://www.buttegeneralplan.net/products/2010-08-30_FEIR/default.asp.
3. Butte County. *Butte County General Plan 2030*. October 26, 2010. Available at <http://www.buttecounty.net/dds/Planning/GeneralPlan/Chapters.aspx>
4. Butte County. *Butte County General Plan Update 2040 Update Final Environmental Impact Report*. March 2023. Available at <https://www.buttecounty.net/DocumentCenter/View/6521/Butte-GPU-FEIR-030923?bidId=>
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6. Butte County. *Butte County General Plan 2030 and Zoning Ordinance Amendments – Draft Supplemental Environmental Impact Report*. June 17, 2015. Available at http://www.buttegeneralplan.net/products/2012-05-31_GPA_ZO_SEIR/default.asp
7. Butte County. *Butte County General Plan 2040 Setting and Trends Report Public Draft*. June 2021. Available at <http://www.buttegeneralplan.net/products/SettingandTrends/default.asp>.
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9. Butte County. *Butte County Department of Development Services GIS Data*. April 2022.
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11. Butte County Public Works Department, Division of Waste Management. Joint Technical Document-Neal Road Recycling and Waste Facility, Butte County, California. November 2017.
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14. California Department of Conservation, Division of Land Resource Protection. *A Guide to the Farmland Mapping and Monitoring Program*. 2014.
15. California Department of Toxic Substance Control. 2009. *Envirostor Database*. Accessed September 2023. <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=3355+Feather+River+Boulevard%2C+Oroville%2C+CA>
16. California Department of Water Resources, Northern Region Office. Geology of the Northern Sacramento Valley, California. September 2014.
17. Gallaway Enterprises, *Forensic Biological Resources Assessment, 3355 Feather River Boulevard*, January 2024)

Mitigation Measures and Monitoring Requirements

Siller Grading Permit (CEQA23-0002/PWGRD23-0003) & Zoning Code Amendment (ZCA23-0007)

Project Sponsor(s) Incorporation of Mitigation into Proposed Project

I/We have reviewed the Initial Study for the Grading Permit (PWGRD23-0003) and Zoning Code Amendment (ZCA23-0007) for Siller (CEQA23-0002) application and particularly the mitigation measures identified herein. I/We hereby modify the applications on file with the Butte County Planning Department to include and incorporate all mitigations set forth in this Initial Study.



Project Sponsor/Project Agent



Date

Project Sponsor/Project Agent

Date

Butte County Department of Development Services – Planning Division

7 County Center Drive
Oroville, CA 95928
530.552.3700

Mitigation Measures and Monitoring Requirements

Siller Grading Permit (CEQA23-0002/PWGRD23-0003) & Zoning Code Amendment (ZCA23-0007)

MITIGATION MEASURES:

Mitigation Measure AIR-1

The following best practice measures to reduce impacts to air quality shall be incorporated by the project applicant, subject property owners, or third-party contractors during construction activities on the project site. These measures are intended to reduce criteria air pollutants that may originate from the site during the course of land clearing and other construction operations.

Diesel PM Exhaust from Construction Equipment and Commercial On-Road Vehicles Greater than 10,000 Pounds

- All on- and off-road equipment shall not idle for more than five minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the five-minute idling limit.
- Idling, staging and queuing of diesel equipment within 1,000 feet of sensitive receptors is prohibited.
- All construction equipment shall be maintained in proper tune according to the manufacturer's specifications. Equipment must be checked by a certified mechanic and determined to be running in proper condition before the start of work.
- Install diesel particulate filters or implement other CARB-verified diesel emission control strategies.
- Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 100 feet of a restricted areas.
- To the extent feasible, truck trips shall be scheduled during non-peak hours to reduce peak hour emissions.

Operational TAC Emissions

- All mobile and stationary Toxic Air Contaminants (TACs) sources shall comply with applicable Airborne Toxic Control Measures (ATCMs) promulgated by the CARB throughout the life of the project.
- Stationary sources shall comply with applicable District rules and regulations.

Fugitive Dust

Construction activities can generate fugitive dust that can be a nuisance to local residents and businesses near a construction site. Dust complaints could result in a violation of the District's "Nuisance" and "Fugitive Dust" Rules 200 and 205, respectively. The following is a list of measures that may be required throughout the duration of the construction activities:

- Reduce the amount of the disturbed area where possible.
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. An adequate water supply source must be identified. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stockpile areas should be sprayed daily as needed, covered, or a District approved alternative method will be used.

Mitigation Measures and Monitoring Requirements

Siller Grading Permit (CEQA23-0002/PWGRD23-0003) & Zoning Code Amendment (ZCA23-0007)

- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- Exposed ground areas that will be reworked at dates greater than one month after initial grading should be sown with a fast-germinating non-invasive grass seed and watered until vegetation is established.
- All disturbed soil areas not subject to re-vegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Butte County Air Quality Management District.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with local regulations.
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- Post a sign in prominent location visible to the public with the telephone numbers of the contractor and the Butte County Air Quality Management District - (530) 332-9400 for any questions or concerns about dust from the project.

All fugitive dust mitigation measures required should be shown on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend period when work may not be in progress. The name and telephone number of such persons shall be provided to the District prior to land use clearance for map recordation and finished grading of the area.

Please note that violations of District Regulations are enforceable under the provisions of California Health and Safety Code Section 42400, which provides for civil or criminal penalties of up to \$25,000 per violation.

Plan Requirements: This note shall also be placed on grading plans and future site development plans.

Timing: Requirements of the condition shall be adhered to throughout all grading and construction periods.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the note shall also be placed on grading plans and future development plans. Building inspectors shall spot check and shall ensure compliance on-site. Butte County Air Pollution Control District inspectors shall respond to nuisance complaints.

Mitigation Measures and Monitoring Requirements

Siller Grading Permit (CEQA23-0002/PWGRD23-0003) & Zoning Code Amendment (ZCA23-0007)

Mitigation Measure BIO-1

The removal of 0.74 acres of oak tree canopy, within the Valley Foothill Riparian forest as a result of site disturbance, shall be subject to mitigation requirements as determined by Butte County pursuant to California Public Resources Code 21083.4. Mitigation will be addressed at the discretion of Butte County by one or more of the following:

- Replanting and maintaining oak trees, establishing conservation easements, contributing funds for off-site oak woodlands conservation, and/or other mitigation measures developed by Butte County. Replanted oak trees should be maintained for a period of seven years after they are planted. If any of the replanted oak trees die or become diseased, they should be replaced and maintained for seven years after the new oak trees are planted.
- A replanting schedule and diagram for trees removed by site disturbance activities consistent with PRC §21083.4(b)(2), applicable mitigation measures, and Butte County Ordinance, if any, should be submitted to and approved by the Director of Development Services or his/her designee. Replanted trees should be planted in areas deemed appropriate by the Plan.
- Conservation easements or funds for off-site oak woodlands conservation should be proposed to and approved by the Director of Development Services or his/her designee.

Plan Requirements: This requirement shall be required prior to the issuance of the grading permit.

Timing: The property owner must provide evidence that this measure was satisfied to the Butte County Development Services Department prior to issuance of the grading permit.

Monitoring: The Butte County Department of Development Services shall verify that compliance with this measure has occurred prior to issuance of the grading permit.