
Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone Final Environmental Impact Report

State Clearinghouse No. 2016062049

Lead Agency:

City of Chico
Community Development Department, Planning Division
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August 2018



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I. INTRODUCTION

A. INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Chico has evaluated the comments received on the Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone (State Clearinghouse No. 2016062049) Draft Environmental Impact Report (EIR). The responses to the comments and errata, which are included in this document, together with the Mitigation Monitoring and Reporting Program, comprise the Final EIR for use by the City of Chico in its review.

This document is organized into five sections:

- **Section 1—Introduction.**
- **Section 2—Master Responses:** Provides consolidated responses to similar comments or questions.
- **Section 3—Responses to Written Comments:** Provides a list of the agencies, businesses, individuals, and organizations that commented on the Draft EIR. Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 4—Responses to Planning Commission Meeting Comments:** Provides responses to the verbal comments provided at the May 3rd, 2018 Chico Planning Commission Comment Session on the Draft EIR.
- **Section 5—Errata:** Includes an addendum listing refinements and clarifications on the Draft EIR, which have been incorporated.

The Final EIR includes the following contents:

- Draft EIR (provided under separate cover)
- Draft EIR appendices (provided under separate cover)
- Responses to Comments on the Draft EIR and Errata (Sections 2, 3, 4, and 5 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)
- Comment Letter Appendix (provided under separate cover) Includes attachments that were provided as part of comment letters submitted. Attachments were addressed when specifically mentioned within a comment letter. Attachments that were not specifically mentioned within a comment letter are included for informational purposes only, as they did not express a specific concern with the adequacy of the DEIR.

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II. MASTER RESPONSES

Master responses address similar comments made by multiple public agencies, businesses, organizations, and/or individuals through written comments submitted to the City of Chico. Master responses are provided in the order in which they are referenced in the responses in Section 3.

A. LIST OF MASTER RESPONSES

- Master Response 1— Butte County Meadowfoam (BCM) Impacts
- Master Response 2— Identification of other Special Status Wildlife & Plants
- Master Response 3— Mitigation Credits
- Master Response 4— Webster Drive Extension
- Master Response 5— Alternatives

B. MASTER RESPONSES

Master Response 1— Butte County Meadowfoam (BCM) Impacts

Summary of Relevant Comments

Several commenters have asked for clarification on the dates of BCM surveys that were conducted for the project site. In addition, commenters asked which past surveys and data were utilized for the rare plant survey.

Commenters have expressed concern that in their belief, the Stonegate project site holds a genetically unique strand of BCM. The commenters cite a 2015 letter by the California Department of Fish and Wildlife that mentions such a possibility. Due to this genetic uniqueness commenters believe that the mitigation measures for the project cannot reduce impacts to a less than significant level.

Commenters claim that the DEIR did not disclose the designation of the Stonegate project site as core habitat under the U.S. Fish and Wildlife Service's ("USFWS") 2006 Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (hereafter Recovery Plan). Furthermore, commenters have stated that the DEIR failed to mention the Project Site's prime soil type for BCM recovery.

Commenters have expressed concern about indirect impacts associated with the construction of the project. Commenters believe that the on-site preserve would be negatively impacted from project construction.

Lastly, commenters have questioned the mitigation measures that do not include a specific mitigation bank. Commenters feel that a specific bank must be identified.

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Response

Surveys

Surveys for Butte County meadowfoam (*Limnanthes floccosa* ssp. *californica*, BCM) were conducted by WRA on April 23, 24 and July 12, 2016, and March 26 and 27, 2018. Foothill Associates conducted surveys on February 15 and 23, March 3, 17, 18, 23, 24, 26 and 30, April 12, 13, 14, 30, and May 3, and July 20 and 21, 2016, and March 28 and April 21, 2017. Data from Foothill surveys were peer reviewed by WRA. In addition, the following surveys were provided by the City of Chico:

- Dole, J.A. 1988. *Results of a Field Survey for the Butte County Meadowfoam in the Vicinity of the City of Chico, California*. May 27, 1988;
- Dole, J.A. and M. Sun. 1992. *Field and Genetic Survey of the Endangered Butte County Meadowfoam-Limnanthes floccosa subsp. californica (Limnanthaceae)*. Conservation Biology, Volume 6, Number 4. December 1992;
- Foothill Associates. 2001. *Letter to Jones & Stokes Documenting Surveys of Butte County Meadowfoam on the Bruce Road Associates Property*. May 2, 2001;
- Foothill Associates. 2004. *Results of a Focused Survey for Butte County Meadowfoam (Limnanthes floccosa ssp. californica) on the Schmidbauer Project Site*. December 9, 2004

Genetic Uniqueness

Sloop et al. 2011¹ conducted a genetic analysis of BCM and determined that the sampled BCM populations, as compared to other species of meadowfoam that are outcrossing (i.e., not self pollinating), show low levels of genetic variation within and among populations. They identified 20 distinct population clusters within their sample groups. Population size estimates from the 21 sampled sites ranged from 36 to 8,177 (Doe Mill Reserve) individuals, and samples of individuals for genetic analysis ranged from 9 to 37. Even with small sample sizes, tests indicated that none of the sample populations have reduced genetic diversity. The Study Area lies adjacent to the Doe Mill Reserve area and was sampled at three locations in the Sloop study (2011): Schmidbauer East, Schmidbauer West, and Schmidbauer Southeast. Based on these studies, individuals would likely be considered within the same population and would not meet the definition of separation to be determined to be distinct populations.

Within the Stonegate Study Area, approximately one-half of the occupied BCM habitat will be preserved, and mitigation directs that the other half be used toward BCM habitat creation within the onsite preserve thereby maximizing the retention of genetic material that exists among clusters of BCM located at the project site. In addition, neither CDFW nor any other trustee

¹ Sloop, C.M., Pickens, C., Gordon, S.P. Conservation genetics of Butte County Meadowfoam (*Limnanthes floccosa* ssp. *californica* Arroyo), an endangered vernal pool endemic

agency has initiated a formal designation for a genetically unique BCM strand that might exist at the project site.

Recovery Plan

Regarding the 2006 USFWS Recovery Plan, it is correct that the Stonegate project site is located within a core area designated by that plan. Recovery Plan core areas include hundreds of acres in the southeast Chico area (Doe Mill core area), north Chico area (Chico core area), and thousands of acres stretching north and south of Chico (Vina Plains and Oroville core areas, respectively) where vernal pool habitat exists or has previously existed. These core areas near Chico are further categorized by the Recovery Plan as “Zone 1” core areas, which is the highest priority for planning for the recovery of the 33 plant and animal species covered by the plan. The Recovery Plan also notes that BCM is the most narrowly endemic species (it occurs in the smallest geographical area) among those vernal pool species covered by the Plan. These facts from the Recovery Plan are not essential for demonstrating that impacts to BCM from the Stonegate project are potentially significant and require mitigation; however, they do provide additional information to help readers understand why heightened mitigation ratios (19:1 for preservation) are required by Mitigation Measure BIO-2A for project impacts to BCM.

Although the Stonegate project site is considered core habitat under the Recovery Plan, this classification should not be confused with a designation of “critical habitat,” which has regulatory implications. From the Recovery Plan: “[a] critical habitat designation may include a subset of areas that may be identified within a recovery plan as important for recovery of a species, but the regulatory standard of adverse modification is measured in terms of effects on the primary constituent elements and essential functions provided by the critical habitat, as identified in the critical habitat designation, and not against recovery plan thresholds. Recovery plans, on the other hand are voluntary guidance documents, not regulatory documents that broadly address conservation needs of the species by identifying research, habitat protection and restoration, and management, and all other actions that must be taken to bring a species to a state in which it may be delisted or downlisted. Recovery planning documents are necessarily expansive, identifying as many options and strategies that may contribute to recovery as possible. None of the actions or maps associated with this recovery plan carry any regulatory authority.” (Executive Summary, page XXV)

As described by the USFWS in their delisting rule for the Virginia Northern Flying Squirrel: “[r]ecover plans are not regulatory documents and are instead intended to provide guidance to the Service, States, and other partners on methods of minimizing threats to listed species and on criteria that may be used to determine when recovery is achieved. There are many paths to accomplishing recovery of a species, and recovery may be achieved without all criteria being fully met.” 73 Fed. Reg. 50,226.

The overall goals listed in the 2006 Vernal Pools Recovery Plan are to “achieve and protect in perpetuity self-sustaining populations of each listed species, delist the 20 federally listed plant and animal species, and ensure the long-term conservation of the 13 species of special concern.” (USFWS 2006). The 19:1 preservation ratio to mitigate for impacts to BCM is derived

from the Recovery Plan goal of protecting 95 percent of existing BCM habitat; which the USFWS believes is one of the necessary steps to “downlist” the species (*i.e.* reclassify BCM from “endangered” to “threatened” or other status of lower concern under the Endangered Species Act). Mitigation Measure (MM) BIO-2A ensures that prior to impacts to BCM, the applicant shall provide preservation mitigation at a 19:1 ratio consistent with the Plan’s recovery step needed to downlist BCM, and/or creation of BCM habitat at a minimum 1.5:1 ratio that demonstrates a self-sustaining population whose density matches that of a reference population for three years. Approximately one-half of the existing occupied habitat will be preserved within the Stonegate Study Area through a conservation easement and will be actively managed to ensure long-term BCM success. Further, the Draft EIR analyzes the direct and indirect effects of impacts to BCM and associated habitat and requires mitigation for both types of impacts. Because the proposed 19:1 mitigation ratio meets the Recovery Plan criteria for downlisting BCM, the project will not significantly contribute to any cumulatively considerable impacts to BCM.

Ultimate regulatory authority falls to the USFWS and the CDFW and will be negotiated outside of the CEQA process. Mitigation Measure BIO-2A is intended to be flexible enough in its implementation to enable State and federal trustee agencies to complete their permitting requirements pertaining to BCM and require mitigation consistent with those permits for project impacts to BCM. State and federal trustee agencies will have detailed requirements for the Applicant, and the resulting permits may require different mitigation ratios from the Recovery Plan standard used in this EIR.

The largest and most extensive populations of Butte County meadowfoam are found on two geological formations: (1) the Red Bluff pediment, and; (2) the strath terraces composed of the A and B units of the Tuscan formation in an ancient abandoned drainage of the Feather River that parallels the north side of Table Mountain (Helley and Harwood 1985, Division of Mines 1992). These soils constitute a duripan with very little top soil that are inundated/saturated during winter rain events, but dry out rapidly. BCM typically occurs along swales and vernal moist areas, but not areas that are inundated for long duration. Because the soil types and conditions that support the species are rare and difficult to replicate, project mitigation emphasizes preservation and enhancement of occupied habitat².

Mitigation Bank

Regarding comments concerned with identification of a specific mitigation bank, the City of Chico is required under the CEQA Guidelines to impose mitigation for impacts to sensitive resources, but is not required to identify the exact location of the mitigation, per *California Native Plant Society v. City of Rancho Cordova*, No. 057018, 09 C.D.O.S. 3669. (2009). Previously approved projects utilized the Dove Ridge Mitigation Bank (sold out in 2011), or have acquired land containing BCM habitat and preserved the habitat with a conservation easement and

² Helley, E. J. and D. S. Harwood. 1985. *Geologic Map of the Late Cenozoic Deposits of the Sacramento Valley and Northern Sierran Foothills*. USGS MF-1790.

Habitat Mitigation and Monitoring Plan (Meriam Park). A new bank, the Sycamore Creek Conservation Bank, is currently proposed and under review by the Interagency Review Team. Mitigation Measure BIO-2A has been clarified to explain that the applicant may purchase property off-site that contains existing occupied BCM habitat to fulfill BCM preservation obligations. Such acquisition of off-site BCM habitat to mitigate for project impacts would require establishment of a long-term conservation easement, endowment or other funding mechanism for the long-term management of the species, and habitat mitigation and monitoring plan and interim and long-term management plans.

Feasibility of Mitigation Measure BIO-2A

The proposed mitigation for impacts to BCM provides for a range of options for mitigating impacts to enable State and federal trustee agencies to complete their permitting requirements pertaining to BCM and require mitigation consistent with those permits for project impacts to BCM. As proposed, project mitigation relies first on preservation and enhancement of existing habitat through the creation of the on-site preserve, protecting approximately one-half of the on-site population of BCM. In addition, the proposed mitigation incentivizes creation of new BCM habitat at a 1.5:1 ratio so that there is no-net-loss of occupied BCM habitat, consistent with the CEQA standard of avoiding significant, adverse effects.

One commenter requested information on the success of other projects that proposed to create BCM habitat, as occupied habitat consists of shallow native soils over a restrictive layer, which is very difficult to create. At the Tuscan Preserve (also known as Lower Wurlitzer Ranch), salvaged, occupied BCM substrate from the Doe Mill-Warfield Lane development (also known as the Farm Credit project) was introduced onto suitable, unoccupied habitat in the early 1990s where the population grew to exceed 6,000 individuals when surveyed in 2008. Several years of monitoring documented that the population was persistent. In that instance, surface material was salvaged from occupied habitat and placed in suitable habitat, without any required grading to develop shallow soils over a restrictive layer. For this project, the mitigation measure also proposes to salvage material from any occupied habitat for use to create new BCM habitat. Because the particular methods for the creation of BCM habitat will be adaptively managed, in consultation with the State and federal trustee agencies, MM BIO-2A does not provide detailed information related to creation of habitat.

For example, as proposed it is anticipated that the on-site preserve area (the 108-acre on-site preserve plus the 15-acre Doe Mill-Schmidbauer Meadowfoam Preserve) will be established primarily by having a Habitat Mitigation and Monitoring Plan approved by the USFWS. Once the preserve is under long-term protections there will be approximately 3.03 acres of BCM habitat preserved. Using the 19:1 ratio from MM BIO-2A for preservation, this preservation accounts for project impacts up to approximately 0.16 acres of BCM habitat. Large portions of the project site (along the east side of Bruce Road), can be developed with potential impacts to BCM remaining under the mitigated amount of 0.16 acres. Once development is proposed for construction beyond the amount for which mitigation is already in place the City shall withhold approvals for grading or other work until such time that additional mitigation is shown to be in place. This additional mitigation (per MM BIO-2A) may take the form of BCM habitat creation

within the preserve, purchasing credits at an approved mitigation bank that has come online in the intervening time, purchasing property containing BCM habitat and preserving it as approved by the resource agencies, or (in the case where onsite creation efforts have begun but the years of monitoring have not yet proven success rates) by securing the option to purchase credits or property with BCM habitat and providing the City with assurance that the acquisition can take place.

Indirect Impacts

Regarding indirect impacts to the onsite BCM preserve resulting from project construction, the project has been designed to develop portions of the site that are hydrologically isolated from preserve areas containing BCM. Because the vernal pools and swales on the Project Area are situated on very thin (approximately 1-3 inches) silty loam soils over a hardpan of cemented alluvium of volcanic rocks, the predominant hydrology is from overland flow. As discussed in Section IV.I Hydrology and Water Quality, flows on the site follow the topography that slopes from the northeast corner to the southwest, through the series of braided seasonal and vernal swales that are located on the Project site.

Figure IV.I-2, shows there is a minor ridgeline, or “rise” traversing the project site between the Diversion Channel and development proposed along Bruce Road that generally runs parallel to the edge of proposed development (typically 20-50 feet east of the development, distances vary). Storm water runoff from the development area east of Bruce Road flows southwesterly toward Bruce Road (away from the BCM populations in the preserve on proposed Parcel C), while storm water runoff within the BCM preserve generally flows toward the Butte Creek Diversion Channel. Hence, the largest BCM populations within the preserve are situated “over the rise” from the development along Bruce Road.

This hydrologic separation greatly reduces the potential for indirect impacts to BCM habitat that may result from storm water runoff from areas of the project disturbed by construction. In the case of the RS-20 lots on the east side of the Diversion Channel, there is a higher potential for construction activities to result in indirect impacts to a small amount of BCM located within the preserve just westerly (downslope) of Phase 12. The large areas of BCM located north of the rock wall bordering the northerly edge of Phase 12 are not downslope of the development area. As noted in the Project Description and Hydrology and Water Quality Chapter, a detailed grading, storm water runoff and erosion control plan will be prepared for the project, subject to the review approval of the City (DEIR Page III-19). Mitigation Measure BIO-3A applies to development of the RS-20 lots and requires installation of silt fencing or other appropriate BMP during construction to intercept any downhill transport of sediment from the construction area. Mitigation Measure BIO-2B requires the applicant to prepare a Weed Control Plan that details the locations and types of non-native and invasive weeds within the Project Area, and establishes adaptive management strategies for eradication of these from the site during disturbance activities. HYDRO-1 and HYDRO-2 provide mitigation related to erosion and siltation from altered drainage patterns. This measure requires consultation with USFWS and the CDFW for the timing of treatment to control populations, and application of pesticides will follow all applicable state and federal laws. The Habitat Mitigation and Monitoring Plan will

include long-term management specifications that support the long-term benefit of the species, including fencing, management of access, and that will identify any impacts to habitat that should be addressed as part of an adaptive management plan. In summary, the project design, existing regulatory controls and required mitigation will minimize the potential for indirect impacts from construction activities on BCM populations within the onsite preserve.

Section 5, Errata clarifies Mitigation Measure BIO-2A, as follows:

Mitigation Measure BIO-2A

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Prior to the issuance of a grading permit, the Applicant shall consult with both the USFWS and the CDFW to obtain authorization for project implementation and develop appropriate type and amount of compensatory mitigation for project impacts to Butte County meadowfoam (BCM) occupied habitat.

To compensate for project impacts to occupied BCM habitat the Applicant shall, prior to the issuance of a grading permit for each phase of development that will result in direct impacts to BCM:

- (1) Preserve and enhance BCM habitat within the 108-acre on-site preserve area and the Doe Mill-Schmidbauer Meadowfoam Preserve areas pursuant to a Habitat Mitigation and Monitoring Plan approved by the USFWS and the CDFW at a minimum 1:1 ratio for temporary impacts (1.0 acres enhanced over pre-project conditions for every one acre of temporarily impacted habitat) and at the ratios described below for permanent impacts. Enhancement activities will be detailed in the Habitat Mitigation and Monitoring Plan and will include vegetation management for non-native, annual grasses. In addition, in areas not previously documented to support BCM, but which consist of the same mapped soils association, BCM habitat will be created ~~through a site-specific restoration plan to mitigate~~ at a 1.5:1 ratio for permanent impacts (1.5 acres created over pre-project conditions for every one acre of permanently impacted habitat). Because successful creation of the microhabitat required by BCM cannot be guaranteed, a performance bond, annual letter of credit, or other such form of security acceptable to the City shall be established ~~prior to restoration activities taking place, to purchase BCM credits at an approved mitigation bank at ratios in an amount equivalent to the costs of purchasing BCM credits or purchasing property shown to support sufficient BCM habitat meeting the ratio requirements outlined in~~ Section (2) of this mitigation, below. The option to purchase the requisite credits or BCM habitat shall be secured by the applicant prior to approval of grading or other work resulting in impacts to BCM for which mitigation is not already in place. Creation of BCM habitat will likely consist of seed collection, contouring areas within the onsite preserve that are currently and historically not occupied by BCM to produce suitable topographical and hydrological conditions for BCM, sowing approximately 50 percent of the collected seed stock (holding the other 50 percent in reserve), and, if necessary, distributing topsoil from impacted BCM areas to the BCM habitat creation area.~~scraping topsoil to mimic the soil depth suitable for BCM (-4-6 inch depth of soil over bedrock) adjacent to swale habitat.~~

~~Topsoil from known locations of BCM in the impact area will be salvaged and transplanted to these created areas and observed for three years. Performance will be met only when density of BCM in created habitat matches reference population density in preserved habitat. The success of the on-site preserve for BCM habitat (enhancement and creation) shall be documented with before and after protocol-level, floristic, rare plant surveys that compare pre-project baseline BCM acreage and stem counts to post-restoration BCM acreage and stem counts. Biological monitoring for the successful establishment of BCM will be conducted for five years or until the success criteria are met for three years without human intervention. Monitoring will include: (a) monitoring of general conditions within the BCM establishment area including documentation of vegetation community, vegetative cover, and the presence of any erosion or sedimentation or other conditions that may be detrimental to the long-term viability of BCM populations; (b) the extent of BCM occurrence within the creation area will be recorded, following the methodology used to assess occupied habitat, and adjacent known BCM habitat will also be monitored to provide a reference for BCM populations; (c) the creation will be deemed successful when three years of monitoring of occupied BCM habitat within the creation areas meets or exceeds the creation ratio (i.e., 1.5:1); and (d) reserved BCM seed can be used during the monitoring period to supplement areas where BCM establishment is not meeting success criteria. The Habitat Mitigation and Monitoring Plan shall detail methods, locations, and goals for re-locating soils from impacted areas to the preserve BCM habitat creation efforts, and include contingency measures that address the potential that creation efforts could fall short of stated goals (including security provisions for acquiring off-site BCM habitat as noted above a performance bond posted by the Applicant during the restoration period matching the funding required to purchase credits at a 19:1 ratio); or,~~

- (2) Preserve habitat for BCM at a 19:1 ratio (19 acres of preservation for every one acre impacted) for direct impacts and at a 5:1 ratio (five acres of preservation for every one acre impacted) for indirect impacts. However, final habitat acreages, mitigation ratios, and other project-specific compensatory requirements for direct and indirect impacts shall be finalized during consultation between USFWS and the Corps as part of the Section 404 permitting process and during consultation with the CDFW. This compensatory mitigation may include one or a combination of the following options:

- Purchase BCM credits from an approved mitigation bank within the service area. The actual fee paid shall be that in effect at the time of payment.
- Preserve, as described in the Habitat Mitigation and Monitoring Plan, and enhance BCM habitat at an existing site where long-term protections encumbering the property are currently not in place. This would likely include habitat within the 108 acre on-site, open space preserve as well as the adjacent 14.76 acre Doe Mill-Schmidbauer Preserve (APN 018-510-002), which was dedicated to the City by the owner of the Stonegate project in 1989 in anticipation of mitigation requirements for a previous project that did not move forward at that time. This option may also include purchasing property off-site that contains existing occupied BCM habitat. In either

case, this option would require the preparation of a long-term management plan, subject to approval by USFWS and the City, prior to the start of construction, ~~along with an endowment for the long-term management of the property and a USFWS-approved conservation easement~~ to ensure that the population of BCM is protected in perpetuity.

Master Response 2— Identification of other Special Status Wildlife & Plants

Summary of Relevant Comments

Several commenters have noted that the project does not analyze impacts to common wildlife and other such species. Commenters have also stated personal sightings of various species on or near the project site. Lastly, a variety of comments discussed specific species and their inclusion or omission from the DEIR.

Response

Mitigation Measure BIO-1A provides mitigation for potential impacts to special-status and nesting bird species, including pre-construction surveys and establishment of the appropriate buffers for nest avoidance. No tree removal is proposed as part of the preferred project. Six special-status birds have the potential to utilize and nest within the Study Area: grasshopper sparrow, oak titmouse, white-tailed kite, loggerhead shrike, yellow-billed magpie, and Nuttall's woodpecker. Additionally, a variety of other native species with baseline protections under Federal and State law also presumably nest within the Study Area. Future impacts to these species through the development of the project are considered in the DEIR.

The CEQA process requires consideration of plant and animal species that, in the judgement of resource agencies, trustee agencies, and certain non-governmental organizations, (e.g. California Native Plant Society) warrant special consideration (see Appendix D-1). These species often include those designated “threatened”, “endangered”, or “candidate” for state or federal listing under CESA or ESA. Other species also include those ranked under the CNPS Inventory of Rare or Endangered Vascular Plants of California or are considered species of special concern by CDFW. Consideration also extends to riparian or wetland habitats and other biological communities that are ranked as sensitive communities by CDFW (S1-S3), or may be considered sensitive because they are rare or unique to a region. Grassland and upland habitat that is adjacent to vernal pools and the associated non-sensitive species do not require special consideration under CEQA. Further, mitigation requirements that re-establish or preserve habitat off-site will provide wetland habitat with the associated upland habitat refugia for these species, including nectar-producing forbs and host plants for native pollinators

In summary, there may be some impacts from the project on locally common wildlife species that currently use the undeveloped portions of the site; however, such impacts do not rise to a level of significance under CEQA as these species are regionally abundant, are not dependent on site-specific endemic habitat types, and are adapted to living in or near urban environments.

Master Response 3— Mitigation Credits

Summary of Relevant Comments

Several commenters have questioned the project's use of mitigation credits. Comments of this nature question if mitigation credits are a valid form of mitigation for a species.

Response

Compensation for impacts through replacement or substitution of resources or environment is considered mitigation under section 15370(e) of the CCR (CEQA guidelines). Both federal (USFWS) and state (CDFW) agencies have established policies that outline their requirements for evaluation and approval of compensatory mitigation through various mechanisms. The U.S. Fish and Wildlife Service Endangered Species Act (ESA) Compensatory Mitigation Policy (81 FR 95316) was published in the Federal Register on December 27, 2016 and provides guidance for USFWS personnel on how to evaluate and implement compensatory mitigation³. Under this policy, the USFWS provides guidance for USFWS personnel on how to evaluate and implement compensatory mitigation on a per-project basis and recognizes multiple mechanisms for mitigation—including permittee-responsible mitigation, conservation banking, in-lieu fee programs, and other third-party mitigation mechanisms. Similarly, California Fish and Game Code Chapter 7.9, Sections 1797 – 1799.1 govern the establishment of mitigation banks in California and recognize that mitigation banks can provide viable mitigation for adverse impacts caused by projects. Although agencies differ in their approach to accepting various forms of mitigation (e.g. enhancement or preservation), implementation of Mitigation Measure BIO-2A requires the project to obtain USFWS and CDFW approval of the mitigation strategy and obtain all applicable “take” permits prior to project impacts.

Master Response 4 — Webster Drive Extension

Summary of Relevant Comments

A number of commenters ask for clarification on the amount of traffic that would be added to Webster Drive as a result of the proposed project. The commenters have concerns that Webster Drive cannot handle an increase in through traffic. Commenters note that through traffic would create unacceptable levels of traffic delay. Commenters have noted potential safety issues with the proposed connection of Webster Drive to Bruce Road. Commenters believe such a connection will decrease the ability for pedestrians to utilize the street for non-auto uses.

³ U.S. Department of the Interior. January 17, 2017. Memorandum to Regional Directors Regarding Interim Guidance on Implementing the Final Endangered Species Act Compensatory Mitigation Policy. Available online at: https://www.fws.gov/endangered/improving_ESA/pdf/Interim_Guidance_for_Implementing_the_Endangered%20Species%20Act%20Jan%202017.pdf

A number of authors expressed concern about the project's potential to impact neighborhood events, increase crime within the area, and decrease home values as a result of extending Webster Drive to Bruce Road.

Lastly, commenters believe that Fremont Street should be used as connector instead of Webster Drive.

Response

Traffic Increase and Safety

Approximately four (4) percent of the overall new external vehicle trips would travel along Webster Drive, which is about 790 out of the total 19,600 new daily external project vehicle trips. This increased volume would add to the approximately 1,100 daily vehicle trips that currently occur on Webster Drive.

During the peak hour of travel in the morning (7:30 – 8:30 AM) and in the afternoon/evening (4:30 – 5:30 PM), the increase in traffic on Webster Drive is reflected by comparing the Existing traffic volumes at the Notre Dame Boulevard/Webster Drive intersection in Figure IV.0-3 with the Existing Plus Project traffic volumes at the intersection in Figure IV.O-9. The project would add approximately 77 new vehicle trips to the existing volume of 80 vehicle trips on Webster Drive during the morning peak hour, and 38 new vehicle trips to the existing volume of 93 vehicle trips in the afternoon/evening peak hour.

The traffic analysis for this project found that the intersection associated with this stretch of road would continue to operate at a Level Of Service A. Further, the proposed project is subject to City of Chico Municipal Code as it relates to design standards for roadway safety. The proposed project has been reviewed by the City of Chico Fire Department. The traffic analysis was also reviewed by the City of Chico Public Works Department for compliance with applicable safety standards.

Community Character, Crime, and Home Values

CEQA Guidelines Section 15064(e) establishes that social changes resulting from a project are only relevant to the extent that they result in physical changes to the environment. Thus, unless substantial evidence exists that clearly establishes that physical changes to the environment would result from the project's social impacts, such issues are outside the scope of CEQA review.

In this case, no evidence has been presented by any of the authors or speakers demonstrating that the proposed project would cause direct or indirect physical changes to the environment. As such, no nexus exists between these issues and the potential environmental impacts evaluated in the DEIR, and, therefore, these issues are outside the purview of the document.

Connection at Fremont Street instead of Webster Drive

A connection from Fremont Street to Bruce Road is infeasible for two reasons: 1) the applicant does not own the property on which such a street would need to be placed; 2) the property is slated for construction of a new school for the Chico Unified School District. As such, construction of a road from Fremont Street is infeasible.

Master Response 5— Alternatives***Summary of Relevant Comments***

Several commenters recommended an alternative that only allows development west of Bruce Road. Some of these commenters also asked for land that is designated for the Canyon View High School to be included in the alternative. Commenters expressed concern that the alternative was prematurely removed and that the alternatives section did not provide justification for its removal. Lastly, commenters noted that resource agencies have suggested development only west of Bruce Road in past letters.

Response

Alternatives considered but rejected as infeasible has been revised as follows:

Alternatives Considered but Rejected as Infeasible

As described above, Section 15126.6(c) of the CEQA Guidelines requires EIRs to identify any alternatives that were considered by the lead agency but were rejected for detailed study, and briefly explain the reasons underlying the lead agency's determination. Alternatives may be rejected based on: (1) failure to meet most of the basic project objectives, (2) infeasibility, or (3) inability to avoid significant environmental impacts. Furthermore, Section 15126(f)(1) states that "among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries...and whether the proponent can reasonably acquire or control or otherwise have access to the alternative site. No one of these factors established a fixed limit on the scope of reasonable alternatives."

An alternative involving development only west of Bruce Road was rejected as it would not meet most of the project objectives including the objectives to provide a significant number of single family ~~(460 lots)~~ and multi-family residential units ~~(12.4 acres)~~ to help meet the City's needs for housing. Development west of Bruce Road would limit the proposed project's ability to offer the City a significant number of lots without removal of other project elements. Increasing the number of lots for homes in a redesign would impact the project's ability to meet the objective of subdivision of the property into residential, commercial, open space, and park lots. In addition, the current design for west of Bruce Road does not include recreational park lots. Limiting development to west of Bruce Road would fail to meet the objective of including park lots.

The alternative also fails to meet the objective of creating residential neighborhoods in the project that offer a variety of housing types at various densities and price points to help meet the City's housing needs. Given that development west of Bruce Road would be limited to one neighborhood, it is not possible for housing types to differ among several neighborhoods.

The alternative further failed to meet the objective of enhancing public access to and protecting the integrity of the Butte Creek Diversion Channel and adjacent habitats. Confining development would prohibit all potential public access improvements for this area of the project site. Furthermore, development only on these parcels would not reduce the impacts to Butte County Meadowfoam (BCM) by a significant margin. The parcels owned by the applicant west of Bruce Road contain a significant amount of the project site's (BCM) population.

The alternative would reduce the project's potential to meet the objective of providing commercial centers at major intersections. The project site has two major intersections and one would be eliminated by the alternative. The Bruce/Skyway intersection corridor would be removed under such an alternative.

This alternative was further rejected, as it would ~~not provide~~ reduce the project site's ability to provide revenue to local businesses during project construction and operation in a financially feasible manner. This assessment was made because the alternative reduces the development potential of the project site by more than one-third. Such substantial reductions in project size would hamper the collection of adequate funds for the preserve management (via maintenance district paid by future owners within the project).

An off-site alternative was rejected because the project applicant does not own any other property in the City of Chico that would be feasible for this project or that could accommodate the density of this project in ~~the City of Chico~~ and cannot "reasonably acquire, control or otherwise have access to [an] alternative site" (refer to §15126.[f][1] of the CEQA Guidelines). Development of the parcel south of the project site, west of Bruce Road, was deemed infeasible due to the applicant not owning the parcel and its looming development. The Chico Unified School District has plans to develop the Canyon View High School on the parcel. Therefore, it is infeasible for the applicant to acquire or develop on that parcel. In addition, the proposed project is not unique in that development of a similar project elsewhere would not preclude nor eliminate demand for the development of the project on this project site.

III. RESPONSES TO WRITTEN COMMENTS

A. LIST OF AUTHORS

Author	Author Code
State Agencies	
California Department of Fish and Wildlife	CDFW
California Department of Transportation District 3.....	CALTRANS
Central Valley Flood Protection Board	CVFPB
Local Agencies	
Butte County Air Quality Management District	BCAQMD
Butte County Department of Public Works	BCDPW

Private Businesses, Individuals, and Organizations

Altacal Audubon Society	AAS
Aqua Terra Aeris	ATA
AquAlliance	AQUA
Laura Bogart	BOGART
Christina & Steve Buck	BUCK
Butte Environmental Council	BEC
California Indian Water Commission	CIWC
Paul & Kathy Coots	COOTS
Woody Elliott	ELLIOTT
Bryce Goldstein	GOLDSTEIN
Jacquie & Colin Harrison	HARRISON
Phillip & Kelly Hernandez	HERNANDEZ
Jennifer Jewell	JEWELL
Carol May Johnson	JOHNSON
Steve Kasprzyk	KASPRZYK
Douglas Keister	KEISTER
Larry Levin	LEVIN
Debra Meline	MELINE
John Merz	MERZ
Larry Mitchell	MITCHELL
M&T Ranch	MTR
Barbara O'Brien	OBRIEN.B
Steven O'Brien	OBRIEN.S
Mark Rodriguez	RODRIGUEZ
Mark Stemen	STEMEN
Scott Swanson	SWANSON
Susan & Steven Tchudi	TCHUDI
Leanne Thayne	THAYNE.L
Russell Thayne	THAYNE.R
Michael Trolinder	TROLINDER
Webster-New Dawn Neighbors	WNDN
Cox, Castle, & Nicholson	CCN

B. RESPONSES TO COMMENTS

B.1. – Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Chico, as the lead agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2016062049) for the Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone, and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

B.2. – Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

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Mike Sawley

From: Torres, Juan@Wildlife <Juan.Torres@wildlife.ca.gov>
Sent: Wednesday, May 23, 2018 10:25 PM
To: Mike Sawley
Subject: Stonegate Vesting Tentative Subdivision Map (S 15-05) and General Plan Amendment/Rezone 15-02 CDFW Comments

Mr. Sawley,

The California Department of Fish and Wildlife (CDFW) received and reviewed the Draft Environmental Impact Report (DEIR) from the City of Chico (City) for the Stonegate Vesting Tentative Subdivision Map (S 15-05) and General Plan Amendment/Rezone 15-02 (Project).

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.)

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory program (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required. CDFW also administers the Native Plant Protection Act, Natural Community Conservation Act, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

PROJECT DESCRIPTION SUMMARY

The Project site is located in the southeast quadrant of the City of Chico in Butte County, California and is comprised of four parcels totaling approximately 313 acres. The project site is located along the east and west side of Bruce Road, between E. 20th Street and the Skyway at Assessor Parcel Numbers (APNs) 002-190-041, 018-510-007, 008, and 009.

The Project proposes to subdivide the project site into a combination of open space, public right-of-way, park, single-family residential standard lots, single-family residential half-acre lots, multi-family residential lots, and commercial uses (proposed project). The proposed project consists of the Stonegate Subdivision Vesting Tentative Subdivision Map, and related permits and approvals necessary for implementation of the proposed subdivision. The proposed project includes zone changes and General Plan Amendments to establish Primary Open Space in APN 018-510-008 and 018-510-009 and to reconfigure the Residential and Commercial designations throughout the site. Three alternatives are proposed:

Alternative A. No Project Alternative. Under the No Project Alternative, the existing site would remain unchanged and no new development would occur on the project site.

Alternative B. Elimination of RS-20 Lots Alternative. Under this alternative, the proposed project would eliminate the proposed RS-20 lots in the southeast portion of the project site. In addition, Alternative B would eliminate all associated infrastructure associated with these lots.

Alternative C. Existing Land Use Designations Alternative. Under this alternative, the proposed project would not include amendments to the General Plan and Zoning land use designations. The project would be developed under the current General Plan and Zoning land use designations. Under Alternative C, the project would not include any community commercial lots, as it is not permitted under the existing land use designations.

Although the above listed alternatives would have different impacts to the environment, the DEIR does not include an alternative impact analysis that compares the different impacts caused by each alternative as required by CEQA section 15126.6 subdivision (d). The DEIR should include a complete impact analysis per each Alternative.

As described in the DEIR, the proposed project will result in significant impacts to Butte County Meadowfoam (*Limnanthes floccosa* ssp. *californica*) and other vernal pool species thus, CDFW recommends that a feasible alternative that reduces the impacts to this species to the maximum extent feasible is proposed as part of the Project. If additional alternatives were considered, but were discarded, the DEIR should include a brief description and explanation as to why they were dropped from additional analysis.

COMMENTS AND RECOMMENDATIONS

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

White-tailed Kite

The proposed Project will result in the removal of nesting and foraging habitat for white-tailed kite (*Elanus leucurus*). The DEIR does not analyze the significance of the impacts to this fully protected species. The DEIR shall include a detailed impact analysis including cumulative impacts to nesting and foraging habitat and determine if these impacts are significant. If the impacts are considered significant additional mitigation measures, such as replacement of nesting trees and foraging habitat, should be included in the DEIR.

Burrowing Owl

Habitat for burrowing owl (*Athene cunicularia*) is present within the project footprint and the California Natural Diversity Database (CNDDDB) yields the potential presence of this species near the project footprint. Please clarify if species-specific surveys were conducted for this project. The DEIR should include an impact analysis to this species and its habitat. Additional avoidance, minimization, and/or mitigation measures should be included in the DEIR if significant impacts to this species or its habitat are identified in the DEIR.

BCM and other Vernal Pool Species

Per the DEIR, rare plant surveys were conducted during 2016's spring and summer after five consecutive extremely dry years with drastically limited water availability. This may limit the effectiveness of the surveys, the impact analysis, and the habitat assessment prepared for the DEIR. The DEIR should include information regarding limitations that could affect the survey results and described how they were addressed. Previous surveys and historical aerial photos should have been used to verify the potential suitable habitat present within the project footprint. Please clarify if reference populations were checked while conducting the surveys to verify

the potential presence of the different rare plants. Checking the adaptation of known populations to the draught can provide essential information about the potential habitat present within the Project footprint to ensure that a correct baseline is established to analyze Project impacts.

Additional rare plant surveys were conducted in March 2018, but there is no data regarding the 2018 survey findings and the rare plant survey only includes specific data from 2016 surveys. The DEIR should clarify the type of surveys conducted in March 2018 and provide their findings. Additional surveys and habitat assessments may be required prior to starting construction to determine accurate project impacts to Butte County Meadowfoam (*Limnanthes floccosa ssp. californica*) (BCM) and other rare plant species.

The DEIR fails to demonstrate that the indirect effects at most locations will be limited to a 250-foot buffer. Without proper site specific hydrologic studies it is not possible to determine that the local hydrology will not be altered because of this project. This is especially important to assess the long-term viability of the preserve area. A hydrologic study should be prepared to demonstrate that the impacts are limited to the ones described in the DEIR and demonstrate that the preserve will be viable in the long term. Additional avoidance, minimization, and/or mitigation measures should be implemented and proposed in the environmental document if the study determines that the project will result in additional significant impacts to BCM.

The DEIR does not include any direct or indirect impact analysis caused by the installation of structures and landscape that will be closer to the protected areas. Invasive species could colonize the preserve, and pollutants such as herbicides, could reach the vernal pools in the preserve area. The DEIR should analyze these impacts individually and cumulatively and propose new avoidance, minimization, and/or mitigation measures to offset these impacts if they are deemed significant.

The DEIR proposes to mitigate the impacts restoring habitat on-site. Without a hydrologic study it is unclear that the property could sustain larger BCM populations so this mitigation may not be feasible. The DEIR proposes to purchase mitigation credits to offset impacts to BCM. Please note that there are no CDFW-approved mitigation banks available to offset impacts to BCM. The DEIR should include offsite mitigation in the event that additional mitigation is required to fully mitigate impacts to BCM.

As stated in previous letters, in 2009 the Service funded genetic research on BCM to assist in the recovery of this species (Sloop, 2009). This genetic study identified that the isolated, unconnected occurrences of BCM surrounding the City of Chico are genetically unique from occurrences north and south of the City of Chico. In order to preserve genetic variability, any offsite mitigation should occur within the same genetically distinct population. CDFW recommends that all mitigation efforts are coordinated with us as soon as possible.

Project applicant should coordinate with CDFW in the preparation of the Biological Assessment to ensure that the Biological Opinion (BO) satisfies CESA requirements. If the BO does not address all CESA requirements for issuing a consistency determination, an Incidental Take Permit will be required prior to starting construction activities.

There are no CDFW-approved mitigation banks for Western spadefoot toad (*Spea hammondi*), purchasing wetlands mitigation credits is not appropriate mitigation for this species. Additional mitigation strategies to offset impacts to this species should be implemented.

Lake and Streambed Alteration.

Based on different maps included in the DEIR, historic aerial photographs, and topographic maps; CDFW is concerned that the DEIR underestimated the areas that may be subject to CDFW Lake and Streambed Alteration

Program. Please note that vernal pools with hydrological connection to ephemeral streams or swales could be subject to Lake and Streambed Alteration Program. As mentioned above, studies were conducted during a severe drought's fifth year. This may have caused an underrepresentation of the wetlands and other resources that may be subject to the Lake and Streambed Alteration Program. Riverine seasonal wetlands as described in the DEIR have the potential to be subject to this program.

A hydrologic study should be prepared to ensure what features, including vernal pools, are subject to the Lake and Streambed Alteration Program.

Please note that the project area is outside of all service areas of CDFW-approved mitigation banks. The DEIR should include feasible mitigation measures to offset permanent impacts to the features and habitats that may be subject to Lake and Streambed Alteration Program. Measures could include, but are not limited to, the restoration, creation, or permanent protection of habitat of similar or greater biological value to the ones permanently impacted by the project.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

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

CONCLUSION

Pursuant to Public Resources Code §21092 and §21092.2, the Department requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.

CDFW appreciates the opportunity to comment on the DEIR to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination, please contact me.

Juan Lopez Torres
Senior Environmental Scientist (Specialist)



**NORTH CENTRAL REGION
HABITAT CONSERVATION PROGRAM**

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State Agencies

California Department of Fish and Wildlife (CDFW)

Response to CDFW-1

The agency provided introductory remarks to open the letter. No response is necessary.

Response to CDFW-2

The agency provided a project summary. No response is necessary.

Response to CDFW-3

The agency provided an introduction to their comments and recommendations. No response is necessary.

Response to CDFW-4

The agency states that the DEIR does not analyze the significance of the impacts to white-tailed kite (*Elanus leucurus*).

As stated on page IV.D-46

The proposed project has the potential to significantly impact nesting birds documented to occur near the project site, including: **white-tailed kite (observed during the April 23, April 24, and May 18, 2016 site visits)**, grasshopper sparrow, oak titmouse, loggerhead shrike, yellow-billed magpie, Nuttall's woodpecker, and non-special-status birds protected by MBTA and CFGC (CDFW 2017, USFWS 2016). Impacts may occur by modifying nesting habitat or by causing disturbance of a sufficient level to cause abandonment of an active nest. As stated above, the majority of the project site is comprised of annual grasslands, which serves as either foraging or nesting habitat for both special-status and non-special-status nesting birds. Approximately 180.48 acres of annual grasslands would be directly impacted by project activities. In addition to these annual grasslands, both the riparian oak woodland and mixed riparian woodland provide foraging and nesting habitat for special-status and non-special-status nesting birds. The proposed project would directly impact approximately 0.02 acres and indirectly 1.08 acres of mixed riparian woodland. Impacts to these species and their habitats would occur during the removal of vegetation or other major ground disturbance (i.e. via heavy machinery). These activities have the potential to result in the direct removal or destruction of active nests, as well as generate indirect impacts from audible, vibratory and/or visual disturbances that may result in nest abandonment.

The proposed project would not remove any trees and would have minimal direct impacts to the species. Furthermore, compliance with Mitigation Measure BIO-1A would further reduce any potential impacts to a less than significant level.

Response to CDFW-5

The agency states that Habitat for burrowing owl (*Athene cunicularia*) is present within the project footprint and the California Natural Diversity Database (CNDDDB) yields results showing the potential presence of this species near the project footprint. The agency asks for clarification regarding whether species-specific surveys were conducted for this project.

As stated in Appendix D-1 of the DEIR, page B-16:

Open grassland within the Study Area provides ostensibly suitable year-round habitat for this species. The nearest documented CNDDDB occurrence is located approximately 0.3 mile east of the Study Area (dating from 2008; CDFW 2016), and nearby observations have also been reported on eBird (2016). However, no ground squirrel burrows or analogous refugia suitable for this species were observed during the site visit.

The project site was surveyed by a WRA wildlife expert on May 17 and 18, 2016. Since the necessary habitat components for this species were not found at the site it was deemed unlikely to occur at the site where it could potentially be impacted by the project. Therefore, burrowing owl was ruled out of warranting further impact discussions in the DEIR. Nonetheless, Mitigation Measure BIO-1A requires preconstruction surveys for nesting bird species protected by the MBTA and California Fish and Game Code.

Response to CDFW-6

The agency states that the 2016 rare plant surveys were conducted in dry years with limited water availability and the DEIR should include information regarding limitations that could affect the survey results and described how they were addressed. The agency further asks for clarification if reference populations were used.

As stated in Appendix D-2 of the DEIR:

Overall rainfall for the three-month period preceding the April surveys was normal. (page i)

1.2.3 Conditions Affecting Results

The CDFW plant survey guidelines (CDFG 2009) state that “adverse conditions may prevent investigators from determining the presence of, or accurately identifying, some species in potential habitat of target species. Disease, drought, predation, or herbivory may preclude the presence or identification of target species in any given year.” WRA did not observe any signs of disease, drought (see precipitation data in section 1.2.2), predation, or herbivory that would preclude the presence or identification of target species during the April 2016 survey. The CDFW plant survey guidelines (CDFG 2009) also state that “the failure to locate a known rare plant occurrence during one field season does not constitute evidence that this plant occurrence no longer exists at this location, particularly if adverse conditions are present. For example, surveys over a number of years may be necessary if the species is an annual plant having a persistent, long-lived seed bank and is known not to germinate every year. To further substantiate

negative findings for a known occurrence, a visit to a nearby reference site may ensure that the timing of the survey was appropriate.” Previously reported occurrences of Butte County meadowfoam suggest that the population in the Study Area can be highly variable from year to year (CDFW 2016; Leidos 2015). As such, the USFWS recommends two years of surveys within a five-year period to determine presence/absence of Butte County meadowfoam. As stated above, the CNPS guidelines (CNPS 2001) state that surveys should be conducted at a time of year when species are “both evident and identifiable.” The survey was conducted during the published blooming period of the target species. However, while the survey was within the published blooming period for Butte County meadowfoam, individuals of this species observed in the Study Area had recently finished blooming and were in fruit at the time of the survey. Butte County meadowfoam was still identifiable via fruiting characteristics, but was less conspicuous in this state than it would have been at peak bloom. (page 16)

Visits to reference populations of most target rare plant species were not feasible as nearby reported occurrences of special-status species with potential to occur in the Study Area were located on private property and inaccessible. (page 17)

Therefore, the DEIR did include a discussion of potential limitations that could affect survey results and noted that visiting reference populations was not feasible. Please refer to Master Response 1 for additional information about BCM.

Response to CDFW-7

The agency states that there is no data regarding the additional rare plant survey from 2018. The comment further asks that the DEIR clarify the type of surveys completed and provide their findings.

The DEIR currently includes the survey results from 2018. The rare plant survey includes the data for the 2018 survey. However, Section 4.0 Conclusions was not updated following the 2018 surveys to reflect the data and text found throughout the rare plant survey. The rare plant survey has now been updated to reflect results from all surveys performed for the site. The updated text is shown in Section 5, Errata.

Response to CDFW-8

The agency has concerns about the effectiveness of a 250-foot buffer to mitigate indirect impacts. The agency also raises the concern that a hydrological study is required to make these assessments.

Please refer to Master Response 1 regarding potential indirect impacts to BCM retained within the onsite preserve. Due to the existing topography of the Stonegate site, as well as existing regulatory controls and required mitigation measures, most of the potential indirect impacts to BCM identified within the 250-foot buffer along the onsite preserve are not likely to be realized. Nonetheless, Mitigation Measure BIO-2A would require the Applicant to mitigate for any indirect impacts to BCM that occur as a result of project implementation.

Response to CDFW-9

The agency states that the DEIR “does not include any direct or indirect impact analyses caused by the installation of structures and landscape that will be closer to the protected areas”. The agency also has concerns about the potential for invasive species to colonize the preserve and pollutants to reach vernal pools in the preserve.

See response to CDFW-8 and Master Response #1 for analyses of indirect impacts. Mitigation Measure BIO-2B requires the applicant to prepare a Weed Control Plan that details the locations and types of non-native and invasive weeds within the Project Area, and establishes adaptive management strategies for their eradication from the site during disturbance activities. This measure requires consultation with USFWS for the timing of treatment to control populations, and application of herbicides will follow all applicable state and federal laws.

Response to CDFW-10

The author states that the DEIR proposed to mitigate with on-site habitat restoration. The agency comments that this may not be feasible because the property may not be able to sustain larger BCM populations. Lastly, the agency comments that there are no CDFW-approved mitigation banks available to offset impacts to BCM.

Please refer to Master Response 1. Mitigation Measure BIO-2A provides a range of options for mitigating impacts to BCM, including acquisition of off-site property containing BCM habitat in addition to purchasing credits at an approved mitigation bank or onsite creation of BCM habitat.

Response to CDFW-11

The agency references a genetics study of BCM, Sloop 2009, and recommends that “any offsite mitigation should occur within the same genetically distinct population. CDFW recommends that all mitigation efforts are coordinated with us as soon as possible.”

Sloop et al. 2011⁴ conducted follow-up genetic analysis of BCM and determined that the sampled BCM populations, which included locations at the project site, show low levels of genetic variation within and among populations. Within the Study Area, approximately one-half of the occupied BCM habitat will be preserved, and mitigation directs that the other half be used toward BCM habitat creation within the onsite preserve thereby maximizing the retention of genetic material that exists among clusters of BCM located at the project site. Establishment of the on-site mitigation preserve is sufficient to ensure that the local population’s genetics are conserved.

Response to CDFW-12

The agency provides background on requirements for CESA compliance. No response is necessary.

⁴ Sloop, C.M., Pickens, C., Gordon, S.P. Conservation genetics of Butte County Meadowfoam (*Limnanthes floccosa* ssp. *californica* Arroyo), an endangered vernal pool endemic

Response to CDFW-13

The agency notes that no CDFW mitigation banks for Western spadefoot toad (*Spea hammondi*) are currently available. The agency also suggests that purchase of mitigation bank credits for wetlands is not appropriate mitigation and suggest other strategies to offset impacts be implemented.

As found on pages IV.D-48 and IV.D-49, wetland mitigation bank credits are only one aspect of the mitigation for Western spadefoot toad (*Spea hammondi*). The mitigation measure requires pre-construction surveys, work windows, consultation with CDFW, and the creation, preservation, or restoration of habitat or credit purchases. Mitigation Measure BIO-1C is provided below:

Prior to issuance of a grading permit, the Applicant shall implement the following measures to reduce impacts to western spadefoot:

- Prior to initial ground disturbance, a pre-construction presence/absence survey shall be conducted by a qualified biologist using appropriate site-specific methodology (e.g., visual surveys for adult spadefoots during or immediately following the first heavy rains of the fall/winter period). A qualified biologist may also survey aquatic habitat for breeding adults, eggs, and/or larvae. If western spadefoot is not present, impacts to this species would be avoided. The results of the survey shall be compiled into a report and submitted to the City for review and approval prior implementation of the following measures if western spadefoot is present:
- If western spadefoots individuals are found within or adjacent to the Study Area, the Applicant shall retain a qualified biologist to consult with CDFW to determine appropriate mitigation for impacts to western spadefoot habitat and individuals.
- In addition to consultation with CDFW, construction activities shall take place during the dry season (generally June 1 through September 30) within two kilometers of aquatic habitats. If construction activities extend into the wet season (generally October 1 through May 31), temporary exclusion fencing shall be installed 100 feet from work areas to prevent western spadefoot from entering construction areas. In addition, the following BMPs shall be implemented during construction:
 - Escape ramps shall be installed in all trenches or excavations to allow western spadefoot to escape.
 - Biological monitoring shall be provided by an agency-approved biologist during construction in all areas within two kilometers of aquatic habitats. The biological monitor shall identify, capture, and relocate western spadefoot present in the work area to a pre-approved location, if necessary.
 - Water quality of western spadefoot habitat shall be maintained through implementation of appropriate erosion-control measures to reduce siltation and contaminated runoff from the project by maintaining vegetation within buffers and/or through the use of hay bales, filter fences, vegetative buffer strips, or other accepted equivalents.

- In addition, the proposed project shall be required to mitigate for impacts to 9.35 acres (Direct impacts) and 4.51 acres (Indirect Impacts) of aquatic resources that shall result in the creation, preservation, restoration, or purchase of mitigation bank credits for wetlands (see *Mitigation Measure BIO-4* below).

Therefore, Mitigation Measure BIO-1C provides a range of options for mitigating potential impacts to western spadefoot including creation, preservation and/or restoration, which do not depend on the availability of mitigation bank credits.

Response to CDFW-14

The agency expresses concern that, because the project site was surveyed following several dry years the amount of wetlands subject to the agency's Lake and Streambed Alteration Program may be underrepresented. The agency further states that vernal pools with a hydrological connection to ephemeral streams or swales could be subject to the Program.

The DEIR utilized a USACE-certified wetland delineation to identify potentially jurisdictional features within the project site. As noted in Appendix D-3 (Aquatic Resources Delineation), the wetland delineation was prepared by Foothill and Associates in accordance with the technical guidelines provided in the USACE Wetlands Delineation Manual (Environmental Laboratory 1987), USACE Arid West Regional Supplement (Corps 2008), as well as the Minimum Standards for Acceptance of Aquatic Resources Delineation Reports (Corps 2016). The Supplement presents wetland indicators, delineation guidance, and other information that is specific to the Arid West Region with a predominantly dry climate and long summer dry season. The delineation was conducted following a review of historic and recent aerial photographs, topographic maps and soil survey data. Wetlands on the site were identified using a three-parameter methodology that considers soils, vegetation and hydrology to determine presence of a jurisdictional wetland. The site was visited during the wet season, so saturation and inundation were the most commonly observed hydrologic indicator, though the delineation also used indicators such as water marks, drift lines and sediment deposits to evaluate hydrology. In addition, WRA biologists conducted site visits to confirm features within the project site.

It is acknowledged that there may be a difference between the amount of wetlands subject to CDFW's Lake and Streambed Alteration Program and the amount of wetlands mapped following the USACE wetland delineation methodology and guidance documents outlined above. However, Mitigation Measure BIO-4 requires the Applicant to obtain a Lake and Streambed Alteration (LSA) Agreement from the CDFW as required under Section 1602 of the Fish and Game Code, and to abide by the conditions of that authorization. Since the wetland delineation considered factors associated with mapping wetlands in dry climate conditions and CDFW will retain the ability to determine which aquatic features at the site are subject to the LSA Agreement required for the project, this comment does not identify a potentially significant environmental impact omitted from the DEIR.

Response to CDFW-15

The agency suggests that a hydrological study be prepared to identify potential features that are jurisdictional under the Lake and Streambed Alteration Program.

See Response to CDFW-14, above.

Response to CDFW-16

The agency notes that the project area is outside all service areas of CDFW-approved mitigation banks. The agency recommends that the DEIR include mitigation to offset permanent impacts to the features and habitats that may be subject to the Lake and Streambed Alteration Program.

The agency does not provide a specific comment or deficiency of the DEIR. Impacts to Biological Resources are discussed in detail in Section IV.D.

Response to CDFW-17

The agency requests that any environmental data collected from the project be used to update CNDDDB. No response is necessary

Response to CDFW-18

The agency provides background on applicable CEQA filing fees. No response is necessary

Response to CDFW-19

The agency requests that they be notified of any proposed actions and pending decisions regarding the project. No response is necessary

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DEPARTMENT OF TRANSPORTATION

DISTRICT 3
703 B STREET
MARYSVILLE, CA 95901
PHONE (530) 741-4286
FAX (530) 741-5346
TTY 711
www.dot.ca.gov

CALTRANS

Page 1 of 2



*Serious drought.
Help save water!*

May 23, 2018

GTS# 03-BUT-2018-00084
03-BUT-99 PM 30.645
SCH# 2016062049

Mr. Mike Sawley
City of Chico Community Development
411 Main Street
Chico, CA 95928

Stonegate Vesting Tentative Map

Dear Mike Sawley:

Thank you for including the California Department of Transportation (Caltrans) in the environmental/application review process for the project referenced above. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

The applicant proposes to subdivide 313 acres of land into a combination of 109 acres of open space, public right-of-way (ROW), 3.3 acres of park, 81 acres of single-family residential standard lots (424 lots), 22.3 acres of single-family half-acre lots (45 lots), 13.4 acres of multi-family residential lots, and 36.6 acres of commercial lots. The project site is located along the east and west side of Bruce Road, between E. 20th Street and Skyway. The following comments are based on the Draft Environmental Impact Report (DEIR) received.

Hydraulics

- No net increase to 100-year storm event peak discharge may be realized within the State's highway right of way and/or Caltrans drainage facilities as a result of the project. Further, the developer must maintain, or improve existing drainage patterns and/or facilities affected by the proposed project to the satisfaction of the State and Caltrans. This may be accomplished through the implementation of stormwater management Best Management Practices (BMPs) (i.e., detention/retention ponds or basins, sub-surface galleries, on-site storage and/or infiltration ditches, etc.) as applicable. Once installed, the property owner must properly maintain these systems. The proponent/developer may be held liable for

"Provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability"

Mr. Mike Sawley, City of Chico Community Development

May 23, 2018

Page 2

future damages due to impacts for which adequate mitigation was not undertaken or sustained.

- Should any runoff from the proposed project enter the State's highway right of way and/or Caltrans drainage facilities, it must meet all Regional Water Quality Control Board water quality standards prior to entering the State's highway right of way or Caltrans drainage facilities. Appropriate stormwater quality BMPs (i.e., oil/water separators, clarifiers, infiltration systems, etc.) may be applied to ensure that runoff from the site meets these standards (i.e., is free of oils, greases, metals, sands, sediment, etc.). Once installed, the property owner must properly maintain these systems.
- All work proposed and performed within the State's highway right of way must be in accordance with Caltrans' standards and require a Caltrans Encroachment Permit prior to commencing construction.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any question regarding these comments or require additional information, please contact Nima Kabirinassab, Intergovernmental Review Coordinator for Butte County, by phone (530) 741-5452 or via email at Nima.Kabirinassab@dot.ca.gov.

Sincerely,



KEVIN YOUNT, Branch Chief
Office of Transportation Planning
Regional Planning Branch—North

California Department of Transportation (CALTRANS)***Response to CALTRANS-1***

The agency provided introductory remarks to open the letter. No response is necessary.

Response to CALTRANS-2

The agency provided standard language about increases to post-construction stormwater requirements within the State's highway right-of-way and/or Caltrans facilities resulting from the project.

The Draft EIR acknowledged these requirements and requires the applicant to prepare and submit a Storm Water Mitigation Plan to the City of Chico for review and approval that identifies stormwater pollution prevention measures for operational activities. Chico Municipal Code Chapter 16R.37 describes the City's floodplain management standards, which apply to all development occurring within a FEMA 100-year flood hazard zone. The floodplain management standards require future developments to be properly anchored, elevated, and constructed to resist or minimize flood damage. The City also prohibits obstructions, which would cause or contribute to an increase in flood heights and velocities. The proposed project would comply with the applicable post-construction stormwater requirements.

Response to CALTRANS-3

The agency provided standard language about Caltrans Encroachment Permit requirements. No response is necessary.

Response to CALTRANS-4

The agency provided concluding remarks to close the letter. No response is necessary.

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629 Entler Avenue, Suite 15
Chico, CA 95928

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

W. James Wagoner
Air Pollution Control Officer

David J. Lusk
Assistant Air Pollution Control Officer

May 22, 2017

City of Chico Planning Department
Attn: Mike Sawley, Associate Planner
P.O. Box 3420
Chico, CA 95927

RE: Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone
DEIR

Dear Mr. Sawley,

The Butte County Air Quality Management District (District) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the project listed above. Based on the information reviewed, the District has the following comments:

1. District Rule 205 *Fugitive Dust Emissions* prohibits dust from an active construction project from leaving the property line of the emission source. District Rule 205 also places limits on dust opacity and vehicle track-out. The District notes that Mitigation Measure AIR-2A, if implemented, will assist the project with complying with the requirements of District Rule 205.
2. Page IV.C-10: *Other Inputs*. District Rule 207 *Wood Burning Devices* does allow for the installation of a new wood burning device as long as the new device is District approved (EPA Phase II certified). Local planners were asked by the District to use zero (0) new woodstoves as a default, unless the project specifically intends to propose installation of wood-burning devices.
3. The District recognizes that impacts from Construction Period Emissions are expected to be less than significant if Mitigation Measures AIR-2A and AIR-2B are implemented.
4. The District recognizes that impacts from Operational Period Emissions are expected to be less than significant if Mitigation Measure AIR-2C/GHG-1 is implemented. It is the District's position that on-site mitigation measures are preferred over off-site mitigation measures if feasible, however the District is available to assist the Lead Agency and Project Applicant reach the required emission reductions through the District's Off-Site Mitigation Program.
5. The District recognizes that impacts from Greenhouse Gas Emissions are expected to be significant, even with the implementation of Mitigation Measure AIR-2C/GHG-1. The District notes that the emission reductions from the mitigation measures in Table IV.G-1 were not quantified. A 2010 document titled *Quantifying Greenhouse Gas Mitigation Measures* is available from the California Air Pollution Control Officer's Association (CAPCOA) at <http://www.capcoa.org/documents/>. This document also provides guidance on quantifying emission reductions for criterial pollutants. The Sacramento Metropolitan Air Quality Management District maintains a document labeled *Recommended Guidance for Land Use Emission Reductions*. This document further details how emission reductions can be quantified inside and outside of CALEEMOD for both greenhouse gases and criteria pollutants: <http://www.airquality.org/LandUseTransportation/Documents/SMAQMDLandUseEmissionReductions4.0Final.pdf>.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Mandly", with a large, stylized flourish extending to the right.

Jason Mandly
Senior Air Quality Planner

Local Agencies

Butte County Air Quality Management District (BCAQMD)

Response to BCAQMD-1

The agency provided introductory remarks to open the letter. No response is necessary.

Response to BCAQMD-2

The agency states that the project would be subject to District Rule 205 Fugitive dust emissions. The comment further states that Mitigation Measure AIR-2A would assist with compliance with the rule.

Response to BCAQMD-3

The agency clarifies that District Rule 2017 does allow for installation of a new wood burning devices. The proposed project does not intend or propose to use new wood burning devices

Response to BCAQMD-4

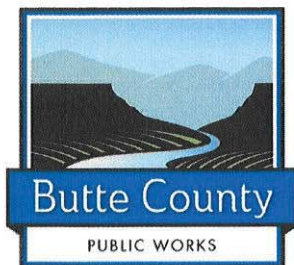
The agency states that it recognizes that Construction Period Impacts are expected to be less than significant with implementation of Mitigation Measure AIR-2C/GHG-1 and do not require additional mitigation measures. No response is necessary.

Response to BCAQMD-5

The agency states that it recognizes that Greenhouse Gas Impacts are expected to be significant and unavoidable, even with implementation of Mitigation Measure AIR-2C/GHG-1. The commenter notes that no emission reductions were taken for Mitigation Measure AIR-2C/GHG-1.

The DEIR provides for a worst-case scenario of potential Greenhouse Gas Emissions. As such, a conservative approach was taken to Greenhouse Gas Emissions and did not take emission reductions from the project design features listed in Table IV.G-1 of the DEIR. The DEIR analysis took into account trip generation with the trip reductions (internalization, mixed use, passby, etc) in its analysis. Additional details on these trip reductions can be found in Section IV.O. To avoid the potential for double counting reductions, additional reductions were not taken. As the estimate provides for a conservative amount, it covers all potential outcomes.

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Department of Public Works
Land Development Division

Dennis Schmidt, Director
Radley Ott, Assistant Director

7 County Center Drive
Oroville, California 95965

T: 530.538.7266
F: 530.538.7171

buttecounty.net/publicworks

May 23, 2018

City of Chico
Community Development Department
411 Main Street, 2nd Floor
Post Office Box 3420
Chico, CA 95928

Attn: Mike Sawley, AICP, Senior Planner

RE: Notice of Availability of a Draft Environmental Impact Report ("Draft EIR") for the
Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/
Rezone

Subject: Butte County Department of Public Works Comments

Dear Mr. Summerville

This letter is to provide comments on the reference project planned to be located within the
City of Chico. Our comments are as follows:

1. The applicant will need to secure an encroachment permit from the Central Valley Flood Control Board (CVFPB) to discharge drainage into the Butte Creek Diversion Channel. The CVFPB holds the easement for the channel. 1
2. The applicant will need to coordinate with the California Department of Water Resources (DWR) for any connections to the Butte Creek Diversion Channel. DWR is responsible for maintenance of the channel and its levee system. 2
3. With the proposed connection of Street S and Street V, serving the easterly lots of the project to Potter Road and ultimately to the Skyway, there needs to be a traffic analysis completed to determine if a traffic signal is warranted at the intersection of Potter Road and the Skyway. With high volumes of traffic on the Skyway, there may need to be a signal installed so that traffic generated from the project can safely enter and exit the project site. 3
4. Any work associated with the possible reconfiguration of the Skyway near Potter Road will require review and approval by the County. Execution of road construction work in the County will require issuance of an Encroachment permit through the County Public Works Department. 4
5. In accordance with SB5, SB1278, and the Central Valley Flood Protection Plan (CVFPP), portions of the project site are subject to the 200-year flood. An analysis should be conducted to determine the extent of the 200-year floodplain on the site and determine if the project is subject to the Urban Level of Flood Protection Criteria. 5

(ULOP). Copies of the DWR 200 Year Flood Plain Maps for the project site and the ULOP document are attached for reference.

Our Department previously commented on the Notice of Preparation of the DEIR on July 7, 2016 and have attached our previous letter with the attachments for your reference.

This concludes our comments at this time but should the project change we would appreciate the opportunity to review those changes. Should you have any questions concerning our comments I can be contacted at the number above or at tfossum@buttecounty.net.

Sincerely,



Thomas A. Fossum, P.E.
Deputy Director

CC: Butte County Development Services Department
Dennis Schmidt, Director Butte County Public Works Department
Casey Hatcher, Deputy Administrative Officer, Butte County.

Encl.: Urban Level of Flood Protection Criteria
DWR 200 Year Flood Plain Maps for the Chico Region

Butte County Department of Public Works (BCDPW)*Response to BCDPW-1*

The agency states that the applicant will need to secure an encroachment permit with CVFPB. As stated on IV.I-28

Mitigation Measure HYDRO-2: The project applicant shall coordinate levee modification activities (if any) with the California Department of Water Resources and obtain an encroachment permit from the Central Valley Flood Protection Board (CVFPB) prior to commencing project construction activities.

The project applicant is required to secure an encroachment permit with CVFPB.

Response to BCDPW-2

The agency states that the applicant will need to consult with DWR for any connections to the Butte Creek Diversion Channel.

Please refer to response BCDPW-1. Mitigation Measure HYDRO-2 requires this consultation, as needed.

Response to BCDPW-3

The commenter notes that a traffic signal may be required at the intersection of Skyway and Potter Road.

The cumulative analysis for the project assumes that a traffic signal will be constructed at this intersection. The proposed project would be required to pay its fair share towards the construction of such a signal.

Response to BCDPW-4

The agency states that any reconfiguration of the Skyway near Potter Road will require review and approval by the County.

The project would comply with all County review and approvals, if needed, for alterations to Skyway near Potter Road.

Response to BCDPW-5

The commenter notes that the project is subject to SB 5, SB 1278 and the Central Valley Flood Protection Plan (CVFPP). These regulations have requirements of analysis and disclosure for projects that are within the 200-year floodplain.

As shown on Figure IV.I-1, portions of the project site are located within the 200-year flood plain. As stated on page IV-I-18, according to the DWR's Central Valley Flood Protection Plan, future developments on the project site may be subject to the Urban Level of Flood Protection Criteria. Based on a detailed cross-sectional analysis of existing flooding zones on the project site, none of the proposed structures would exceed the Urban Level of Criterion of being placed more than 3 feet below the DWR's 200-year base flood elevation.

Response to BCDPW-6

The agency provides final remarks and includes comments made during the NOP phase of the DEIR. No response is required.

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Ste. 170
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682



April 10, 2018

RECEIVED

APR 16 2018

CITY OF CHICO
PLANNING SERVICES

Mr. Mike Sawley
City of Chico
P.O. Box 3420
Chico, California 95927

Subject: Stonegate Vesting Tentative Subdivision Map and General Plan
Amendment/Rezone, Draft Environmental Impact Report,
SCH Number: 2016062049

Location: Butte County

Dear Mr. Sawley,

Central Valley Flood Protection Board (Board) staff has reviewed the subject document and provides the following comments:

The proposed project is within Butte Creek, a regulated stream under Board jurisdiction, and may require a Board permit prior to construction.

The Board's jurisdiction covers the entire Central Valley including all tributaries and distributaries of the Sacramento and San Joaquin Rivers, and the Tulare and Buena Vista basins south of the San Joaquin River.

Under authorities granted by California Water Code and Public Resources Code statutes, the Board enforces its Title 23, California Code of Regulations (Title 23) for the construction, maintenance, and protection of adopted plans of flood control, including the federal-State facilities of the State Plan of Flood Control, regulated streams, and designated floodways.

Pursuant to Title 23, Section 6 a Board permit is required prior to working within the Board's jurisdiction for the placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee.

Permits may also be required to bring existing works that predate permitting into compliance with Title 23, or where it is necessary to establish the conditions normally imposed by

Mr. Mike Sawley
April 10, 2018
Page 2 of 2

permitting. The circumstances include those where responsibility for the works has not been clearly established or ownership and use have been revised.

Other federal (including U.S. Army Corps of Engineers Section 10 and 404 regulatory permits), State and local agency permits may be required and are the applicant's responsibility to obtain.

Board permit applications and Title 23 regulations are available on our website at <http://www.cvfpb.ca.gov/>. Maps of the Board's jurisdiction are also available from the California Department of Water Resources website at <http://gis.bam.water.ca.gov/bam/>.

Please contact James Herota at (916) 574-0651, or via email at James.Herota@CVFlood.ca.gov if you have any questions.

Sincerely,



Andrea Buckley
Environmental Services and Land Management Branch Chief

cc: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

Central Valley Flood Protection Board (CVFPB)

Response to CVFPB-1

The agency provides introductory remarks to open the letter. No response is necessary.

Response to CVFPB-2

The agency provides a summary of relevant regulations that may be applicable to the project. It does not provide specific question or statements about the DEIR. No response is necessary.

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PRIVATE BUSINESSES, INDIVIDUALS, AND ORGANIZATIONS

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May 18,2018

City of Chico Planning Department
PO Box 3420, Chico, CA 95927
Attn: Senior Planner Mike Sawley,

Dear Mr. Sawley,

In regards to a request for submittals on the adequacy of the Stonegate Development Draft Environmental Impact Report, Altacal Audubon Society respectfully submits the following:

The following inadequacies were found in section IV. ENVIRONMENTAL IMPACT ANALYSIS
D. BIOLOGICAL RESOURCES

1. In reporting on avian species, this draft EIR relies heavily on Shuford and Gardali's *California Bird Species of Special Concern* which was published in 2008. In many cases species populations have continued to decline significantly from the time of this publication. Given population changes within the last decade, alternative sources should be utilized for more current species population information and trends. Because of conversion of habitat to housing, farming and industry, grassland birds are among the most threatened avian group, and the most recent population information should be used and considered. Potential impacts on all of the following species are understated, and further local declines are virtually guaranteed if this project is to be developed.

1

2. White-tailed Kite (*Elanus leucurus*)

2

The impacts on the fully protected white-tailed kite (WTKI) are understated in the EIR. The species account should reflect the serious population decline of this species. The EIR correctly identifies the project area as critical habitat for WTKI.

In a study in Santa Barbara, biologist Mark Holmgren determined that White-tailed kites were threatened locally by conversion of habitat and disruption of movement corridors where it forages for food and travels to roost communally. Recently Holmgren described an overall "trajectory of decline" of the kite at a meeting with planners for the County of Santa Barbara. He suggested that kites may be affected by development, and even though they are still around, their connection to their habitat has been seriously undermined.

!

The grassland/oak interface habitat niche required by white-tailed kite is rapidly disappearing in the Chico area, as most suitable areas have been converted to housing - including developments along the Eaton Road Extension, California Park, Oak Valley Homes, Little Chico Creek Estates, Meriam Park and Doe Mill neighborhood. Not only would this project eliminate one of the last remaining local foraging habitats, but the valley oaks in the southeast corner of the project area serve as nesting and roosting trees for WTKI.

3. Western Burrowing Owl (*Athene cunicularia hypugaea*)

3

Although numerous Ebird sightings have been reported in the areas adjacent to the Stonegate site, including a 2017 sighting within the project study area, western burrowing owl was somehow not included in the Draft EIR – this is especially troubling in light of the fact that burrowing owl is listed as a California Species of Special Concern.

Western burrowing owl populations are in a freefall decline statewide. In nearby Yolo County in 2016 The Burrowing Owl Preservation Society and Institute for Bird Populations did a large county-wide survey which showed that, since 2006, there has been a 76% decline in burrowing owl numbers. Imperial County recorded a 27% population drop in a single year between 2007-2008. Butte County birders provide similar anecdotal observations of a decline in our area. As an emergency measure, Altacal Audubon Society has been involved in building artificial burrows to try to bolster the local population. The proposed Stonegate project area is one of the few reliable areas around Chico where burrowing owls can still be found.

4. Loggerhead Shrike (*Lanius ludovicianus*)

4

On page IV.D-10, loggerhead shrike is not mentioned in this section on grassland species, even though this species spends the majority of its daylight hours foraging in this habitat type.

The Loggerhead Shrike is recognized as a “common species in steep decline” on the 2014 State of the Birds Watch List. Likely causes of its population decline are listed as habitat loss, collisions, and human disturbance.

At one time, loggerhead shrike was a common species in the project area, according to Ebird records none have been detected in recent years. If this species is to rebound there must be open grassland areas to sustain it.

5. Yellow Warbler (*Dendroica petechia*)

5

Yellow warblers are another California Species of Special Concern that regularly occur on the project site but were not included in the EIR. Because of their size they are often overlooked by birders. Yellow warblers are associated with both the riparian vegetation and the valley oaks within the project area.

The Cornell Laboratory of Ornithology reports that “Yellow Warblers...have been slowly declining, and have decreased by 25% between 1966 and 2014, according to the North American Breeding Bird Survey”.

Respectfully submitted,

Altacal Audubon Society
Altacal.info@gmail.com
(530) 321-5579

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Altacal Audubon Society (AAS)*Response to AAS-1*

The commenter notes that the DEIR used Shuford and Gardali's California Bird Species of Special Concern, which was published in 2008. The commenter states that alternative sources of information should be utilized given that species population have changed or continued to decline from the time of publication.

Shuford and Gardali's California Bird Species of Special Concern was one of the sources utilized during the DEIR process. The DEIR utilized industry standard sources of information when assessing species. The commenter does not provide specific data deficiencies in Shuford and Gardali's California Bird Species of Special Concern, which is a commonly used source.

Response to AAS-2

The commenter states that "the impacts on the fully protected white-tailed kite (WTKI) are understated in the EIR. The species account should reflect the serious population decline of this species". The commenter has concerns that the project will "eliminate one of the last remaining local foraging habitats, but the valley oaks in the southeast corner of the project area serve as nesting and roosting trees for WTKI."

The proposed project would impact approximately 0.02 acres of mixed riparian woodland directly and 1.08 acres indirectly pursuant to developing the RS-20 lots located in phases 11 and 12. Following construction, 1.08 acres of mixed riparian woodland would be permanently protected as part of the preserve. Therefore, the project would preserve 98 percent of mixed riparian woodland that could be used by white-tailed kite for nesting and foraging.

Response to AAS-3

The commenter states that burrowing owl (*Athene cunicularia*) is present within the project footprint and eBird sightings have been reported in the areas adjacent to the project site.

As stated on Appendix D-1 page B-16:

"Open grassland within the Study Area provides ostensibly suitable year-round habitat for this species. The nearest documented CNDDDB occurrence is located approximately 0.3 mile east of the Study Area (dating from 2008; (CDFW 2016), and nearby observations have also been reported on eBird (2016). However, no ground squirrel burrows or analogous refugia suitable for this species were observed during the site visit."

Response to AAS-4

The commenter raises concerns over the omission of loggerhead shrike (*Lanius Ludovicianus*) in the grassland species discussion on IV.D-10.

Mitigation Measure Bio-1A requires preconstruction surveys for nesting bird species, specifically including loggerhead shrike as well as other bird species protected by the MBTA and California Fish and Game Code.

Response to AAS-5

The commenter states that Yellow Warbler (*Dendroica petechia*) are present within the project footprint and associated with riparian vegetation and valley oaks within the site.

As stated on Appendix D-1 page B-20:

“Riparian habitat within the Study Area lacks willows and is not suitably dense to support this species. There are many local, recent observations of this species in eBird (2016), all of them outside of the nesting period.”



May 24, 2018

City of Chico Planning Department
Attn: Senior Planner Mike Sawley
PO Box 3420, Chico, CA 95927
mike.sawley@chicoca.gov
sent via electronic mail

Re: Stonegate Vesting Tentative Subdivision Map and General Plan Amendment /
Rezone Draft Environmental Impact Report (SCH # 2016062049)

Dear Mr. Sawley,

We submit the following comments on behalf of our client, AquAlliance, in opposition to the Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone Draft Environmental Impact Report (hereafter "Project" or "DEIR"). As noted in this letter and in comments separately submitted by AquAlliance, its members, and members of the public, the proposed Project should be thoroughly revised and reconsidered due to its significant, unanalyzed, and unmitigated impacts to the rare and endangered biological communities in the Project area, among other key issues of concern. We thank you in advance for your careful consideration of the numerous public comments and opposition you will receive regarding the Project, and we look forward to working with the City in this regard.

A. CEQA Overview

An EIR is an "informational document" meant to "provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment" and "demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered" the environmental impacts of a project. (*Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 245, citations omitted.) As an informational document, CEQA "requires full environmental disclosure." (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 88; see also Cal. Code Regs., tit. 14, § 15121, subd. (a) [hereafter Guidelines].) Although "technical perfection" is not required, an EIR must be "adequa[te], complete[], and a good-faith effort at full disclosure," with "informed and balanced" decisionmaking. (Guidelines, § 15003, subds. (i)-(j).) "[A]n agency must use its best effects to find out and disclose all that it reasonably can." (*Id.* § 15144.) For each of the reasons discussed, below, the DEIR falls short of CEQA's informational and substantive requirements, and should be revised and recirculated.

B. Biological Resources

The EIR fails to properly disclose, analyze, and mitigate impacts to biological resources. The Project Area contains several rare and unique biological resources with federal, state, and local protections. Critically, the Project Area contains core vernal pool habitat, which supports the federally-endangered Butte County meadowfoam ("BCM") and vernal pool tadpole shrimp ("VPTS") and the federally-threatened vernal pool fairy shrimp ("VPFS"). The EIR discounts the

unique significance of these populations and proposes inadequate and undeveloped mitigation measures to attempt to make up for the destruction and disturbance of these habitats.

Butte County Meadowfoam

The DEIR acknowledges that the project Site contains approximately 16,542 individuals (5.14 acres) of Butte County meadowfoam. (DEIR IV.D-23.) Yet the DEIR leaves out a key detail: that the BCM surrounding the City of Chico are genetically unique from populations north and south of the City. (See generally Christina Sloop, Application of Molecular Techniques to Examine the Genetic Structure of Populations of Butte County Meadowfoam (*Limnanthes floccosa ssp. californica*) (2009).) The City was aware of this information, as the California Department of Fish and Wildlife (“CDFW”) specially requested that the EIR consider it and use it when selected appropriate mitigation measures in a 2015 letter. (See CDFW Preliminary Comments (Nov. 19, 2015) at 2.) This information is critical to an understanding of the environmental setting, the project’s impacts, as well as the feasibility and adequacy of any mitigation measures or alternatives.

The DEIR also fails to disclose the designation of the Project Site as core habitat under the U.S. Fish and Wildlife Service’s (“USFWS”) 2006 Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (hereafter Recovery Plan). Although the Project Site does not include designated critical habitat for the species, as the DEIR notes, the Site is designated as Zone 1 core habitat, “reflecting the highest priority areas” for BCM recovery. (See USFWS Preliminary Comments (Nov. 24, 2015) at 2; see also Recovery Plan at III-96.) As the Recovery Plan recognizes:

designation of critical habitat may not include all of the habitat areas that may eventually be determined to be necessary for the recovery of the species. For these reasons, critical habitat designations do not I-3 signal that habitat outside the designation is unimportant or may not be required for recovery. Some areas within Zone 1 and Zone 2 core areas were excluded from critical habitat for economic reasons (U.S. Fish and Wildlife Service 2005), creating a discrepancy between the core area boundaries and critical habitat. We anticipate that some lands in recovery core areas outside of the areas designated as critical habitat will be necessary for recovery.

(Recovery Plan at I-2–3.) Therefore, although the Project Area is not designated BCM “critical habitat,” this does not diminish the area’s importance to the species’ recovery. The Project Area is Zone 1 core habitat for BCM, and the City must disclose this information in the EIR and consider it when assessing the project’s effects, and proposing mitigation measures and alternatives.

The DEIR further failed to mention the Project Site’s prime soil type for BCM recovery. As mentioned in a 2015 letter to the City, the CDFW noted, “[t]he Draft Butte County Regional Conservation Plan (BRCP) . . . conducted an extensive analysis of the soil types known to support BCM, and used this to define primary and secondary modeled habitat for BCM.” (CDFW Letter at 3.) The analysis determined that “[t]he Project site is located on primary modeled habitat for BCM.” (*Ibid.*) The DEIR must disclose, evaluate, and consider this important information.

The City's failure to disclose the genetic uniqueness of the BCM populations affected by the Project and the area's prime habitat characteristics are violations of CEQA, which requires an agency to "use its best efforts to find out and disclose all that it reasonably can." (Cal. Code Regs., tit. 14, § 15144 [hereafter Guidelines].) As a result, the public and decisionmakers cannot fully evaluate and consider the Project's true impacts on BCM. "[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives." (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454.) By not disclosing the unique characteristics of these BCM populations and their habitat, the City has inaccurately described the existing environmental baseline, and the project's environmental effects.

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Furthermore, the failure to disclose and consider the genetic uniqueness of the BCM populations in the Project Area results in inadequate mitigation and an inaccurate significance determination. The Project will result in a direct impact to 2.33 acres of occupied BCM habitat. (DEIR IV.D-52.) The DEIR calls these impacts "potentially significant impacts under CEQA unless mitigated to: (1) avoid a net loss of occupied habitat, or (2) provide a 19:1 ratio of preserved occupied habitat relative to the occupied habitat that would be directly impacted by the project and a 5:1 ratio of the same for indirect impacts." (*Ibid.*) The DEIR proposes on-site and/or off-site restoration, ultimately concluding that compensatory mitigation will reduce impacts to a less than significant level. (*Id.* at IV.D-52–53.)

However, given the genetic uniqueness of the BCM populations directly impacted by the Project, compensatory mitigation elsewhere, even at a 19:1 ratio, simply *cannot* reduce the Project's impacts to less than significant. Although the CDFW suggested "consider[ing] the genetically unique occurrences when selecting appropriate mitigation" in 2015, it appears the City has ignored this recommendation. (See CDFW Letter at 3.) Any direct impacts to BCM at the Project Site are significant and unavoidable. As the USFWS also noted in 2015, "[e]ven partial development of this site could potentially preclude our ability to achieve our recovery goal of 99% because the avoided Butte County meadowfoam habitat would likely be significantly and adversely impacted by edge effects of development." (USFWS Letter at 2.) Simply put, direct impacts to these BCM populations cannot be mitigated, and the City should either revise the Project to avoid impacts to BCM or revise its inaccurate determination that the impacts to BCM will be less than significant with mitigation.

The DEIR also fails to disclose and consider the negative edge effects of the 2.57 acres of occupied BCM habitat located on the proposed on-site open space preserve. (See DEIR at IV.D-52.) Instead, the DEIR discusses vague "indirect impacts." (*Id.*) Development near these populations, even if contained within the on-site preserve, "would likely be significantly and adversely impacted by edge effects of development." (*Ibid.*) A buffer, as proposed by the City, cannot mitigate these impacts. The City must disclose and evaluate these edge effects and revise its significance determination accordingly.

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Additionally, the DEIR must fully explain the details of all mitigation banks. As requested by the CDFW:

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the Project EIR should provide specific detail on the direct, indirect, permanent and

temporary impacts to all Special-Status Species habitats on-site and provide measures to reduce the impacts to below the level of significance pursuant to CEQA. Permanent impacts and loss of habitat require permanent habitat protection in the form of purchasing mitigation credits from a Department approved mitigation bank or providing suitable mitigation property that is secured by a recorded conservation easement, including a fully funded long-term management endowment, a designated 501.3.c certified non-profit management entity, and a management plan.

(CDFW Letter at 3.) The DEIR fails to mention any designated certified non-profit management entity, and the City must include this provision for any proposed mitigation measures involving mitigation banks. (See DEIR at II-25.) Without this information, the public and responsible agencies have not been assured that the DEIR's proposed mitigation measures are feasible and adequate.

Vernal Pool Tadpole Shrimp and Vernal Pool Fairy Shrimp

Similar to the impacts to BCM, the Project's impacts to the federally-endangered vernal pool tadpole shrimp and federally-threatened vernal pool fairy shrimp are significant and unavoidable, and the mitigation measures proposed by the City are inadequate. The DEIR states that the Project will result in direct impacts to 9.35 acres and indirect impacts to 4.51 acres of vernal pools and other aquatic resources, with the potential for an additional 0.16 acres impacted. (DEIR at IV.D-49.) "Project activities within these habitats may cause mortality and/or other adverse impacts to populations of vernal pool crustaceans present within the Study Area." (*Ibid.*) The DEIR does not propose any specific means to avoid or protect these areas, instead concluding that "[i]f VPFS and/or VPTS are either presumed present or determined by surveys to be present, and avoidance is not feasible, then impacts to their habitat shall be mitigated at a 2:1 ratio." (*Id.* at IV.D-50.)

Yet the DEIR again fails to mention that Chico is Zone 1 core habitat for both VPFS and VPTS, that the Recovery Plan recommends 80% of VPFS and VPTS occurrences be protected, and that 85% of VPFS habitat and 95% of VPTS habitat in Chico is suitable for protection. (Recovery Plan at III-103, 105.) Again, the DEIR's destruction of this important core habitat cannot be properly mitigated to less-than-significant levels with mitigation bank credits, and the City should either revise the Project to avoid impacts to VPTS and VPFS or revise its determination that these impacts will be less than significant with mitigation.

Mitigation Measures

The DEIR improperly defers mitigation measures and proposes mitigation measures that are not fully enforceable. CEQA requires mitigation measures to be "fully enforceable through permit conditions, agreements, or other measures." (See Pub. Resources Code, § 21081.6, subd. (b); Guidelines § 15126.4, subd. (a)(2).) "Formulation of mitigation measures should not be deferred until some future time." (Guidelines, § 15126.4, subd. (a)(1)(B).) An agency may defer formulating mitigation measures only when the it "commit[s] itself to specific performance criteria for evaluating the efficacy of the measures" and does not undertake "the 'activity' constituting the CEQA project . . . without mitigation measures being in place" (*POET, LLC v. Cal. Air Resources Board* (2013) 218 Cal.App.4th 681, 738.) This may be necessary where,

for instance, “practical considerations prohibit devising such measures early in the planning process” (*Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1394, quoting *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1028-1029.) In such a case, the agency would be required to “commit itself to eventually devising measures that will satisfy specific performance criteria” (*Id.*)

A significant issue is the deferral of the design of the Mitigation, Monitoring, and Reporting Program as required by CEQA. (See Pub. Resources Code, § 21081.6.) A monitoring program is required to “ensure compliance” with mitigation measures “during project implementation.” (*Id.* § 21081.6, subd. (a)(1).) The DEIR states that the program “will be prepared as part of the Final EIR” (DEIR at I-9), but this step should be taking during the *draft* stage, when the document is subject to public review and comment and the agency is required to respond (see Pub. Resources Code, § 21081.6, subd. (c)). Mitigation measures must contain “complete and detailed performance objectives, which will be used to ensure compliance through the monitoring program.” (*Ibid.*) There does not appear to be reason why development of a monitoring plan is not practical at this stage, and the City has not committed itself to any specific performance criteria for evaluating the efficacy of mitigation. (See *POET*, 281 Cal.App.4th at 738; see also *Gentry*, 36 Cal.App.4th at 1394.) The DEIR’s deferral of this important task is in violation of CEQA, and the City must design a monitoring program and revise and recirculate the EIR prior to the final EIR stage.

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Additionally, some of the specific mitigation measures the City proposes improperly defer key elements to a later date or lack enforceability. For instance, MM-BIO-1A (concerning special-status and nesting bird species) lacks provisions for continued monitoring by a qualified biologist, making enforcement of the measure difficult. (See DEIR at IV.D-46–47.) Without continued monitoring, the City will be unable to know if “an active nest becomes inactive” and work can continue. (*Id.* at IV.D-47.) Including continued biological monitoring provisions in the mitigation, monitoring, and reporting plan could alleviate these problems.

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MM-BIO-1B improperly defers mitigation until a later date. The DEIR states that if roosting pallid bats are present during the maternity roosting season, no disturbance buffers will be established around roost sites. (*Id.* at IV.D-48.) Yet the DEIR improperly defers determination of the minimum buffer size, stating the size “depend[s] on existing screening around the roost site (such as dense vegetation), the roost type, species present, as well as the type of construction activity which would occur around the roost site.” (*Ibid.*) Given the City knows the one species this measure refers to and the type of construction planned, it should have at least a minimum no disturbance buffer size, which would allow for some flexibility depending on the conditions. If developing this measure is not practical at this stage, the City must commit itself to specific performance criteria for evaluating the efficacy of mitigation. (See *POET*, 281 Cal.App.4th at 738; see also *Gentry*, 36 Cal.App.4th at 1394.)

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MM-BIO-1C (concerning western spadefoot) also defers aspects of the measure to a later day. For instance, the measure includes “appropriate erosion-control measures,” but provides only a list of potential measures without specifying which, if any, will be used. (DEIR at IV.D-49.) The City should evaluate potential measures and clearly state which ones will be used under which conditions, or commit itself to specific performance criteria. (See *POET*, 281 Cal.App.4th at 738; see also *Gentry*, 36 Cal.App.4th at 1394.) Otherwise, the measure lacks full enforceability and improperly defers the development of mitigation measures. (See Guidelines

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§ 15126.4, subds. (a)(1)(B), (a)(2).)

MM-BIO-2B is another mitigation measure that improperly defers mitigation. The DEIR states that “[p]rior to the start of construction activities, the Applicant shall implement a comprehensive, adaptive Weed Control Plan for pre-construction and construction invasive weed abatement.” (DEIR at IV.D-55.) The DEIR goes on to state features of the plan, many of which are at present vague and unenforceable, such as “[t]he timing of weed control treatment shall be determined for each plant species” and “weed infestations shall be treated prior to construction according to control methods and practices for invasive weed populations.” (*Ibid.*) Without more specificity, this Weed Control Plan is not yet “fully enforceable through permit conditions, agreements, or other legally-binding instruments.” (Guidelines, § 15126.4, subd. (a)(2).) To comply with CEQA, the City must develop the Weed Control Plan. (See Guidelines, § 15126.4, subd. (a)(1)(B).) Alternatively, it must explain why the plan is not practicable at this stage and commit itself to any specific performance criteria for evaluating the efficacy of mitigation. (See *POET*, 281 Cal.App.4th at 738; see also *Gentry*, 36 Cal.App.4th at 1394.)

Similarly, MM-BIO-1C, MM-BIO-1D, MM-BIO-1E, MM-BIO-2A, MM-BIO-2B, and MM-BIO-4 all defer the design and development of aspects of these mitigation measures until consultation and coordination with the USFWS, CDFW, and/or the Army Corps of Engineers. The developer(s) applied to the Corps for a 404 permit and the Public Notice with a comment period took place from March 10, 2017 – April 10, 2017. It is our understanding that the permit process has been delayed due to the applicant’s failure to provide the Corps with requested information. With the 404 and consultation processes in abeyance, the public and decisionmakers cannot evaluate or comment on proposed mitigation measures or know whether a proposed measure is fully enforceable. (See Pub. Resources Code, § 21081.6, subd. (b); Guidelines § 15126.4, subd. (a)(2).)

Staging, Spoils, and Borrow Sites

The DEIR fails to “include an analysis of the estimated impacts to habitat and species associated with all potential staging, spoils and transportation trip plan locations,” as requested by the CDFW in its 2015 letter. (CDFW Letter at 3.) For all locations “where construction equipment, soil, rock or other materials will be stored, relocated to or staged for the Project,” the “direct and indirect impacts associated with storage and spoils sites should be identified and analyzed as part of the Project as these sites may contribute to impacts to habitats and species and may require additional mitigation.” (*Ibid.*) The DEIR’s failure to disclose and evaluate these additional impacts is in violation of CEQA’s requirement that an agency “use its best efforts to find out and disclose all that it reasonably can.” (Guidelines, § 15144.)

Lake and Streambed Alteration

The CDFW also requested the EIR identify all areas subject to a lake and streambed alteration agreements. (CDFW Letter at 3-4.) Although the DEIR discloses that the Project is “potentially subject” to CDFW jurisdiction and may require a Streambed Alteration Agreement, the DEIR only generally identifies these locations as “[a]pproximately 8.86 acres of the project site, including intermittent streams, non-wetland swales, and riparian woodland communities.” (DEIR at IV.D-40–41.) The City must identify with particularity the affected resources and potential impacts. As requested by CDFW in 2015, the EIR should have “includ[ed] a delineation

of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project including an estimate of impact to each habitat type,” and its failure to do so is in violation of CEQA’s disclosure requirements. (CDFW Letter at 4.) Identifying these locations at a later date prevents the public and decisionmakers from evaluating the Project’s impacts on these resources.

Consultation and Take Permits

The DEIR recognizes that consultation with the USFWS and the CDFW will be a necessary part of Project planning and mitigation. We encourage the City to require that the Project applicant initiate consultation as soon as possible. (See USFWS Letter at 1 [“The Service believes that reinitiation of section 7 consultation is warranted.”].) The City must also obtain proof that all required Incidental Take Permits and Authorizations from the wildlife agencies have issued prior to beginning construction. (See *ibid.* [discussing how the 1995 Biological Opinion authorized the incidental take of BCM, vernal pool tadpole shrimp, and vernal pool fairy shrimp]; see also CDFW Letter at 2 [“As currently proposed the Project would need to consult with the Department to obtain an Incidental Take Permit for take of a State-listed species (FGC § 2081).”].)

C. Project Alternatives

Commenters on the Project at the Notice of Preparation stage indicated their concern about the Project’s impacts east of Bruce Road. (See DEIR Appx. B, Stonegate Vesting Tentative Subdivision Map Meeting at 25, 38.) An area of undeveloped space currently exists to the west of Bruce Road south of the proposed Project Site. An alternative with development only on the west side of Bruce Road is feasible and should be evaluated and considered by the City. The Project’s 40+ acres west of Bruce could accommodate a significant number of residential units if a New Urbanist approach was taken. The Doe Mill Neighborhood north of 20th Street on the east side of Bruce Road has such development and produced an average of seven units per acre with a mix of densities. Another example of a compact neighborhood in another part of town, Westside Green, will average 12 units per acre of mixed uses and is an “eco-conscious development”¹ that is prized for its affordability and reflection of historic Chico. Eliminating the community commercial for the west of Bruce Road parcel as is suggested in the DEIR will enable the construction of significantly more residential units. The community commercial in the Stonegate proposal is not necessary with the significant existing commercial development a short distance to the west along Forest Avenue and 20th streets and what will be in walking distance in the Meriam Park development just north of 20th and west of Bruce Road.

Containing the Project to the west of Bruce Road would significantly reduce adverse impacts to species and habitats. The Schmidbauer BCM Preserve and the majority of the observed BCM populations on the Project Site occur on the east side of Bruce Road. (DEIR Figs. IV.D-3, IV.D-4.) The DEIR proposes direct impacts to 2.33 acres of observed BCM, the vast majority of which will occur on the west side of Bruce Road. (See DEIR Fig. IV.D-4.) Figure IV.D-3 reveals the undeveloped area south of the Project Site west of Bruce Road contains few, if any, BCM. (See DEIR Fig. IV.D-3.) It also proposes indirect impacts to 0.24 acres of observed

¹ See Melissa Daugherty, *Greening the West Side* (May 24, 2007) Chico News & Review <<https://www.newsreview.com/chico/greening-the-west-side/content?oid=325975>>.

BCM, all of which occur west of Bruce Road. (See DEIR IV.D-4.) The Project Site west side of Bruce Road also contains the rare plant shieldbract monkeyflower. (See *ibid.*) Habitat-wise, the area east of Bruce Road contains a significant area of sensitive biological communities, including vernal pool habitat and seasonal wetlands, and, *unlike* the Project Site area west of Bruce Road, contains perennial marsh (1.24 acres), perennial drainage (5.12 acres), ephemeral drainage (0.30 acres), and intermittent drainage (0.48 acres). (See DEIR Fig. IV.D-2; see also DEIR at IV.D-3.)

Impacts to these rare, unique, and sensitive biological resources are significant and should be avoided. As discussed above, the BCM populations are genetically unique and exist on core BCM habitat and soil. (See CDFW Letter at 2, 3; see also Recovery Plan at III-96.) Also discussed above, these sensitive habitats are core Zone 1 habitats for the federally-threatened VPFS and federally-endangered VPTS. (Recovery Plan at III-103, 105.) Vernal pool habitat “provide[s] important foraging and resting habitat for waterfowl and shorebirds” and supports special-status wildlife including “western spadefoot (for aquatic breeding) and vernal pool branchiopods (fairy and tadpole shrimps), some of which are listed under the Endangered Species Act.” (DEIR at IV.D-13.) Seasonal wetlands “provide hydrologic connectivity between vernal pools and other seasonal water features, facilitating the dispersal and movement of aquatic organisms,” including western spadefoot, VPTS, and VPFS. (*Id.* at IV.D-14.) And Perennial marsh habitat supports “a variety of invertebrate species,” “fishes and breeding by common amphibians,” “foraging, shelter, and nesting by a variety of birds,” and the rare shield-bracted monkeyflower. (*Id.* at IV.D-12, IV.D-24.) Given the greater prevalence of BCM and sensitive habitats supporting special-status species in the area east of Bruce Road, an alternative concentrating development west of Bruce Road would avoid the majority of significant impacts to these biological resources.

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Yet the City quickly dismissed an “alternative involving development only west of Bruce Road.” (DEIR at VII-3.) The lack of detail and further analysis of this feasible and less harmful alternative violates CEQA’s requirements that an EIR “contain a meaningful discussion of both alternatives and mitigation measures,” even if an “agency ultimately finds mitigation measures adequate or proposed alternatives infeasible.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 731.) Furthermore, CEQA requires that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” (Pub. Resources Code, § 21002.) Responsible wildlife agencies have long-supported an alternative for development only west of Bruce Road, and the courts have held that the alternatives considered in an EIR should not omit information that is highly relevant to a responsible agency’s permitting function. (*Banning Ranch Conservancy v City of Newport Beach* (2017) 2 Cal.5th 918.) The City failed to even include this area as part of the Study Area, preventing the public from knowing the existing environmental conditions of that site and comparing the potential impacts of such an alternative with the proposed Project. (See DEIR Fig. IV.D-4.) The fact that this alternative would substantially lessen impacts on listed species and key habitats makes it one the City should have evaluated further. We urge that the City further evaluate this alternative and revise and recirculate the DEIR for public review and comment.

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The DEIR fails to justify its determination that “[a]n alternative involving development only west of Bruce Road was rejected as infeasible as it would not meet most of the project

objectives including the objectives to provide a significant number of single family (460 lots) and multi-family residential units (12.4 acres) to help meet the City's needs for housing. This alternative was further deemed infeasible, as it would not provide revenue to local businesses during project construction and operation in a financially feasible manner." (DEIR VII-3.) The DEIR states that the alternative would not meet "most" of the project objectives, which is facially untrue, as the DEIR includes eight project objectives, and argues that this alternative would not meet three of them. (See CEQA Guidelines § 15126.4(a)(1), 15126.6(a) [alternative should meet most project objectives].) The DEIR's bias against this alternative is thus apparent from the outset.

In turn, to attempt to exclude this alternative, the DEIR fails to compare the alternative to the actual project objectives themselves, and instead creates new and artificially narrow objectives, asserting that this alternative would fail to provide 460 single family lots and 12.4 acres of multi-family residential units. But these precise figures are not actually included among the DEIR's stated project objectives. (See DEIR at III-22.) Instead, these numbers describe the project itself, which of course the alternative would not be equal to. (See DEIR at III-10; CEQA Guidelines § 15126.6(a)–(b) [alternatives should not be excluded simply because they would impede attainment of project objectives "to some degree."]) To the extent the DEIR believes development of 460 single family lots and 12.4 acres of multi-family residential units actually do comprise the project objectives, such objectives are patently illegal as being so narrowly drawn that only the proposed project itself could meet them. (See, *North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 668 [Project objectives should not be so narrowly defined that they preclude consideration of reasonable alternatives for achieving the project's underlying purpose]; *Habitat & Watershed Caretakers v City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1299.) The CEQA Guidelines assume that the alternatives described in an EIR will not necessarily attain all of the project's objectives. *Watsonville Pilots Ass'n v City of Watsonville* (2010) 183 CA4th 1059, 1087. There is no requirement that the alternatives included in an EIR satisfy every basic objective of the project. *California Native Plant Soc'y v City of Santa Cruz* (2009) 177 CA4th 957, 991. And the DEIR fails entirely to analyze whether additional units could be built on the lots west of Bruce Road, to meet the City's housing goal objectives. The proposed developer already owns the lots west of Bruce Road, and it does not appear that including higher density development west of Bruce Road would preclude attainment of any of the draft project objectives. The DEIR should therefore analyze this alternative.

Finally, the DEIR fails to provide any support for its assertions that this alternative "would not provide revenue to local businesses during project construction and operation in a financially feasible manner." (DEIR VII-3.) This project objective is so vague and ambiguous as to impermissibly thwart CEQA's requirement that a "clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings." (CEQA Guidelines, § 15124, subd. (b).) Here, the overly vague and ambiguous project objective provides no guidance at all, and give the lead agency virtually unfettered discretion to interpret and apply it. Nowhere does the DEIR provide any explanation of how the proposed project would meet this project objective, nor how the rejected alternative would not. It is hard to imagine how significant construction west of Bruce Road would not still provide revenue to local businesses during project construction and operation. A determination that an alternative is not economically feasible must be supported by evidence and analysis showing that it cannot reasonably be implemented based on economic

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constraints. (See *Kings County Farm Bureau v City of Hanford* (1990) 221 Cal.App.3d 692, 737; *Center for Biological Diversity v County of San Bernardino* (2010) 185 Cal.App.4th 866, 884 [claim of economic infeasibility must be based on "meaningful comparative data" coupled with supporting evidence]; *City of Fremont v San Francisco Bay Area Rapid Transit Dist.* (1995) 34 Cal.App.4th 1780, 1787.)

D. Pesticide Impacts

The DEIR fails to assess numerous potentially significant impacts resulting from additional pesticide applications at the Project site. In fact, the DEIR only mentions the word "pesticide" two times, stating:

Increased urban pollutants, such as petroleum products from automobiles, and fertilizers, herbicides, and **pesticides** associated with the suburban development may contribute to long-term degradation of water quality. These indirect impacts and appropriate mitigation are discussed in detail in Section IV.I, Hydrology and Water Quality, of this Draft EIR. (DEIR IV.D-60.)

Stormwater discharges are affected by urban pollutants that contribute to the degradation of water quality in surface waters near the project site. Urban pollutants in stormwater include petroleum hydrocarbons, sediments, metals, **pesticides**, and trash. Past, current and reasonably foreseeable projects in the vicinity of the project site could result in cumulative impacts associated with stormwater discharges, similar to the potential impacts from construction of the proposed project. (DEIR V-7.)

This is a woefully inadequate analysis of a potentially significant impact. The DEIR cannot simply rest on the assumption that compliance with California's Phase II Municipal Stormwater Permit will avoid this impact. For example, in April of 2018, U.S. EPA approved revisions to the State of California's "303(d)" list of impaired water bodies, at that time adding 225 additional waterways to the list that are impaired by pesticide toxicity.² Clearly the mere existence of applicable Clean Water Act permits has not reduced or avoided this significant effect throughout the state. In particular, a vexing statutory gap exists between the regulatory authority of the State and Regional Water Boards, who adopt permits implementing the Clean Water Act, and the State Department of Pesticide Regulation, which regulates the application of pesticides, but has no jurisdiction over discharges to waters of the state and United States. As a result, Clean Water Act permits leave significant discretion and flexibility to regulated parties in ways that, as demonstrated by the 225 newly added impaired waterways, fail to actually protect water quality. Therefore, the DEIR must do more than allude to the existence of applicable CWA permits to reasonably assess the potentially significant effects of this project. A full explication of when, where, how, and what pesticides may be applied in the project area as a result of the proposed project, and what the ultimate receptors for those pesticide applications might be, is required.

California Proposition 65 prohibits the discharge of pesticides listed under Prop 65 into any drinking water source, in any amount. CWA permits do not regulate this. The DEIR therefore must analyze what pesticides may be used by the proposed project, whether they are

²https://www.waterboards.ca.gov/rwqcb5/water_issues/tmdl/impaired_waters_list/2014_int_rpt_dev/2014_2016_int_rpt/2018_0406_usepa_appr_ltr_final.pdf

included on the list of Prop 65 pesticides, and whether such pesticides would be put into the environment in any place that they may pass into a ground or surface drinking water source.

Pesticides are also known to be particularly harmful to certain protected, threatened, and endangered species, and U.S. EPA has developed a robust and growing program to help project planners ensure that their pesticide usage will not result in take of endangered species or adverse modification of critical habitat.³ The DEIR must undertake a reasonable and good faith investigation into these potential project effects and impacts, the combinations of which are too many to fully cover in this comment. For example, the California Department of Food and Agriculture produced an Environmental Impact Report showing levels of concerns were exceeded for Sacramento splittail, arroyo chub, desert pupfish, riparian brush rabbit, tricolored blackbird, western yellow-billed cuckoo, purple martin, yellow rail, certain amphibians, aquatic invertebrates such as fairy shrimp, pollinators, terrestrial insects, and other species.⁴ This DEIR, while acknowledging that some of these species reside in the proposed project area, and that the proposed project would result in an increase in pesticide application in the area, fails to analyze the effects that those pesticides would have on these species.

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E. Public Utilities

The DEIR fails to meaningfully describe wastewater flows from the project to the wastewater treatment plant in its analysis of potentially significant effects. The DEIR simply states “The Chico treatment plant has a capacity to treat 9.0 mgd but currently receives 7.0 mgd from Cal Water’s Chico service area. The net increase of 0.2099 mgd attributable to the proposed project represents a little more than three (3) percent of flows received from the Cal Water service area (7.0 mgd), and would not exceed the capacity of the treatment plant.” However, flows to the wastewater treatment plant—or from the project site—are not uniform each and every day. Here, it appears that the treatment plant is approaching its maximum capacity, and increases in flows due to wet weather could exceed that capacity. Indeed, the DEIR is internally contradictory on this point, elsewhere stating “as of 2006, the average daily dry weather flow is approximately 7.2 mgd. Table 4.12.5-3 of the General Plan EIR described the project wastewater flows through the year 2025, projecting 11.8 mgd for the year 2015, 13.5 mgd for the year 2020.” (DEIR IV.P-1.) These figures appear far higher than the 7.0 mgd the DEIR uses in its analysis, which should accordingly be revised to provide an accurate assessment of the project’s environmental effects.

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In addition, the DEIR should reduce its significant greenhouse gas generating impacts by requiring that all homes built be powered by solar energy. Just this month the California Energy Commission adopted a rule to require most new homes built in California after January 1, 2020, to be built with rooftop solar panels. The DEIR does not present a clear timeline for construction of this proposed development, but, it is quite possible that some homes would be built after January 1, 2020. Given how near the January 1, 2020 deadline is, there is nothing inherent in that arbitrary date that will make mandatory rooftop solar feasible after that date, but not before. Accordingly, requiring rooftop solar on all new homes is a potentially feasible mitigation measure for the proposed project’s significant greenhouse gas impacts that the DEIR should evaluate and impose now.

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³ <https://www.epa.gov/endangered-species>

⁴ <https://www.cdfa.ca.gov/plant/peir/>

One unaddressed source of potentially adverse impacts to both human health and the environment is the use of utility poles treated with pentachlorophenol. These utility poles have been documented to drip dioxins and other carcinogenic materials into the surrounding environment, including human contact, and accumulation in sediments of aquatic habitat, resulting substantial endangerment to public and environmental health, and potentially resulting in violations of the federal Resource Conservation and Recovery Act, the federal Endangered Species Act, and California Proposition 65. (See Attachment 1; *Ecological Rights Foundation v. Pacific Gas & Electric Company*, 874 F.3d 1083 (9th Cir. 2017).) PG&E itself, for example, circulates public notification stating:

The Safe Drinking Water and Toxic Enforcement Act of 1986, commonly referred to as Proposition 65, requires the governor to publish a list of chemicals “known to the State of California” to cause cancer, birth defects or other reproductive harm. It also requires California businesses to warn the public quarterly of potential exposures to these chemicals that result from their operations.

Pacific Gas and Electric Company (PG&E) uses chemicals in our operations that are “known to the State of California” to cause cancer, birth defects or other reproductive harm.

For example, PG&E uses natural gas and petroleum products in our operations. PG&E also delivers natural gas to our customers and uses wooden utility poles treated with wood preservatives. Petroleum products, natural gas and their combustion by-products and wood preservatives contain chemicals “known to the State of California” to cause cancer, birth defects or other reproductive harm.⁵

These chemicals should be evaluated for their potential to become entrained and discharged in stormwater runoff, including potential human and special status species receptors in the stormwater pathway, as well as the ultimate discharge location. The DEIR, however, is unclear whether utility poles treated with pentachlorophenol would be used, where they and utility rights of way would be located, and where stormwater would be directed and infiltrated. The DEIR should evaluate this exposure risk, and feasible mitigation measures and alternatives, such as the use of composite, recycled material poles, buried utility lines, or other measures.⁶

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https://www.pge.com/includes/docs/pdfs/myhome/myaccount/explanationofbill/billinserts/5.16_Prop65.pdf

⁶ See, e.g.,

<https://www.utilityproducts.com/articles/print/volume-8/issue-6/product-focus/line-construction-maintenance/use-of-composites-increases-in-the-utility-and-telecommunication-industries.html>

http://electricenergyonline.com/show_article.php?article=243

<https://www.king5.com/article/tech/science/environment/pse-installed-toxic-utility-poles-in-kenmore-wetland/346507066>

<https://archive.epa.gov/epawaste/conserve/smm/wastewise/web/txt/util.txt> (Chapter 3)

F. Conclusion

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Thank you again for your careful consideration of these comments. As is apparent, the proposed Project would result in numerous significant and unavoidable impacts that the DEIR fails to adequately assess. AquAlliance urges that the proposed Project be denied, or that DEIR be revised and recirculated to correct these deficiencies, including full evaluation of an alternative to the proposed Project to limit development to the west side of Bruce Road.

Please feel free to contact us at any time, for any reason.

Sincerely,



Jason Flanders
ATA Law Group
Counsel for AquAlliance
Phone: (916) 202-3018
Email: jrf@atalawgroup.com

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Aqua Terra Aeris (ATA)***Response to ATA-1***

The comment is an introduction that includes who the commenter is and whom they represent. No response is necessary.

Response to ATA-2

The comment is an overview of the CEQA process and requirements under CEQA. No response is necessary.

Response to ATA-3

The commenter states:

The EIR fails to properly disclose, analyze, and mitigate impacts to biological resources. The Project Area contains several rare and unique biological resources with federal, state, and local protections. Critically, the Project Area contains core vernal pool habitat, which supports the federally-endangered Butte County meadowfoam ("BCM") and vernal pool tadpole shrimp ("VPTS") and the federally-threatened vernal pool fairy shrimp ("VPFS"). The EIR discounts the unique significance of these populations and proposes inadequate and undeveloped mitigation measures to attempt to make up for the destruction and disturbance of these habitats.

The Draft EIR analyzes the direct and indirect effects of impacts to BCM and associated habitat and sets a minimum mitigation ratio for both types of impacts. Mitigation Measure BIO-2A requires the applicant consult with both USFWS and CDFW prior to issuance of a grading permit. Ultimately, mitigation ratios required under take permits issued pursuant to CESA and ESA are under the purview of the responsible agencies during consultation. The commenter provided a general comment with specifics below, see detailed comments/response below.

Response to ATA-4

The commenter claims that the DEIR fails to acknowledge genetically unique BCM populations north and south of the City. The comment uses a 2009 report by Sloop et al. and a 2015 letter by CDFW to illustrate this point.

Please see Master Response 1. Sloop et al. 2011⁵ conducted follow-up genetic analysis of BCM and determined that the sampled BCM populations, which included locations at the project site, show low levels of genetic variation within and among populations.

⁵ Sloop, C.M., Pickens, C., Gordon, S.P. Conservation genetics of Butte County Meadowfoam (*Limnanthes floccosa* ssp. *californica* Arroyo), an endangered vernal pool endemic

Response to ATA-5

The commenter claims that the DEIR fails to disclose the designation of the Project Site as core habitat under the USFWS 2006 Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (hereafter Recovery Plan). The commenter states that DEIR further failed to mention the Project Site's prime soil type for BCM recovery.

Please see Master Response 1 for a discussion of the Recovery Plan's relationship to the project. It is readily acknowledged that the project site is prime habitat for BCM, as evidenced by its abundance on portions of the site.

Response to ATA-6

The commenter reiterates their belief that the City failed to disclose that BCM populations are genetically unique, citing that the oversight violates CEQA Guidelines Section 15144. The commenter claims that by failing to disclose the genetic uniqueness, the environmental baseline is inaccurate. The commenter lists out the required mitigation for the proposed BCM impacts. The commenter claims that the mitigation cannot reduce the impacts to a less than significant level. The commenter reiterates a CDFW letter on the topic was sent to the City in 2015. The commenter details comments by USFW on the recovery goal of BCM. The commenter concludes that the project needs to be revised or the impact determination to BCM needs to be changed.

Please see Master Response 1. To recap, Sloop et al. 2011⁶ conducted follow-up genetic analysis of BCM and determined that the sampled BCM populations, which included locations at the project site, show low levels of genetic variation within and among populations. Within the Stonegate Study Area, approximately one-half of the occupied BCM habitat will be preserved, and mitigation directs that the other half be used toward BCM habitat creation within the onsite preserve thereby maximizing the retention of genetic material that exists among clusters of BCM located at the project site. In addition, neither CDFW nor any other trustee agency has initiated a formal designation for a genetically unique BCM strand that might exist at the project site.

CEQA Guidelines Section 15144 has to do with forecasting, and the partial quotation contained in this comment removes this context. The entire section of the Guidelines reads: "Drafting an EIR or preparing a Negative Declaration necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can."

Regarding the 2006 USFWS Recovery Plan, it is correct that the Stonegate project site is located within a "Zone 1" core area designated by that plan, along with hundreds of acres in the southeast Chico area (Doe Mill core area), north Chico area (Chico core area), and thousands of acres stretching north and south of Chico (Vina Plains and Oroville core areas, respectively) where vernal pool habitat exists or has previously existed. Zone 1 core areas have the highest

⁶ Sloop, C.M., Pickens, C., Gordon, S.P. Conservation genetics of Butte County Meadowfoam (*Limnanthes floccosa* ssp. *californica* Arroyo), an endangered vernal pool endemic

priority for planning for the recovery of the 33 plant and animal species covered by the Plan. As described in the Executive Summary of the Recovery Plan, however, “None of the actions or maps associated with this recovery plan carry any regulatory authority.” Therefore, the recovery plan has no mandatory obligations.

The overall goals listed in the 2006 Vernal Pool Recovery Plan are to “achieve and protect in perpetuity self-sustaining populations of each listed species, delist the 20 federally listed plant and animal species, and ensure the long-term conservation of the 13 species of special concern” (USFWS 2006). The 19:1 preservation ratio to mitigate for impacts to BCM is derived from the Recovery Plan goals of protecting 95 percent of existing BCM habitat; which the USFWS believes is one of the necessary steps to “downlist” the species (*i.e.* reclassify BCM from “endangered” to “threatened” or other status of lower concern under the Endangered Species Act). Mitigation Measure (MM) BIO-2A ensures that prior to impacts to BCM, the applicant shall provide preservation mitigation at a 19:1 ratio consistent with the Plan’s recovery step needed to downlist BCM, and/or creation of BCM habitat at a minimum 1.5:1 ratio that demonstrates a self-sustaining population whose density matches that of a reference population for three years.

Importantly, approximately one-half of the existing occupied habitat will be preserved within the Stonegate Study Area through a conservation easement and will be actively managed to ensure long-term BCM success. Additionally, approximately half of the existing occupied habitat will be preserved within the Study Area and will be monitored annually. The Draft EIR analyzes the direct and indirect effects of impacts to BCM and associated habitat and requires mitigation for both types of impacts. Because the proposed 19:1 mitigation ratio meets the Recovery Plan criteria for downlisting BCM, the project will not significantly contribute to any cumulatively considerable impacts to BCM. Lastly, ultimate regulatory authority falls to the United States Fish and Wildlife Service (USFWS) and will be negotiated outside of the CEQA process.

Response to ATA-7

The commenter claims that the DEIR fails to disclose and consider negative edge effects on the 2.57 acres of BCM that would be found within the on-site open space preserve. The commenter claims a buffer as included in the DEIR cannot mitigate the impacts.

See Master Response 1 for an expanded discussion of potential indirect impacts to BCM. The hydrological separation between areas proposed for development and areas proposed for BCM preservation greatly reduces the potential for indirect impacts to BCM habitat that may result from storm water runoff from areas of the project disturbed by construction.

Further, Mitigation Measure BIO-2B requires the applicant to prepare a Weed Control Plan that details the locations and types of non-native and invasive weeds within the Project Area, and establishes adaptive management strategies for their eradication from the site during disturbance activities. This measure requires consultation with USFWS for the timing of treatment to control populations, and application of herbicides will follow all applicable state and federal laws.

Response to ATA-8

The commenter states that the DEIR must provide details on all mitigation banks as requested by CDFW. The commenter claims that without designating a certified non-profit management entity, the mitigation measure is unfeasible and inadequate.

Please refer to Master Response 1. An EIR is not required to identify every aspect of a mitigation measure. Mitigation Measure BIO-2A has been clarified to explain that the applicant may purchase property off-site that contains existing occupied BCM habitat to fulfill BCM preservation obligations. Such acquisition of off-site BCM habitat to mitigate for project impacts would require establishment of a long-term conservation easement, endowment of or other funding mechanism for the long-term management of the species, and habitat mitigation and monitoring plan and interim and long-term management plans.

Response to ATA-9

The commenter notes the impacts listed within the DEIR to federally-endangered vernal pool tadpole shrimp and federally-threatened vernal pool fairy shrimp. The commenter claims that these impacts are significant and unavoidable. The commenter claims the DEIR fails to disclose that Chico is Zone 1 core habitat for both VPFS and VPTS, that the Recovery Plan recommends 80 percent of VPFS and VPTS occurrences be protected, and that 85 percent of VPFS habitat and 95 percent of VPTS habitat in Chico is suitable for protection. The commenter claims that mitigation bank credits cannot reduce impacts to a less than significant level.

As previously noted, the USFW service has produced the recovery plan to provide guidance and not to impose any mandatory obligations on a project. The commenter fails to show an inadequacy in the proposed mitigation measure, nor does the commenter provide substantial evidence that use of mitigation credits is an inappropriate means of mitigation. See Master Response 1 and Master Response 3 for additional discussion of the Recovery Plan and use of mitigation credits, respectively.

Response to ATA-10

The commenter provides an introduction to subsequent comments about perceived deferral of mitigation. No response is necessary.

Response to ATA-11

The commenter claims that the DEIR inappropriately defers preparation of the mitigation monitoring reporting program. The commenter cites section of 21081.6 of the Public Resource Code.

The Public Resource Code section in question is listed below for clarification. At no point in the Public Resource Code section does it state a mitigation monitoring reporting program must be completed prior to the public review period. The Public Resource Code states that a mitigation monitoring reporting program must be adopted for the proposed project. As the purpose of the DEIR is to disclose project impacts and solicit public comments, which may change mitigation

measures, the Final EIR is an appropriate stage to develop a final mitigation monitoring and reporting program.

21081.6. (a) When making the findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:

(1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.

(2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

(b) A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or, in the case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.

(c) Prior to the close of the public review period for a draft environmental impact report or mitigated negative declaration, a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the lead agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or refer the lead agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a lead agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures which mitigate impacts to resources which are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance by a responsible agency or agency having jurisdiction over natural resources affected by a project with that requirement shall not limit the authority of the responsible agency or agency having jurisdiction over natural resources affected by a project, or the authority of the lead agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

Response to ATA-12

The commenter claims that Mitigation Measure BIO-1A lacks provisions for continued monitoring by a qualified biologist, making enforcement of the measure difficult.

The Mitigation Measure BIO-1A has been amended to clarify that each phase of construction will require a separate pre-construction survey for nesting birds.

Mitigation Measure BIO-1A has been updated as follows:

If ground disturbance or removal of vegetation is initiated during the breeding bird season (February 1 through August 15), pre-construction surveys shall be performed by a qualified biologist no more than 14 days prior to commencement of ground disturbing for each phase of construction activities to determine the presence and location of nesting bird species within and adjacent to the proposed project footprint. The results of the survey shall be compiled into a report and submitted to the City for review and approval prior to implementation of the following measures if nesting birds are present.

Since the City can withhold issuance of a grading permit in conjunction with each project phase that disturbs a previously-undisturbed area, MM BIO-1A is enforceable and is not improperly deferred.

Response to ATA-13

The commenter claims that Mitigation Measure BIO-1B improperly defers mitigation due to it lacking a minimum buffer distance.

The Mitigation Measure BIO-1B has been clarified that a minimum buffer distance of 100 feet shall be established unless determined otherwise by a qualified biologist in coordination with CDFW.

Mitigation Measure BIO-1B has been updated as follows:

Work activities during the maternity roosting season: If a pre-construction roost assessment discovers evidence of bat roosting in the trees during the maternity roosting season (March 1 through July 31), and determines maternity roosting bats are present, a no disturbance buffer shall be established around these roost sites until they are determined to be no longer active by the qualified biologist. The size of the no distance buffer shall be 100 feet or if determined to be different by the qualified bat biologist in coordination with CDFW. ~~and would~~ Any alteration of the minimum buffer distance would depend on existing screening around the roost site (such as dense vegetation), the roost type, species present, as well as the type of construction activity which would occur around the roost site.

Response to ATA-14

The commenter claims that Mitigation Measure BIO-1C improperly defers mitigation. The commenter cites that the measure does not provide specific implementation of the menu of options for erosions control measures. The commenter further states that the City does not provide a commitment to specific performance criteria.

Mitigation Measure BIO-1C requires consultation with CDFW to determine final mitigation measures. This measure requires the applicant to show consultation and compliance with all CDFW measures prior to the applicant receiving a grading permit. Exact specificity of how the mitigation will be carried out is not required, or desirable in cases where subsequent permits or authorizations are necessary from the Trustee regulatory agency primarily responsible for implementing environmental regulations for a subject resource. "When a public agency has evaluated the potentially significant impacts of a project and has identified measures that will mitigate those impacts, the agency does not have to commit to any particular mitigation measure in the EIR, as long as it commits to mitigation of the significant impacts of the project." *California Native Plant Society v. City of Rancho Cordova*, No. 057018, 09 C.D.O.S. 3669. (2009). Mitigation Measure BIO-1C provides a range of options for mitigating potential impacts to western spadefoot including creation, preservation, restoration, and/or purchasing mitigation bank credits.

Response to ATA-15

The commenter states the Mitigation Measure BIO-2B improperly defers the development of the weed abatement plan. The commenter states that the plan needs to be developed now or the City provide a reason as to why it cannot be developed at this time.

The weed abatement plan cannot be developed at this time as no formal project improvements have been proposed. The project as it stands is for a tentative development map. No project specific components or construction needs are currently known. Development of the weed abatement plan would be premature until the design review phase of the project when these details are known. It is only with these details that the plan can fully be effective at mitigating any potential impact. The City will require the Applicant to have such a plan prior to a grading permit being issued.

Response to ATA-16

The commenter states that Mitigation Measures BIO-1C, BIO-1D, BIO-1E, BIO-2A, BIO-2B, and BIO-4 all defer parts of their implementation to consultation with regulatory agencies. The commenter claims that without completion of this consultation the reader of the DEIR cannot know if the mitigation is fully enforceable.

Mitigation Measures BIO-1C, BIO-1D, BIO-1E, BIO-2A, BIO-2B, and BIO-4 each include minimum performance standards and ratios, which define criteria for assessment of successful mitigation for impacts to listed species and sensitive habitats. These mitigation measures require the applicant to demonstrate successful establishment of wetland and BCM habitats or submittal of a plan prior to issuance of the grading permit. "When a public agency has evaluated the potentially significant impacts of a project and has identified measures that will mitigate those impacts, the agency does not have to commit to any particular mitigation measure in the EIR, as long as it commits to mitigation of the significant impacts of the project." *California Native Plant Society v. City of Rancho Cordova*, No. 057018, 09 C.D.O.S. 3669. (2009). Exact specificity of how the mitigation will be carried out is not required, or desirable in cases where

subsequent permits or authorizations are necessary from the Trustee regulatory agency primarily responsible for implementing environmental regulations for a subject resource.

Response to ATA-17

The commenter claims that the DEIR does not include an analysis of the estimated impacts to habitat and species associated with all potential staging, spoils and transportation trip plan locations.

The project has not proposed any off-site staging. The project site contains sufficient area to fully stage all portions of project construction outside of sensitive areas to be set aside as preserves. According to the Applicant's engineer the project site has the appropriate topography to accommodate balancing cuts and fill on-site. As part of the Storm Water Pollution Prevention Plan (SWPPP) required in conjunction with each development phase or grading plan, areas of disturbance will be delineated and separated from areas to remain undisturbed with physical markers, typically high-visibility snow fencing or silt fencing depending on the appropriate type of boundary treatment.

Response to ATA-18

The commenter notes that the DEIR is potentially subject to a Lake or Streambed Alteration Agreement (LSA) from CDFW. The commenter claims that the DEIR fails to provide a delineation and assessment of temporary and permanently impacted resources.

Appendix D-3 includes a certified wetland delineation of the project site by USACE. Furthermore, Tables IV.D-5 and IV.D-6 provide direct and indirect impacts associated with categories that were included in the certified wetland delineation. Lastly, Mitigation Measures BIO-3A and BIO-4 require the applicant to provide fully executed copies of all applicable state and federal permits, including a Lake or Streambed Alteration Agreement (LSA) from CDFW, a permit under Section 404 of the Clean Water Act from the U.S. Army Corps of Engineers, and a permit under Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Act from the Regional Water Quality Control Board prior to issuance of a grading permit or other site-disturbing activities.

Response to ATA-19

The commenter states that the City must obtain proof that all required Incidental Take Permits and Authorizations from relevant wildlife agencies have been issued prior to beginning construction.

Mitigation Measures BIO-3A and BIO-4 require the applicant to provide fully executed copies of all applicable state and federal permits, including a Lake or Streambed Alteration Agreement (LSA) from CDFW, a permit under Section 404 of the Clean Water Act from the U.S. Army Corps of Engineers, and a permit under Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Act from the Regional Water Quality Control Board prior to issuance of a grading permit or other site-disturbing activities.

Response to ATA-20

The comment suggests an Alternative of development just west of Bruce Road. The commenter provides examples of developments within acreages of similar size. The commenter further states that community commercial is not necessary within the project vicinity.

The commenter does not provide a specific inadequacy of the DEIR. Please refer to Master Response 5 regarding project alternatives.

Response to ATA-21

The commenter highlights biological resource considerations in support of an Alternative with development only west of Bruce Road.

Please refer to Master Response 5. This land is owned by the Chico Unified School District and not available for private development.

Response to ATA-22

The commenter highlights biological resource considerations in support of an Alternative with development only west of Bruce Road.

Please refer to Master Response 5.

Response to ATA-23

The commenter provides perceived deficiencies in the “Alternatives considered but deemed infeasible” section of the DEIR.

Please refer to Master Response 5. Edits to this section are noted in Section 5 Errata.

Response to ATA-24

The commenter provides additional perceived deficiencies in the “Alternatives considered but deemed infeasible” section of the DEIR.

Please refer to Master Response 5. Edits to this section are noted in Section 5 Errata.

Response to ATA-25

The commenter provides additional perceived deficiencies in the “Alternatives considered but deemed infeasible” section of the DEIR.

Please refer to Master Response 5. Edits to this section are noted in Section 5 Errata.

Response to ATA-26

The commenter raises concerns about the DEIR’s impact analysis related to pesticides, noting that the word “pesticide” appears only two times in the DEIR. The commenter claims that reliance on California’s Phase II Municipal Stormwater Permit would not properly avoid a perceived impact from pesticide use on downstream waterways. The commenter requests a full explication of when, where, how, and what pesticides may be applied in the project area as a result of the proposed project.

No pesticide use is proposed to implement the project. As proposed, runoff from the project will drain from the development into the municipal storm drain system, not the preserve or Butte Creek. Figure IV.I-2 shows that the preserve is hydrologically separated from the development. As noted in the Hydrology chapter, the MS4 Low Impact Development requirements require quantity and quality treatment prior to discharging into the storm drain system. Post-construction storm water management requirements found in CMC 15.50.080(C)(1)(e) require source control measures for landscape/outdoor pesticide use. Following project construction individual homeowners would be allowed to purchase and use pesticides as allowed by law. It would be speculative for the EIR to assume and mitigate an impact from pesticides (TMDLs are quantified).

The preserve would be managed pursuant to an approved HMP, which will govern management techniques and operations in the preserve. As stated earlier, the preserve is hydrologically separated from the development areas (as noted in the indirect BCM impacts discussion under Master Response 1). The project would not result in impacts from pesticides or other contaminants to the preserve.

The DEIR text has been updated and the changes noted in Section 5, Errata. This change provides clarification on applicable laws.

The following modification have been made:

Page IV.D-37

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), amended in 1996, authorizes the USEPA to register or license pesticides (including herbicides) for use in the United States. Pesticides must be registered both with the USEPA and the state before distribution. Pesticides used in the project area must comply with applicable federal requirements. Under the FIFRA, the California Department of Pesticide Regulation (CDPR) is vested with primary responsibility to enforce pesticide laws and regulations in California. Pesticide rules are found in different sections of California codes and regulations, including: the Food and Agriculture Code, Business and Professions Code, Health and Safety Code, and the Labor Code. In general, the CDPR regulates pesticide sales and use statewide, while local use is enforced through the County Agricultural Commissioners. Many agricultural pesticides require a permit from the County Agricultural Commissioner before they may be purchased or used. The Agricultural Commissioner also enforces regulations to protect both ground and surface water from pesticide contamination. In Butte County, the Agricultural Commissioner monitors pesticide applications to ensure they are performed in a safe and effective manner and that worker safety requirements are followed; inspects application equipment, pesticide storage sites, employee training documents, and business pesticide use records; and investigates complaints and pesticide-related illnesses.

Project Applicability: The project would be required to follow all applicable regulations per FIFRA. The Butte County Agricultural Commissioner would permit any use of a regulated pesticide.

Response to ATA-27

The commenter expresses concern about the reliance on California's Phase II Municipal Stormwater Permit to avoid project impacts related to pesticide use on water quality.

California's Phase II Municipal Stormwater Permit requires a SWPPP be prepared to prevent polluted stormwater from getting into impaired bodies of water. In addition, the project requires implementation of Mitigation Measure BIO-2B, which requires a weed control plan to be developed. These plans require BMP's to prevent herbicides from reaching water sources.

Response to ATA-28

The commenter expresses concern about the project's potential to impact biological resources from pesticides.

Please refer to response ATA-26.

Response to ATA-29

The commenter raises concerns about the DEIR's impact analysis related to the project's wastewater generation. The commenter claims that the project must assess the potential for wastewater to exceed capacity of the treatment plant.

The text of the DEIR has been modified as follows:

IV. P-1 & IV.P-2

Wastewater treatment for the City is provided by the City of Chico Water Pollution Control Plant ("WPCP"), located approximately 4.0 miles southwest of the city in the western portion of Butte County. Currently, WPCP has a 12 million gallon per day ("mgd") capacity with plans to expand to 15 mgd in the future. According to the General Plan EIR, as of 2006, the average daily dry weather flow is approximately 7.2 mgd. Table 4.12.5-3 of the General Plan EIR described the project wastewater flows through the year 2025, projecting 11.8 mgd for the year 2015, 13.5 mgd for the year 2020, and 15.2 mgd for the year 2025. The WPCP treats wastewater flows to a "secondary" level, making it suitable for the irrigation of pasture land, food crops in which the edible portion does not come in contact with the water, and areas of restricted public access. The General Plan EIR acknowledges that additional wastewater treatment and infrastructure capacity improvements would be needed to serve future development. As to the Stonegate project, it was included in the Southeast Chico Sewer Assessment District. Funds from the assessment improvement bond were used to install sanitary sewer infrastructure to the Stonegate project site. The necessary sewer capacity for the project has been accounted for as part of the City's infrastructure improvements.

IV.P-10

~~The Chico treatment plant has a capacity to treat 9.0 mgd but currently receives 7.0 mgd from Cal Water's Chico service area. The net increase of 0.2099 mgd attributable to the proposed project represents a little more than three (3) percent of flows received from the Cal Water service area (7.0 mgd), and would not exceed the capacity of the treatment plant.~~

As noted above the Stonegate project, was included in the Southeast Chico Sewer Assessment District. Funds from the assessment improvement bond were used to install sanity sewer infrastructure to the Stonegate project site. The necessary sewer capacity for the project has already been accounted for as part of the City's infrastructure improvements. Therefore, this is a less than significant impact.

Response to ATA-30

The commenter notes that the project will be required by California Law to construct rooftop solar panels for any single family home after 2020.

As noted by the commenter, the requirement for rooftop solar will be law for any project following 2020. As such, the proposed project would be required to comply. It is therefore unnecessary to add the language as mitigation.

Response to ATA-31

The commenter expresses concern about the usage of pentachlorophenol and other chemicals in utility poles that will service the site. The commenter provided additional materials highlighting the perceived dangers of such chemicals. The commenter is worried that these chemicals will be discharged via stormwater runoff.

Although the proposed project would utilize existing PG&E utility poles for electrical service to the site, pursuant to Chico Municipal Code Section 19.60.120, all new utility lines are required to be placed underground. PG&E would be responsible for any maintenance of existing power poles. The California Department of Resources Recycling and Recovery (CIWMB) regulates the use of such chemicals on treated wood. These regulations require that treated wood waste is prevented from contacting the ground and is protected from run on, run off, and precipitation. The regulations further prohibit disposal or discharge to other than an approved composite-line landfill.

Response to ATA-32

The commenter provides concluding remarks and suggests the project be denied or revised per their suggestions. No response is necessary.

AQUALLIANCE

DEFENDING NORTHERN CALIFORNIA WATERS

May 24, 2018

City of Chico Planning Department
Attn: Senior Planner Mike Sawley
PO Box 3420, Chico, CA 95927
mike.sawley@chicoca.gov

Re: *Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone* Draft Environmental Impact Report (SCH# 2016062049)

Dear Mr. Sawley:

AquAlliance submits the following comments and questions for the proposed Stonegate development project (“Project”). The *Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone* Draft Environmental Impact Report (“DEIR”) proposes 702 housing units¹ by subdividing 313 acres for 424 single-family residential units, 45 large-lot residential units, 13.4 acres for multi-family units, 36.6 acres of commercial development, 109 acres of open space, and 3.3 acres of public right-of-way.²

I. Background

The lead agency, the landowner, and the Chico community have known about the valuable vernal pool landscapes found in and around Chico for over two decades. For example, many of the lands in southeast Chico, including all of the Schmidbauer property, were designated as Resource Management Areas in the General Plan update from 1991-1994 due to the valuable natural resources found there. To implement the Chico General Plan, a two-year effort ensued from 1995 through 1996 to develop a Habitat and Resource Conservation Plan that revealed in more detail the significance of the habitats and species found in the planning area. Despite this extensive biological and wetland information, Chico Unified School District (“CUSD”) was recruited by the developer to place a new high school on the Schmidbauer land. The community, the Chico City Council, state and federal agencies, the project proponents, and the CUSD all knew that the so-called ‘preferred site’ for the high school was heavily constrained by wetlands and the unique endangered species plant, Butte County meadowfoam, as well as other special status species.³ The tactic to use a high school as a wedge to further development on highly valuable wetlands backfired when newly elected CUSD Board members communicated directly with the

¹ DEIR p. IV.L-5.

² City of Chico 2018. *PUBLIC NOTICE OF AVAILABILITY DRAFT ENVIRONMENTAL IMPACT REPORT STONEGATE VESTING TENTATIVE SUBDIVISION MAP AND GENERAL PLAN AMENDMENT/REZONE* (SCH # 201606204) p. 1.

³ U.S. Fish and Wildlife Service 1998. Letter to Jim Mann, Schmidbauer consultant. “Butte County meadowfoam populations have been so reduced by past projects that the species’ recovery depends upon all or substantial portions of all remaining populations. We also discussed some of the genetic work that shows the importance of each of the remaining populations for the long-term viability of the species...”

regulatory agencies. CUSD ceased collaboration with the Schmidbauer consultant and sought another site for a high school.⁴

II. Biological Resources

The City of Chico, landowners, state and federal agencies, and local residents have all been aware of resource constraints in the Project area since the update of the Chico General Plan in 1994 and the attempted Chico Habitat and Resource Conservation Plan (“HRCP”) that followed.

The U.S. Fish and Wildlife Service (“Service”) and the U.S. Environmental Protection Agency (“EPA”) have repeatedly stated that the wetlands and endangered species in southeast Chico are treasures that have been entrusted to us. A letter from the Service dated February 24, 1998 to Schmidbauer’s consultant, Jim Mann, states, “Butte County meadowfoam populations have been so reduced by past projects that the species’ recovery depends upon all or substantial portions of all remaining populations. We also discussed some of the genetic work that shows the importance of each of the remaining populations for the long-term viability of the species...”

In a letter dated October 4, 2000 from EPA to Congressional Representative Wally Herger, it clearly states that the jurisdictional agencies are in agreement that the “preservation of the two [Schmidbauer] parcels located east of Bruce Road is necessary to adequately protect waters of the United States” (emphasis added). The EPA letter was a response to a July meeting called by Herger’s office and the landowner’s consultant. The letter goes on to say that, “Permitting development on even a portion of the eastern parcels will degrade the remaining resources through direct, indirect, and cumulative impacts.” State and federal agencies used the same language during the HRCP process from 1995 through 1997. Additionally, the Butte Resource Conservation Plan (a Habitat Conservation Plan and a Natural Community Conservation Plan) (“BRCP”) planned to protect the entire Schmidbauer property that encompasses the Project until the Project proponents surfaced very late in the process during the NEPA/CEQA public review and sought to be removed from the BRCP.⁵

EPA has also informed the U.S. Army Corps of Engineers that, “Vernal pools have been identified as Aquatic Resources of National Importance (ARNIs) in past Section 404(q) elevations.”⁶

- a. The DEIR fails to disclose the vulnerability of small preserves in general, and small preserves surrounded by urban development in particular. For example, unless there is adequate protection of the uplands, the wetland values in a preserve area may be degraded. The close proximity of Project to the proposed vernal pool complex preserves invariably leads to excessive human and pet involvement in the landscape, habitat fragmentation, interrupted flow of water, and point source pollution.⁷ The DEIR’s lack of detail and analysis on this topic requires the lead agency to revise and recirculate the DEIR.

b. Butte County Meadowfoam

The DEIR’s destruction of this important Doe Mill Core Area habitat (see Figure 1) cannot be properly mitigated to less-than-significant levels. “The endangered annual *Limnanthes floccosa* ssp. *californica*

⁴ USACE 2002. Public Notice Number 200100162 for Canyon View High School.

⁵ Butte County Association of Governments (“BCAG”) 2015. *Figure 5-6. Chico Butte County Meadowfoam Preserve*. Exhibit B.

⁶ U.S. EPA 2017. Letter to U.S. Army Corps of Engineers re Stonegate. Exhibit C.

⁷ Volmar Consulting and AECOM 2009. *Effectiveness of Small Vernal Pool Preserves*. Prepared for the Placer County Land Trust. pp. 18-19. Exhibit D.

Arroyo is restricted to vernal pools in Butte County, California. Our study confirms previous isozyme results and suggests that any loss of occurrences represents a significant deficit in the species' genetic diversity, making it extremely vulnerable to chance catastrophes. Recovery requires active restoration of existing populations and permanent habitat protection.”⁸ The lead agency should either revise the Project to avoid impacts to Butte County Meadowfoam or revise its determination that these impacts will be less than significant with mitigation.

III. Hydrology

a. Water Supply

There is great ambiguity in the description of the water available for the Project. Examples include: “Determining the actual supply available to Cal Water in any given year is complicated by several factors.”⁹ The DEIR then appropriately explains that there has not been a comprehensive safe yield investigation or an adjudication of the groundwater basin. However, the DEIR asserts that this is “partly due to the relative abundance of groundwater resources in this region of the Sacramento Valley,” but then admits that there has been a “general decline” in groundwater levels over time, yet not significant enough to “warrant immediate concern.”¹⁰ The DEIR fails to provide justification for this and other conclusory statements. AquAlliance disagrees and provides the following table to demonstrate our enduring concerns about the status of the groundwater basin upon which all of Chico, and the majority of Butte County residents and orchardists depend.

Using the most current fall mapping available (DWR has yet to post 2017 fall maps as of May 23, 2018), Table 1 provides a summary of fall, county-level groundwater monitoring results from our region in the northern Sacramento Valley.¹¹ Tremendous declines are apparent.

Table 1.

County	Deep Wells (Max decrease gwe) Fall '04 - '15	Deep Wells (Max decrease gwe) Fall '04 - '16	Deep Wells (Avg. decrease gwe)** Fall '04 - '15	Deep Wells (Avg. decrease gwe)** Fall '04 - '16
Butte	-20.6 (-12.7)*	-28.3	-12.8 (-10.5)*	-10.9
Colusa	-87.3 (-59.5)*	-66.4	-35.0 (-59.5)* (only 1 well monitored in 2014)	-26.3
Glenn	-89.9 (-79.7)*	-65.8	-40.1 (-44.3)*	-27.3
Tehama***	-44.0 (-34.6)*	-35.8	-11.6 (-10.9)*	-10.3

County	Intermediate Wells (Max decrease gwe) Fall '04 - '15	Intermediate Wells (Max decrease gwe) Fall '04 - '16	Intermediate Wells (Avg. decrease gwe)** Fall '04 - '15	Intermediate Wells (Avg. decrease gwe)** Fall '04 - '16
Butte	-26.0 (-23.0)*	-28.3	-12.9 (-9.4)*	-11.6
Colusa	-125.4 (-40.6)*	-78.9	-32.4 (-22.6)*	-23.2
Glenn	-58.0 (-57.2)*	-58.3	-26.7 (-25.0)*	-20.0
Tehama***	-35.9 (-30.2)*	-29.3	-13.6 (-12.4)*	-12.7

⁸ Sloop, Christina et al. 2010. Conservation Genetics of Butte County Meadowfoam (*Limnanthes floccosa* ssp. *californica* Arroyo), an Endangered Vernal Pool Endemic. Conference abstract. Exhibit E.

⁹ DEIR p. IV-P2.

¹⁰ *Id.*

¹¹ http://wdl.water.ca.gov/groundwater/data_and_monitoring/northern_region/GroundwaterLevel/gw_level_monitoring.cfm

County	Shallow Wells (Max decrease gwe) Fall '04 - '15	Shallow Wells (Max decrease gwe) Fall '04 - '16	Shallow Wells (Avg. decrease gwe)** Fall '04 - '15	Shallow Wells (Avg. decrease gwe)** Fall '04 - '16
Butte	-19.2 (-17.6)*	-18.3	-8.0 (-5.9)*	-5.2
Colusa	-51.4 (-36.7)*	-51.7	-10.5 (-7.6)*	-9.2
Glenn	-58.0 (-53.5)*	-59.6	-15.8 (-15.1)*	-12.7
Tehama***	-34.1 (-30.2)*	-36.3	-11.1 (-9.5)*	-10.5

- * 2004-2014 monitoring results are in parentheses for comparison with 2015 results.
- ** Some average well depth numbers are not accurately comparable between 2004-2014 and 2004-2015 due to a change in the number of wells monitored.
- *** Tehama in the Sacramento Valley groundwater basin.
- Highlighted in yellow are negative changes of over 10 feet from 2014 to 2015.

Significant concerns about fall 2015 groundwater levels were summarized in the Northern Sacramento Valley Integrated Regional Water Management Board meeting: “Bill Ehorn (Chief of Groundwater Section in Northern Region Office, DWR) gave an update on groundwater levels within the NSV region. Change maps for October groundwater levels show that in much of the northern valley the groundwater levels are lower than 2011 – going from bad to worse. Historic groundwater level hydrograph maps show that groundwater levels are the lowest ever on record. A wet winter will help the water tables rebound but deeper aquifers will take longer to rebound.”¹² [emphasis added]

The 2004-2016 numbers provide mixed results. Deep wells appear to have improved in Colusa and Glenn counties from the 2004-2015 figures, but they were worse in Butte County. Tehama and Colusa counties’ maximum decrease is still below the measurements for the 2004-2014 period.

- The intermediate wells maximum decrease worsened in Butte and Glenn counties from the 2004-2015 figures, Colusa’s maximum improved by 45 feet, but still remained 80 feet below the 2004 level and Tehama’s maximum improved slightly.
- The shallow wells maximum decrease worsened in Colusa, Glenn, and Tehama counties from the 2004-2015 figures and Butte’s maximum improved slightly.

The absence of recently past and current groundwater conditions in the DEIR for the aquifer upon which it depends leaves the DEIR deficient under CEQA. This must be corrected in a revised and recirculated EIR.

b. Groundwater Management and Monitoring

Appendix F is the Water Supply Assessment (“WSA”) for the Project completed by the California Water Service Company (“Cal Water”). It includes the following regarding groundwater management: “The Butte County Department of Water and Resource Conservation has developed a groundwater management plan. No safe yield has been established but policy decisions were made in an attempt to maintain groundwater levels and water quality. The management plan can be accessed on Butte County’s website.” What is noticeably missing are the Basin Management Objectives (BMOs) that were developed by Butte County and the monitoring results based on those BMOs. Interestingly, the WSA mentions that Glenn County has BMOs, but fails to provide any data on the objectives or the monitoring results. The omission of objectives and monitoring results for Butte County, where Chico and the Project are located, leaves the WSA and the DEIR completely inadequate and is yet another reason that AquaAlliance provided Table 1 in these comments.

¹² December 7, 2015. Minutes from Northern Sacramento Valley Integrated Regional Water Management Board Meeting, p. 4 of 23.

What Cal Water should have provided, so the lead agency could disclose the conditions of local groundwater in the DEIR, is that the Chico Urban Area is a designated BMO area and has had serious groundwater concerns for many years. Noted in Figure 2 of the 2017 annual BMO report (Exhibit A) is that of all the BMO areas, Chico has the greatest average depth to groundwater at 90 feet, the greatest depth to groundwater at 160 feet, and the greatest minimum depth to groundwater at approximately 50 feet. This is a serious condition that has been known by water and government agencies for decades. Maybe Cal Water, and therefore the lead agency, fails to understand the seriousness of groundwater depletion because as the largest water utility west of the Mississippi it has deep pockets to dig deeper wells if needed. However, Butte County's annual reporting for water year 2017 indicates that, "Overall hydrographs indicate that groundwater levels in the California Water Service area of the Chico Urban Area Sub-Inventory Unit have generally declined 10-20 feet between 1988 and 2017."¹³

Cal Water's failure to disclose the existing conditions of groundwater and interactions between aquifer strata in Chico and Butte County at a minimum, let alone the entire Tuscan groundwater basin, is their failure. However, it does not obviate the lead agency from its responsibility to provide the public and policy makers with crucial and very relevant current and long-term implications from a dropping groundwater table including, but not limited to:

- Root stranding for urban forests has the serious potential to increase heat impacts and fire danger to all residents in the City of Chico if the urban canopy is frayed.
- Well stranding for individual well owners that passes on significant costs to deepen or dig new wells.
- Flow depletion in creeks and rivers that lead to impacts to wetlands, riparian habitat, and aquatic, terrestrial, and avian species.

Related to the three impact areas above is the importance of describing the regional groundwater extraction infrastructure that was developed before the aquifer system was accurately and scientifically characterized (it still has not been thoroughly characterized) and before a network of shallow monitoring wells was developed to detect changes in water levels over the shallowest portion of the aquifer. North state water agencies and districts were cognizant of the long-term health of riparian vegetation, wetland species, and number of other native habitat are commonly associated with maintaining a minimum range of groundwater levels and an appropriate level of interaction between surface water and groundwater resources.¹⁴ The water agencies' failure to implement the *Sacramento Valley Water Resource Monitoring, Data Collection and Evaluation Framework* means that all lead agencies are deprived of valuable groundwater and habitat impact reporting and analysis in their jurisdictions. Nonetheless, it does not negate the lead agency's responsibility to disclose for public review and comment how a seriously diminishing groundwater table that will be tapped once again for this Project, continues the reverberating impacts to individual, community, and public trust resources

That the DEIR failed to provide such significant detail and analysis on these topics requires the lead agency to revise and recirculate the DEIR.

1. Groundwater Age and Implications for Recharge

Cal Water withdraws groundwater from the deep portion of the Tuscan Aquifer. However, AquAlliance was unable to locate any material in the DEIR discussing the age of groundwater or recharge in the Chico Urban Area or Butte County. Notwithstanding the absence of disclosure in the WSA and the

¹³ Butte County 2018. *Basin Management Objectives Chico Urban Area* p. 4. Exhibit F

¹⁴ McManus, Dan (DWR) et al., 2007. *Sacramento Valley Water Resource Monitoring, Data Collection and Evaluation Framework*. Pgs. 5-6. Exhibit G.

DEIR regarding the age of groundwater or recharge anywhere locally or regionally, research by the academic community exists. For example, according to Professor Jean Moran regarding the mid Sacramento Valley, “Wells with top perforations below 300 ft bgs do not contain tritium. The large volume of old groundwater produced at drinking water wells has implications for groundwater management since recharge to these wells takes place over periods greater than 50 years. Relatively rapid groundwater flow is limited to the shallow regime in localized areas near the major streams and in fan sediments.”¹⁵

Dr. Moran’s *Groundwater Ambient Monitoring Assessment* report also demonstrated that except for fairly rapid recharge near streams in Chico, “Drinking water wells that back up to the foothills to the east, and wells to the north of Lindo Channel produce almost exclusively pre-modern groundwater.”¹⁶ This was also the case for “[d]eep monitoring wells, especially to the west of the Sacramento River, [that] produce paleowater that recharged more than ten thousand years ago.”¹⁷ “This implies that there is currently no active recharge to the Lower Tuscan aquifer system (M.D. Sullivan, personal communication, 2004),” explained Dr. Karin Hoover. She continued by stating, “If this is the case, then water in the Lower Tuscan system may constitute fossil water with no known modern recharge mechanism, and, once it is extracted, it is gone as a resource.”¹⁸

The DEIR failed to provide significant detail and analysis on groundwater age and recharge, which therefore requires the lead agency to revise and recirculate the DEIR.

c. Wastewater

The DEIR states that, “The General Plan EIR acknowledges that additional wastewater treatment and infrastructure capacity improvements would be needed to serve future development,”¹⁹ however, the “[P]roposed project represents a little more than three (3) percent of flows received from the Cal Water service area...” is insignificant.²⁰ On what basis is three percent deemed insignificant? The DEIR should also explain whether or not the Project’s landowners have paid sewer assessment fees in the past or will in the future and at what level. How these charges may be passed on to homeowners should also be explained.

IV. Cumulative Impacts

An EIR must discuss significant cumulative impacts. CEQA Guidelines §15130(a). Cumulative impacts are defined as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. CEQA Guidelines § 15355(a). “[I]ndividual effects may be changes resulting from a single project or a number of separate projects. CEQA Guidelines § 15355(a). A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the project at hand. Cumulative impacts can

¹⁵ Moran, Jean et al., 2005. *California GAMA Program: Groundwater Ambient Monitoring and Assessment Results for the Sacramento Valley and Volcanic Provinces of Northern California*, p. 46. Exhibit H.

¹⁶ *Id.* p. 34.

¹⁷ *Id.* p. 46.

¹⁸ Hoover, Karin A. 2008. *Concerns Regarding the Plan for Aquifer Performance Testing of Geologic Formations Underlying Glenn-Colusa Irrigation District, Orland Artois Water District, and Orland Unit Water Users Association Service Areas, Glenn County, California*. White Paper. California State University, Chico. Exhibit I.

¹⁹ DEIR 2018. p. IV-P2.

²⁰ *Id.* p. IV.P-10.

result from individually minor but collectively significant projects taking place over a period of time. CEQA Guidelines § 15355(b). The cumulative impacts concept recognizes that "[t]he full environmental impact of a proposed . . . action cannot be gauged in a vacuum." *Whitman v. Board of Supervisors* (1979) 88 Cal. App. 3d 397, 408 (internal quotation omitted).

a. The Lead Agency Failed to Consider the Cumulative Impacts of Other Groundwater Development Projects Affecting the Tuscan Aquifer

The WSA doesn't discuss the increasing demands on the groundwater basin outside the Cal Water service area, but the lead agency must contemplate how the Project's impact to groundwater, however small compared to what is used annually in the City of Chico, may be a cumulatively considerable impact.

Here is a list of water development projects, many of which include groundwater from the Tuscan aquifer. While it may seem far afield from a proposed residential and commercial development project, the increased use of groundwater in the Sacramento Valley from the 1920s to 2009 caused our major rivers and creeks to become losing streams.²¹

- 1991. WY – Critical. Reported transfers amounted to 820,000 af.²²
- 1992. WY – Critical. Reported transfers amounted to 193,000 af. (*Id.*)
- 1994. WY – Critical. Reported transfers amounted to 220,000 af. (*Id.*)²³
- 2002. WY - Dry. Settlement Contractors in the Sacramento Valley received 100% of their allocation. Reported transfers amounted to 172,000 af.²⁴
- 2003. WY - Above Normal. Settlement Contractors in the Sacramento Valley received 100% of their allocation. Reported transfers amounted to 206,000 af. (*Id.*)
- 2004. WY - Below Normal. Settlement Contractors in the Sacramento Valley received 100% of their allocation. Reported transfers amounted to 120,500 af. (*Id.*)
- 2005. WY – Above Normal. Settlement Contractors in the Sacramento Valley received 100% of their allocation. Reported transfers amounted to 5 af. (*Id.*)

²¹ Custis 2014. *Comparison of Groundwater Pumping and Accretion, Sacramento Valley, 1920s to 2009*. Exhibit J.

²² USBR, 2008. Draft Environmental Assessment for the *Option Agreement Between Glenn-Colusa Irrigation District, Bureau of Reclamation, and the San Luis & Delta-Mendota Water Authority for 2008 Operations*. (p.17)

²³ In 1994, following seven years of low annual precipitation, the state continued a Drought Water Bank program, which allowed water districts to sell surface water and continue growing rice with ground water. Western Canal Water District and Richvale Irrigation District exported 105,000 af of river water to buyers outside of the area and substituted groundwater from the Tuscan aquifer to continue growing rice. This early experiment in the *conjunctive use* of the groundwater resources – conducted without the benefit of project specific environmental review – caused a significant and immediate adverse impact to orchards, residents, and the environment (Msangi 2006). Until the time of the 1994 water transfers, groundwater levels had dropped, but the Tuscan aquifer had sustained the normal demands of domestic and agricultural users. The water districts' extractions, however, an abnormal demand on the groundwater, lowered groundwater levels throughout the Durham and Cherokee areas of eastern Butte County (Msangi 2006). The water level fell and the water quality deteriorated in the municipal wells serving the town of Durham (Scalmanini 1995) and even shallow residential wells dried up tens of miles away from the pumping. Irrigation wells failed on several orchards in the Durham area. One farm never recovered from the loss of its crop and later entered into bankruptcy.

²⁴ Western Canal Water District, 2012. *Initial Study and Proposed Negative Declaration for Western Canal Water District 2012 Water Transfer Program*. (p. 25)

- 2007. WY – Dry. Settlement Contractors in the Sacramento Valley received 100% of their allocation. Reported transfers amounted to 147,000 af. (*Id.*)
- 2008. WY - Critical. Settlement Contractors in the Sacramento Valley received 100% of their allocation. GCID alone planned an 85,000 af transfer²⁵ of an expected cumulative total from the Sacramento Valley of 360,000 af.²⁶ Another source revealed that the actual transfers for that year were 233,000 af.²⁷
- 2009. WY-Dry. Settlement Contractors in the Sacramento Valley received 100% of their allocation. The Bureau approved a 1-year water transfer program under which a number of transfers were made. Regarding NEPA, the Bureau issued a FONSI based on an EA. DWR opined that, “As the EWA’s exclusive mechanism in 2009 for securing replacement water for curtailed operations through transfers, the DWB is limited to the maximum 600,000 acre feet analyzed in the EIS/EIR for the program.”²⁸ Reported transfers amounted to 274,000 af.²⁹
- 2010/2011. WYs – Below Normal/Wet. Settlement contractors in the Sacramento Valley received 100% of their allocation for both years. The Bureau approved a 2-year water transfer program through an Environmental Assessment/FONSI. The *2010-2011 Water Transfer Program* sought approval for 200,000 AF of CVP related water transfers and suggested there would be a cumulative total of 395,910 af of CVP and non-CVP water.³⁰ The Bureau asserted in that no actual transfers were made under the *2010/2011 Water Transfer Program*, however, a Western Canal Water District Negative Declaration declared that 303,000 af were transferred from the Sacramento Valley and through the Delta in 2010.³¹
- 2012. WY – Below Normal. Settlement contractors in the Sacramento Valley received 100% of their allocation. The Bureau planned 2012 water transfers of 76,000 AF of CVP water all through groundwater substitution, but it is unclear if CVP transfers occurred.³² SWP contractors and the Yuba County Water Agency (“YCWA”) did transfer water and the cumulative total transferred is stated to be 190,000 af.³³
- 2013. WY – Dry. Settlement contractors in the Sacramento Valley received 100% of their allocation. The Bureau approved a 1-year water transfer program, again issuing a FONSI based on an EA. The EA incorporated by reference the environmental analysis in the 2010-2011 EA.

²⁵ GCID, 2008. Initial Study and Proposed Negative Declaration for *Option Agreement Between Glenn-Colusa Irrigation District, San Luis & Delta-Mendota Water Authority and the United States Bureau of Reclamation for 2008 Operations, and Related Forbearance Program*.

²⁶ USBR, 2008. Draft Environmental Assessment for the *Option Agreement Between Glenn-Colusa Irrigation District, Bureau of Reclamation, and the San Luis & Delta-Mendota Water Authority for 2008 Operations*. (pp. 4 and 17)

²⁷ Western Canal Water District, 2015. *Initial Study and Proposed Negative Declaration for Western Canal Water District 2015 Water Transfer Program*. (p. 21)

²⁸ DWR, 2009. Addendum to the Environmental Water Account Environmental Impact Statement/Environmental Impact Report http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=107 Re: 2009 Drought Water Bank Transfers State Clearinghouse #1996032083. (p. 3)

²⁹ Western Canal Water District, 2012. *Initial Study and Proposed Negative Declaration for Western Canal Water District 2012 Water Transfer Program*. (p. 25)

³⁰ AquAlliance, 2010. Comments on the Draft Environmental Assessment and Findings of No Significant Impact for the *2010-2011 Water Transfer Program*. (pp. 1-2)

³¹ Western Canal Water District, 2012. *Initial Study and Proposed Negative Declaration for Western Canal Water District 2012 Water Transfer Program*. (p. 25)

³² USBR 2012. Memo to the Deputy Assistant Supervisor, Endangered Species Division, Fish and Wildlife Office, Sacramento, California regarding Section 7 Consultation.

³³ Western Canal Water District, 2015. *Initial Study and Proposed Negative Declaration for Western Canal Water District 2015 Water Transfer Program*. (p. 21)

The 2013 *Water Transfer Program* proposed the direct extraction of up to 37,505 AF of groundwater (pp. 8, 9, 11, 28, 29, 35), the indirect extraction of 92,806 AF of groundwater (p. 31), and the cumulative total of 190,906 (p. 29).³⁴ Reported transfers amounted to 210,000 af.³⁵

- 2014. WY – Critical. Federal Settlement Contractors in the Sacramento Valley received 75% and State Settlement Contractors received 100% of their allocations. Total maximum proposed north-to-south transfers were 378,733 af and total maximum proposed north-to-north transfers were 295,924 af.³⁶ Reported north-to-south transfers amounted to 198,000 af.³⁷
- The 10-Year Water Transfer Program (2015-2024) could send up to 600,000 acre-feet of Sacramento Valley water south of the Delta – each year.³⁸ When combined with additional state approved transfers, the total could be over 800,000 acre-feet each year. If history is any guide, half of the transfer water may come from groundwater substitution.³⁹

The lead agency must weigh how individual impacts from the Project exacerbate declining groundwater levels in the Tuscan Aquifer and how the cumulative impacts reverberate through:

- The hydrologic system of creeks and rivers.
- The biologic systems of aquatic, terrestrial, and avian species.
- The human community that depends on groundwater for wells, shade trees, domestic and yard use, and creeks and rivers for recreation.
- The economic system where lower groundwater levels lead to increased pumping or replacement costs for well owners.

A revised and recirculated DEIR could satisfy CEQA concerning cumulative impacts to groundwater and the reverberating impacts to hydrology, species, humans, and economies.

b. The Lead Agency Failed to Consider the *Recovery Plan for Vernal Pool Ecosystems in California and Southern Oregon*

The DEIR repeats a falsehood on page V-5: “The 2030 General Plan Update EIR concluded that build-out of the General Plan would result in no impact related to HCPs, recovery plans, natural community conservation plans, local ordinances or other approved policies intended to protect biological resources. Therefore, impacts from the proposed project with buildout of the General Plan related to policies and plans related to biological resource protection are ***not cumulatively considerable***.” (emphasis in the original) What was missed in the 2030 General Plan Update, and is perpetuated in the DEIR, is that the Doe Mill Core Area in the 2006 *Recovery Plan for Vernal Pool Ecosystems in California and Southern Oregon* includes the Schmidbauer property and many more acres in southeast Chico (Figure 1). The

³⁴ USBR, 2013. Draft Environmental Assessment and Findings of No Significant Impact for the 2013 *Water Transfers*. (p. 29)

³⁵ Western Canal Water District, 2015. *Initial Study and Proposed Negative Declaration for Western Canal Water District 2015 Water Transfer Program*. (p. 21)

³⁶ AquAlliance, 2014. *2014 Sacramento Valley Water Transfers*. (Data from: 1) USBR, 2014 EA for 2014 *Tehama-Colusa Canal Authority Water Transfers*; 2) USBR and SLDMWA, 2014. EA/Negative Declaration, 2014 *San Luis & Delta Mendota Water Authority Transfers*.)

³⁷ Western Canal Water District, 2015. *Initial Study and Proposed Negative Declaration for Western Canal Water District 2015 Water Transfer Program*. (p. 21)

³⁸ 600,000 acre-feet each year for 10 years is equivalent to what a city of 100,000 people would use in 200 years.

³⁹ Groundwater substitution transfers take place when a water district sells its river water that is normally used to irrigate rice and instead continues growing rice by pumping well water. The grower makes money on both the water sale and the rice that is grown

recovery plan also designated a Chico Core Area that encompasses significant acreage in north Chico. Buildout of any of these acres would *significantly* impact the *Recovery Plan for Vernal Pool Ecosystems in California and Southern Oregon*, contradicting the statement quoted above. The DEIR must not rely on inaccuracies from the City's general plan update, but disclose, evaluate, and consider this important information.

Figure 1. Map of the Doe Mill and Oroville Core areas that include the Project footprint. (Source the U.S. Fish and Wildlife Service's *Recovery Plan for Vernal Pool Ecosystems in California and Southern Oregon*.)

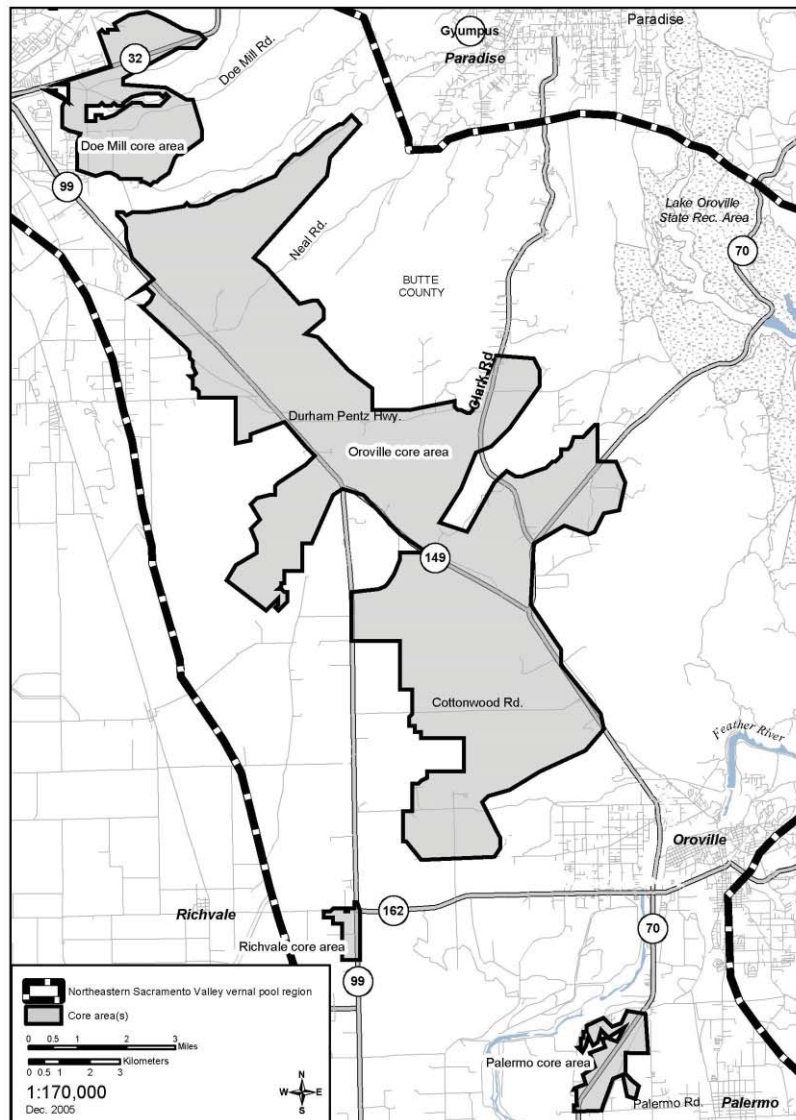


Figure III-9c. Doe Mill, Oroville, Richvale, and Palermo core areas within the Northeastern Sacramento Valley vernal pool region.

c. The Lead Agency Failed to Disclose the Cumulative Impacts to Waters of the U.S., Uplands, and Dependent Species.

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The City of Chico must provide an accounting of the losses of wetlands, uplands, and wetland dependent species in its jurisdiction, so the public and policy makers have an opportunity to consider how the Project is but one of many projects that have destroyed native vernal pool landscapes. This is most assuredly a significant cumulative impact within the City of Chico, in the region, and in the State of California.

In addition to the cumulative direct losses of Waters of the U.S., upland habitat losses are cumulatively significant as well. Uplands are not only vital for hydrologic connectivity, but also for species survival. For example, loss of pollinators can seriously impact special status plants. “Although *Limnanthes floccosa* ssp. *californica* is capable of setting seed in the absence of insect pollinators, continuing adaptation to environmental changes is not possible without the genetic recombination that occurs during cross-pollination. Considering the widespread habitat destruction and degradation in the area where *L. floccosa* ssp. *californica* is endemic, breeding habitat for pollinators could well be declining.”⁴⁰

The DEIR must disclose, evaluate, and consider cumulative impacts to Waters of the U.S., uplands, and species dependent on the vernal pool landscape.

V. Specific Additional Issues

1. Mitigation Measure BIO-2A is inadequate.

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a. It seems very odd that the lead agency is preparing for impacts to BCM instead of requiring strict avoidance.⁴¹ What will the lead agency consider “temporarily impacted habitat,”⁴² how does the lead agency envision temporary impacts occurring, what time frame is considered temporary, and to what degree will the lead agency allow impacts? The public and policy makers deserve to have the topic elucidated in a recirculated DEIR.

b. What scientific information was used to suggest that, “BCM habitat will be created through a site specific restoration plan to mitigate at a 1.5:1 ratio for permanent impacts...”⁴³ How did the lead agency reach the ratio? AquAlliance believes that creation of BCM habitat started and stopped with the Farm Credit Project from the 1990s. If this is the case it should be disclosed, and if it is not the case, AquAlliance requests that the lead agency provide a list of examples with details about the extent of BCM habitat creation and the status of the effort(s).

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c. It is helpful that the lead agency is cognizant that creation of BCM habitat may fall short,⁴⁴ but the DEIR fails to explain the backup plan such as where a “BCM mitigation bank” may be located and how many credits are available for purchase. With the lead agency counting on a mitigation bank for the potential failure to create BCM habitat, the public and policy makers must have some assurance of mitigation bank potential.

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⁴⁰ USFWS 2006. *Recovery Plan for Vernal Pool Ecosystems in California and Southern Oregon*. p. II-43.

⁴¹ City of Chico 2018. *Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone Draft Environmental Impact Report*. p. II-23.

⁴² City of Chico 2018. *Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone Draft Environmental Impact Report*. p. II-23.


⁴³ *Id.* p. IV.D-53.

⁴⁴ *Id.*

AquAlliance respectfully requests notification of any meetings that address the proposed Project. In addition, please send AquAlliance any additional documents that pertain to this project, including a possible notice of determination through the U.S. Postal Service and e-mail.

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Sincerely,

A handwritten signature in black ink, appearing to read "B. Vlamis", is centered within a light gray rectangular box.

Barbara Vlamis
Executive Director
AquAlliance

AquAlliance (AQUA)*Response to AQUA-1*

The commenter provides background on the project site and other efforts in the past to develop the site.

No response is necessary.

Response to AQUA-2

The commenter notes that various parties in the development process have been aware of biological resources on the project site since the 1994 Chico General Plan Update and drafting of the attempted Chico Habitat and Resource Conservation Plan.

No response is necessary.

Response to AQUA-3

The commenter highlights comments from the EPA to the USACE in the year 2000 on the project site. The commenter notes that the BCRP is an ongoing effort.

Comment noted. The Butte Resource Conservation Plan has not been enacted and therefore does not apply to this project.

Response to AQUA-4

The commenter notes that the EPA informed USACE that vernal pools have been identified as Aquatic Resources of National Importance. No response is necessary.

Response to AQUA-5

The commenter claims the DEIR failed to study the vulnerability of small preserves surrounded by urban development. The author provides a study by Volmar Consulting and AECOM to highlight this concern.

The study conducted by Volmar Consulting and AECOM (2009)⁷ focused on small vernal pool preserves which encompassed less than 60 acres total. The preserve proposed by the Applicant encompasses approximately 108 acres, which is much larger than the threshold studied. Further, the Applicant proposes to include the contiguous 15-acre Doe Mill-Schmidbauer Meadowfoam Preserve within the Habitat Mitigation and Monitoring Plan for the preserve established for the project, linking the two BCM resources. Additionally, the preserve will be required to maintain the current surveyed population of BCM, per Mitigation Measure BIO-2A. The interim and long-term management plans will address threats to the species and incorporate adaptive management strategies to ensure long-term success of the species within the preserve.

⁷ Volmar Consulting and AECOM 2009. *Effectiveness of Small Vernal Pool Preserves*. Prepared for the Placer County Land Trust. pp. 18-19. Exhibit D.

Response to AQUA-6

The commenter claims that impacts to BCM cannot be mitigated to less-than-significant levels. The commenter quotes from the abstract of the 2011 Sloop paper regarding BCM genetic uniqueness.

Please refer to Master Response 1 for a discussion regarding genetic uniqueness. Mitigation Measure BIO-2A has been formulated to ensure that there is either no-net-loss of BCM habitat or 19:1 preservation of BCM habitat, consistent with the Recovery Plan's recovery step for BCM habitat protection. Within the Stonegate Study Area, approximately one-half of the occupied BCM habitat will be preserved, and mitigation directs that the other half be used toward BCM habitat creation within the onsite preserve, thereby maximizing the retention of genetic material that exists among clusters of BCM located at the project site. In addition, neither CDFW nor any other trustee agency has initiated a formal designation for a genetically unique BCM strand that might exist at the project site.

Response to AQUA-7

The commenter expresses concern about groundwater withdrawal rates in the Sacramento Valley watershed and ambiguity in the description of water available for the project. The commenter states that the DEIR "fails to provide justification for...conclusory statements" regarding the relative abundance of groundwater resources in this region. The commenter provides a series of data points they believe show a decline in available ground water. The commenter highlights the parts of data they feel are relevant to the proposed project. The comment concludes by stating: "The absence of recently past and current groundwater conditions in the DEIR for the aquifer upon which it depends leaves the DEIR deficient under CEQA."

As stated on page 17 of Appendix F,

Although there has been some decline in groundwater levels over the long term, this decline has not been significant enough in CH District wells to warrant concern. The 2009 CH Water Supply and Facilities Master Plan (WSFMP) includes a detailed analysis of historic trends of groundwater levels for Cal Water and other nearby wells and found most wells had remained unchanged, a few showed increases and others decreases. The aquifers beneath the CH District contain large volumes of stored groundwater. Following droughts, groundwater storage and levels recover quickly. Groundwater information is provided in more detail in Section 6 of CH District UWMP.

Conclusions regarding the abundance of groundwater in the underlying aquifer were made based upon well data from Cal Water. There has not been a comprehensive hydrogeologic study of the Vina, West Butte and East Butte subbasins, which are part of the Sacramento Valley Groundwater Basin and are the source of groundwater for the City of Chico and other uses. Therefore, the DEIR used the best available information in its assessment.

The supporting evidence provided by AquAlliance from California Department of Water Resources is not representative of wells within the aquifer that will provide water to the Stonegate project. The well data provided by Cal Water in Appendix F are actual measured values from wells that will be used to supply water to the development. The observed static depths to groundwater from the Chico and Hamilton wells show considerable variability from year to year. While the general trend from 1988 to 2015 was an overall increase in depth to groundwater, notable decreases in the moving average of depth to groundwater also occurred during the period of record, indicating measurable recharge of the aquifer has been observed over the period of several years.

Response to AQUA-8

The commenter states that the DEIR omitted the BMOs for Butte County. The commenter further claims that the DEIR is deficient as it does not include data from the Butte County BMOs. The commenter states that Cal Water should have provided information from the BMO. The commenter highlights portions of the BMOs in support of their claim that the depth to groundwater is a significant concern. The commenter reiterates a previous claim that the DEIR did not include baseline groundwater data. The commenter lists several implications that can result from a declining groundwater table.

The BMOs referenced by the commenter are objectives, or policy statements, and are not actual guidelines that can be followed. The specific BMOs referenced by the commenter are provided below. Glenn County information was included in the Water Supply Assessment as it is part of the well network that Cal Water utilizes for City municipal water.

Butte

To maintain the groundwater surface elevation at a level that will assure an adequate and affordable irrigation water supply from the Alluvial, Sutter Buttes Rampart, Lower and Upper Tuscan Formations aquifer systems. It is the intent of this management objective to assure a sustainable agricultural groundwater supply of good quality now and into the future, and to assure the water supply can be utilized to the maximum extent possible without injuring groundwater quality or inducing land subsidence. The intent of this management objective is also to assure an adequate supply of groundwater from the alluvial aquifer system of suitable quality for all domestic groundwater users in the sub-inventory unit.

Vina

Management Objective – Our objective is to maintain the groundwater surface elevation during the peak summer irrigation season (July and August) in all aquifer systems at a level that will assure an adequate and affordable irrigation groundwater supply. It is the intent of this management objective to assure a sustainable agricultural supply of good quality water now and into the future, and to assure the water supply can be utilized without injuring groundwater quality or inducing land subsidence. The management objective is also to assure a groundwater supply of adequate quality and quantity from all aquifer systems for domestic users in the inventory unit.

The well data provided by Cal Water in Appendix F of the DEIR are actual measured values from the well network that will be used to supply water to the development. The observed static depths to groundwater from the Chico and Hamilton wells show considerable variability from year to year. While the general trend from 1988 to 2015 was an overall increase in depth to groundwater, notable decreases in the moving average of depth to groundwater also occurred during the period of record, indicating measurable recharge of the aquifer has been observed over the period of several years. The BMO reports themselves utilize Cal Water well data. The BMO reports come to many of the same conclusions as Cal Water; that there are natural fluctuations in groundwater levels. For instance, the Vina BMO states “Overall comparison of spring to spring groundwater levels associated with this confined portion of the aquifer system indicates that there has not been much change in the spring groundwater levels since the late 1940’s through 2011. In the last four years of severe drought, levels have fallen about 4-10 feet and fall levels are about 12 feet lower than in the 1960s.” As droughts ebb and flow the groundwater table has largely remained static.

Response to AQUA-9

The commenter describes their beliefs on the importance of describing regional groundwater extraction infrastructure. The commenter states that this infrastructure was build prior to the aquifer being accurately and scientifically characterized. The commenter adds to this point that the aquifer has still not been thoroughly characterized. The commenter states that the water agencies failed to participate in the Sacramento Valley Water Resource Monitoring, Data Collection, and Evaluation Framework, depriving lead agencies of valuable groundwater and habitat impact data. The comment ends with the commenter again stating that the DEIR failed to disclose this information regarding groundwater level impacts.

It is acknowledged that there has not been a comprehensive study of the local aquifer. As there has been no comprehensive hydrogeologic study of the Vina, West Butte and East Butte Subbasins, which are part of the Sacramento Valley Groundwater Basin, no source can attribute a precise of groundwater found within the aquifer. The Sacramento Valley Water Resource Monitoring, Data Collection, and Evaluation Framework is a voluntary program that has no regulatory authority over the proposed project or Cal Water. As stated prior, the well data provided by Cal Water in Appendix F are actual measured values from the well network that will be used to supply water to the development. The groundwater basin conditions section of Appendix F clearly describes the long-term trends in basin groundwater conditions and describes hydrographic trends observed at the monitoring wells.

Response to AQUA-10

The commenter states that the DEIR failed to consider the age of groundwater that would be utilized by the project. The commenter claims that Cal Water utilizes groundwater from deep portions of the Tuscan Aquifer. The commenter provides a report that concludes that wells within the City of Chico utilize pre-modern groundwater. The commenter provides an additional report that notes wells that backup to the east foothills and north of Lindo Channel use pre-

modern water. The author concludes that Lower Tuscan aquifer may constitute a finite supply of groundwater.

It is acknowledged that the DEIR does not provide information regarding the age of groundwater that would be utilized by the project. The commenter provides no substantial evidence to support the claim that Cal Water utilizes groundwater from deep portions of the Tuscan Aquifer, however the point may be presumed partially correct for the purposes of this response. Regardless, the comment is of a general nature regarding the provision of domestic water in the Chico area and is not specific to the project or DEIR analysis. The report referenced in the comment indicates that the use of tritium to age water is problematic, the author writes "While the presence of tritium is an excellent indicator of water that recharged less than about 50 years ago, age dating groundwater using tritium alone results in large uncertainties due to spatial and temporal variation in the initial tritium at recharge". The commenter does not provide proof that Cal Water withdraws from pre-modern water and the support for the claim is based upon undecided research. The comment also does not provide evidence that the DEIR failed to discuss the potential for groundwater withdrawals. The WSA for the DEIR described the existing conditions of groundwater within the area and how the project would impact these resources.

Response to AQUA-11

The commenter asks for clarification if the project landowners have paid sewer assessment fees in the past or will be required to in the future. The commenter expresses concern that the analysis of wastewater is inadequate.

The project site was included in the Southeast Chico Sewer Assessment District. Funds from the assessment improvement bond were used to install sanity sewer infrastructure to the Stonegate project. The necessary sewer capacity for the project has been accounted for as part of the City's infrastructure improvements. These changes have been made to the DEIR and include in Section 5, Errata.

Response to AQUA-12

The commenter provides information on the regulatory background of a cumulative impact analysis. No response is necessary.

Response to AQUA-13

The commenter claims that the DEIR is deficient in its cumulative impact analysis for groundwater withdrawal. The commenter states that because the project used the Cal Water service area it did not accurately reflect cumulative conditions. The commenter provides a series of water transfer projects from 1991-2013 that they believe should have been considered.

The DEIR's cumulative impact analysis took into account the City of Chico's 2030 General Plan EIR. As the 2030 General Plan EIR encompassed the site, the same geographical scope was used for the DEIR's cumulative impact analysis. The 2030 General Plan EIR, which included the project site, determined that cumulative impacts to groundwater would be less than significant. The project's impact to an extent have already been accounted for under CEQA

from the 2030 General Plan EIR. As the 2030 General Plan EIR only assumed 15 percent of the project site would be developed, additional consideration was necessary. The proposed project is estimated to utilize 346.1 Acre Feet per year of water (1.9 percent) of annual withdrawals from Cal Water for the year. If the DEIR were to follow the commenter's request the impact would be even less. The Department estimates that the average annual groundwater use in this basin is about 2.5 million ac-ft. On average, groundwater use accounts for approximately 31 percent of total water use⁸. The project would represent a 0.00014 percent increase from cumulative basin withdrawal rates. Given the minimal impact increase from the project, it would not create such an impact that would, when combined with General Plan buildout, be cumulatively considerable.

Response to AQUA-14

The commenter claims that DEIR failed to consider the Recovery Plan for Vernal Pool Ecosystems in its cumulative impact analysis. The comment further provides claims that the 2030 General Plan EIR contained incorrect information. The commenter discusses various elements of the plan, including the designation that the project site is core habitat.

See Master Response 1 for a discussion of the Recovery Plan as it relates to the DEIR analysis. To recap, it is correct that the Stonegate project site is located within a "Zone 1" core area designated by that plan, along with hundreds of acres in the southeast Chico area (Doe Mill core area), north Chico area (Chico core area), and thousands of acres stretching north and south of Chico (Vina Plains and Oroville core areas, respectively) where vernal pool habitat exists or has previously existed. Zone 1 core areas have the highest priority for planning for the recovery of the 33 plant and animal species covered by the Plan. As described in the Executive Summary of the Recovery Plan, however, "None of the actions or maps associated with this recovery plan carry any regulatory authority." Therefore, the recovery plan has no mandatory obligations.

Response to AQUA-15

The commenter states that the DEIR fails to analyze cumulative impacts to wetlands, upland habitats and wetland-dependent species.

The DEIR provides a cumulative impact analysis for biological resources, including wetlands and associated sensitive species, on page V-4 to V-5. Given that the project includes compliance with "no-net-loss" of acreage and values policies of the state and federal agencies (for example impacts to wetlands and other Waters of the U.S. are mitigated at a 3:1 ratio, vernal pool crustaceans at a 2:1 ratio), impacts would not be cumulatively considerable. Upland habitats are not considered sensitive under CEQA and therefore do not warrant detailed analysis. Additionally, cumulative impacts to BCM are covered under Section V of the DEIR.

⁸ California Department of Water Resources (Department). 2003a. Bulletin 118, California's Groundwater Update. Sacramento River Hydrologic Region. Chapter 7. Page 159.

Response to AQUA-16

The comment raises question on usage of “temporary” impacts within the DEIR. The commenter asks for clarification on the timeframe for “temporary” impacts.

Temporary impacts to occupied BCM habitat is used in Mitigation Measure BIO-2A to address potential impacts to BCM in the preserve areas that are not anticipated but nonetheless could potentially occur during construction or active restoration activities. Examples include but are not limited to: unauthorized deposition of fill material on or upslope from BCM habitat, unauthorized driving of a vehicle across or upslope from BCM habitat, failure of storm water control devices that result in siltation of BCM habitat, deposition of vernal swale inoculum (topsoil, seeds, etc.) from another location to the preserve where it could temporarily degrade existing BCM habitat, accidents from construction that may result in impacts to BCM habitat.

It is anticipated that temporary impacts, should they occur, would be relatively minor in nature and can be rectified in a matter of hours or days in terms of correcting the issue. Following up on such temporary impacts, however, would likely require 1-3 years of monitoring via spring surveys to ensure that the pre-existing population of BCM have not been permanently impacted at the location in question. Performance of the area would be monitored and compared against previous surveys of the area as well as reference populations of BCM. Temporary impacts could subsequently become indirect impacts to BCM if the rectification efforts do not lead to a complete re-establishment of the population at the location in question.

Response to AQUA-17

The commenter inquires as to how the 1.5:1 ratio for permanent impacts to BCM habitat was decided upon. The commenter states their belief that the creation of BCM habitat started and stopped with the Farm Credit Project in the 1990s and asks that the City disclose this information if it is true. If this information is not true, the commenter asks that the City provide a list of examples discussing the extent of BCM habitat creation and the status of these effort(s).

The 1.5:1 ratio for BCM habitat creation was developed to mitigate for the project’s direct impacts to ensure no-net-loss of biodiversity and ecosystem services by accounting for direct loss of habitat supporting the species with an additional 50 percent of mitigation per impact to account for indirect impacts, fluctuations in the equilibrium of the creation area, and the variability in population numbers shown by the species year-over-year. A 1:1 ratio (one acre of occupied habitat created for each acre of occupied habitat impacted), would meet the CEQA burden of avoiding a “substantial adverse effect” on the species if it could be demonstrated that the created habitat is as robust, diverse and productive as the impacted habitat over the long term. Instead, using a 1.5:1 ratio for habitat creation provides a degree of flexibility for the performance of the creation area over time, ensuring that a no-net-loss goal is achieved.

Regarding the commenter’s belief that creation of BCM habitat started and stopped with the Farm Credit Project, it is interpreted that the commenter meant that the only example of BCM habitat creation was for impacts resulting from the Farm Credit Project (also known as the Doe Mill development). It is acknowledged, as noted in Master Response 1 above, that at the Tuscan Preserve (also known as Lower Wurlitzer Ranch), BCM from the Doe Mill-Warfield Lane

development (also known as the Farm Credit project) was introduced onto suitable, unoccupied habitat in the early 1990s where the population grew to exceed 6,000 individuals when surveyed in 2008. This is the only instance of off-site creation of occupied BCM habitat identified during the environmental review for this project.

Response to AQUA-18

The commenter asks for clarification on the location and source of mitigation bank credits.

See Master Response 1. The City of Chico is required under the CEQA Guidelines to impose mitigation for impacts to sensitive resources, but is not required to identify the exact location of the mitigation, per *California Native Plant Society v. City of Rancho Cordova*, No. 057018, 09 C.D.O.S. 3669. (2009). Previously approved projects utilized the Dove Ridge Mitigation Bank (sold out in 2011), or have acquired land containing BCM habitat and preserved the habitat with a conservation easement and Habitat Mitigation and Monitoring Plan (Meriam Park). A new bank, the Sycamore Creek Conservation Bank, is currently proposed and under review by the Interagency Review Team. Mitigation Measure BIO-2A has been clarified to explain that the applicant may purchase property off-site that contains existing occupied BCM habitat to fulfill BCM preservation obligations. Such acquisition of off-site BCM habitat to mitigate for project impacts would require establishment of a long-term conservation easement, endowment or other funding mechanism for the long-term management of the species, and habitat mitigation and monitoring plan and interim and long-term management plans.

Response to AQUA-19

Notifications for upcoming meetings on this project will be sent to all interested parties.

Mike Sawley

From: laura greenfield <xenagreen@hotmail.com>
Sent: Thursday, May 24, 2018 10:59 AM
To: Mike Sawley
Subject: Stonegate concerns

Dear Mr. Sawley,

I am writing to express my concern regarding the proposed extension of Webster Dr. as part of the Stonegate development project.

My husband and I purchased a house on Freda Ct, a culdesac off of Webster, six years ago. At the time, we had a son who was not yet two years old, and soon after moving into our new home found out we would be having another little one. We were so grateful to have found a safe and quiet neighborhood street on which to raise our family.

Now, our son will be turning 8 come August, our daughter is 5, and we have another daughter who is about to turn one. Our older two love to be outside in the culdesac riding bikes and scooters, playing basketball, and playing games with neighborhood friends. My daughter likes to take walks with a neighbor across Webster who brings her dog out. And we often talk about how grateful we are that we live in a location where we feel comfortable letting them explore and play outside on their own. Being able to check on them from our kitchen window when we're not out with them. Especially this year, while I have needed to spend a lot of time taking care of our baby.

If the Stonegate project moves forward and Webster is extended, I fear it will greatly increase the safety risks for our kids as well as many other kids who live in these culdesacs off of Webster that like to play out front and use the street for bike riding and other activities, by increasing the vehicle traffic as well as foot traffic. This is especially the case in the coming years as our children grow and become old enough to ride around the neighborhood on bikes, visiting friends and enjoying some exercise. Activities that we want to encourage in this technological age where there is an increasing problem of healthy physical and mental activity among children, as well as adults. We have cultivated a unique, friendly neighborhood environment in which we have community gatherings, coordinate neighborhood yard sales, help each other with child care, exchange contact information, and know many of our neighbors by name. This kind of neighborhood community is becoming more rare these days and it is truly something we value and want to preserve. I believe that the Stonegate project and especially opening Webster Dr. to move through it would hinder the secure environment we have worked to create.

I also want to tell you a story about the field behind Webster. One spring, my husband and young son went walking around back there exploring and they discovered some vernal pools. Upon further exploration, they found some interesting crustacean like creatures which later we learned were fairy shrimp. I believe these creatures are listed as threatened and endangered, so it is an area that should be protected.

We also have a neighbor that many years ago discovered an old artifact back there of a hollowed rock and small long rock that were clearly used as a mortar and pestle to grind things up who knows how long ago. It is a valuable artifact of Chico History and an area worth preserving in its natural state.

I share all of this with you to demonstrate my personal reasons for being opposed to the Stonegate project and the proposition within that to continue the road through Webster Dr. This is the neighborhood in which we have chosen to plant ourselves, and the neighborhood it will become if all goes through with the Stonegate project will no longer be the quality of life which we currently cherish.

Thank you for your time and consideration.

Sincerely,

Laura Bogart (resident of Freda Ct off of Webster Dr.)

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Laura Bogart (BOGART)***Response to BOGART-1***

The commenter expresses concern about the extension of Webster Drive. The comment's primary concern is about safety for pedestrians and bicyclists.

Please refer to Master Response 4. The project would provide a minimal increase in traffic relative to the applicable thresholds of significance used for determining acceptable levels of service for local roadways. In addition, the project would be required to meet all City of Chico Municipal Code requirements related to road way design and safety.

Response to BOGART-2

The commenter expresses concern that the proposed project would impact the social character of the community.

Please refer to Master Response 4. This is not a CEQA issue and is thus outside the purview of the DEIR.

Response to BOGART-3

The commenter describes discovering vernal pools and crustaceans near their home. No specific comment on the DEIR is made.

A full impact analysis for these habitats and species can be found in Section IV.D of the DEIR.

Response to BOGART-4

The commenter describes discovering hollowed rock and small long rock near their home. No specific comment on the DEIR is made.

A full impact analysis for cultural resources and tribal cultural resources can be found in Sections IV.E and IV.Q, respectively, of the DEIR.

Response to BOGART-4

The commenter provides a summary of the topics discussed above. No response is necessary.

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Mike Sawley

From: Christina Buck <buck.christinar@gmail.com>
Sent: Wednesday, May 23, 2018 10:31 PM
To: Mike Sawley
Subject: Opposed to Webster Extension

Steve and Christina Buck
7 Webster Drive
Chico, CA 95928

Dear Mr. Sawley,

I am writing to express our concerns about the General Plan Amendment and Re-zone associated with the Stonegate Draft Environmental Impact Report. We are very concerned about the current proposal that makes Webster Drive a path of travel for this expansive new development on the east and west sides of Bruce Road. We are opposed to Webster being extended all the way through to Bruce Road and thereby becoming a thoroughfare for traffic flow from Bruce to Notre Dame and on to the Skyway or to E. 20th Street. We recognize that the City of Chico will grow now and into the future and change is inevitable, but we believe it doesn't have to happen at the cost of our quiet, and kid friendly neighborhood.

We are concerned that the significant traffic impacts on the neighborhood homes in and around Webster Drive are not adequately mitigated and can be avoided by a different design of the development. As a family with young children who enjoy the benefits of a quiet neighborhood, we have safety concerns for our children and our neighbors who also have young kids. More traffic means more possibility of pedestrian accidents, and with lots of children enjoying the freedom of riding their bikes, it could also mean more bike accidents. There is no reason to access traffic through a Webster Extension, because the new project could and should be accessed through Freemont or directly from Bruce Road. The selection of roads which will be two lane, three lane or four-lane roads do not add the capacity needed for the estimated 23,497 internalized auto trips from table IV.0-9 in the EIR. Pushing these thousands of new daily auto trips onto side streets is bad planning policy. In addition, Webster is not wide enough to support the increased traffic that the new subdivision would bring.

We love living on Webster and our kids and their neighborhood friends enjoy the benefits of a quiet, and relatively enclosed neighborhood. The community that's developed in this neighborhood is in part due to the nature of the limited number of homes served by Webster. The proposed extension would definitely change the very nature of our neighborhood, and what we have is worth protecting.

Thank you for your consideration of our concerns.

Regards,

Steve and Christina Buck

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Christina & Steve Buck (BUCK)***Response to BUCK-1***

The commenter expresses concern about the extension of Webster Drive.

Please refer to Master Response 4. The project would provide a minimal increase in traffic relative to the applicable thresholds of significance used for determining acceptable levels of service for local roadways. In addition, the project would be required to meet all City of Chico Municipal Code requirements related to road way design and safety.

Response to BUCK-2

The commenter expresses concern about the extension of Webster Drive. The comment's primary concern is about safety for pedestrians and bicyclists. The author suggests Fremont Street as an alternative to Webster drive for the connection. Lastly, the author suggests the project will push thousands of daily auto trips onto Webster Drive.

Please refer to Master Response 4. The project would provide a minimal increase in traffic relative to the applicable thresholds of significance used for determining acceptable levels of service for local roadways. In addition, the project would be required to meet all City of Chico Municipal Code requirements related to road way design and safety.

Response to BUCK-3

The commenter expresses concern that the proposed project would impact the social character of the community.

Please refer to Master Response 4. This is not a CEQA issue and is thus outside the purview of the DEIR

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Staff

Natalie Carter
Executive Director
Angel Gomez
Watershed Program
Kathleen Colvin
Energy Conservation Program

City of Chico Community Development Department
Attn: Mike Sawley, AICP, Senior Planner
411 Main Street, 2nd Floor
Post Office Box 3420
Chico, CA 95928
mike.sawley@Chicoca.gov

May 24, 2018

Thank you for the opportunity to comment on the Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone Draft Environmental Impact Report.

Below please find comments addressing the adequacy of the Draft Environmental Impact Report submitted on behalf of Butte Environmental Council:

1. Butte County meadowfoam (BCM)

a. This project would result in irreversible impacts to the future success of Butte County meadowfoam, resulting from further reduction and fragmentation of habitat that has already been reduced to a fraction of historical acreages. According to the US Fish and Wildlife service, "Development may degrade Butte County meadowfoam habitat through changes in above- and below-ground hydrology, introduction of invasive plants, from pesticide and herbicide use, and from additional habitat fragmentation."¹

b. BCM surveys were conducted when plants were dried out with mature fruit (as indicated in Appendix D. Appendix C. Representative Photographs of Butte County meadowfoam in the Study Area - All photos taken April 23 or April 24, 2016). Though BCM was still identifiable the plants maturity indicates that other vernal wetland species that occur on this site may have no longer been present during surveys due to climate conditions.

c. Mitigation banks to be used should be identified in order to reasonably consider off-site mitigation. Previously identified mitigation sites are no longer available. There are not available mitigation banks available for Butte County meadowfoam listed in the conservation and mitigation banks established by CDFW in California². Only two BCM mitigation banks are identified by USFWS³ and availability of acreage is unclear.

d. The project site is home to the genetically unique "Chico C population grouping"⁴ which is extremely limited in geographic distribution. This should be considered when evaluating the impacts to the species, and selecting appropriate mitigation.

¹ <https://www.wildlife.ca.gov/Conservation/Plants/Endangered/Limnanthes-floccosa-ssp-californica>

² <https://www.wildlife.ca.gov/Conservation/Planning/Banking/Approved-Banks#r2>

³ <https://www.fws.gov/sacramento/es/Conservation-Banking/Banks/In-Area/>

⁴ Formal Public Draft Butte Regional Conservation Plan (November 2015)

- e. As stated in a letter to the City of Chico from the US Fish and Wildlife Service dated November 24, 2016 “The proposed project site has a designation of Zone 1”, the highest priority areas identified in the 2006 Vernal Pools Recovery Plan, and “Even partial development of this site potentially preclude our ability to achieve our recovery goal of 99% because the avoided Butte County meadowfoam habitat would likely be significantly and adversely impacted by edge effects of development.”. Impacts to the future success of the Vernal Pools Recovery Plan should be thoroughly evaluated. Edge effects to BCM and other species on this site resulting from development and an increase in the local population should also be considered and avoided. 5
- f. Effectively assessing the impacts from the proposed project to BCM will require the completion of a pending Section 7 consultation with the Army Corps and Fish and Wildlife agencies. This consultation will consider significant changes in the condition of BCM populations over the last several decades. Direct and indirect impacts to BCM and other species are difficult to accurately determine until completion of the Section 7 consultation. 6

2. Other potentially impacted species 7

- a. The lack of protocol level surveys leave significant questions as to the wildlife that occur on the project site, despite comments from the CA Department of Fish and Wildlife(CDFW) to the City of Chico dated November 19, 2015 stating: “site analysis should be current and include protocol level surveys for all potential species...” 7
- b. No vernal pool wildlife species were identified in site visits conducted by Foothill Associates or WRA despite “numerous biological surveys that reported sensitive biological resources of significance, including vernal pool wetlands, BCM, and vernal pool crustaceans (protected by the Federal Endangered Species Act).”, as indicated on the CDFW letter dated November 19, 2015. Protocol level surveys were not conducted for any wildlife species with potential to occur in the project site. In order to properly identify all species that occur on this site protocol level surveys should be conducted for all species, rather than relying on visual examinations. 8
- c. Shield-bracted monkeyflower 9
 - i. Page IV. D-39 identifies only one plant species listed by CNPS as needing special consideration are present on the project site while Appendix D-2. 3.2 Field Survey Results 3.2.1 Rare Plant Species states that “two rare plant species were observed in the Study Area: Butte County meadowfoam and Shield-bracted monkeyflower...”, in addition Shield-bracted monkeyflower is identified as present in the project site, as identified on page IV.D-20. and IV.D-24.
 - ii. Figure IV.D.4 shows the project footprint affecting occurrences of Shield-bracted monkeyflower, and is indicated in the key “67x preserved” (68 occurrences were identified during surveys). On Page IV.D-52 it states “Shield-bracted monkeyflower individuals were observed on the project site, however, all of these individuals were found well outside of the project development footprint and would be avoided.”
- d. There is a need for further protocol level surveys to determine if moderately likely and highly likely plant species occur on the project site, as well as other species previously identified on this site, including but not limited to: 10
 - i. Ahart's paronychia
 - ii. Bidwell's knotweed
 - iii. Tehama navarretia
 - iv. Woolly meadowfoam
 - v. Hoover's Spurge
 - vi. California beaked-rush
 - vii. Brownish beaked-rush

3. Habitat and cumulative impacts

- a. This proposed project has the potential to impact migratory birds, their nests, eggs, and young which extend beyond project construction. Development of this site permanently removes important habitat, which migratory species rely on for survival. Lasting impacts on species' future ability to use this habitat for shelter, foraging, and reproduction should be considered. 11
- b. Surrounding grassland/upland habitat important for pollinator species that support vernal pool plant species (and others), foraging wildlife, nesting birds, and in general, the ecological success of this vitally important site. Impacts from development of grassland/upland habitat should be considered holistically, and the lasting impacts on habitat loss considered for each species occurring on the project site. 12
- c. The Butte Regional Conservation Plan (BRCP) has not been finalized or approved. While information and data generated from significant multi-agency collaborations should be considered, new revisions have not been made available to the general public and the final format of the plan has yet to be determined. The BRCP has been in progress for more than a decade with past inclusion of this project site in a proposed BCM preserve resulting from multi-agency collaboration with the shared goal of recovering BCM populations. The removal of this property occurred in the last year and has caused great concern among stakeholders. It is not appropriate to dismiss the potential for inclusion of this site in the BRCP until the document is finalized and approved by the appropriate regulatory bodies. 13

4. Watershed Impacts

- a. IV.I. HYDROLOGY AND WATER QUALITY identifies the RS-20 lots as having the potential to significantly impact flows in the Butte Creek Diversion Channel, as well as flooding on- or off-site. Any impacts to the Butte Creek watershed's water quantity or quality should be considered in relation to impacts on fish and wildlife dependent on Butte Creek, including but not limited to Federally listed Spring Run Chinook Salmon. Significant biological resources off-site have the potential to be impacted by the development of the RS-20 lots, and more understanding is need of the mitigation options to ensure the health of the watershed. 14
- b. Impacts to flood zones from developments upstream on the Butte Creek Diversion Channel modifying flood control should be evaluated if existing flood zones are considered outdated/inaccurate due to upstream development to fully understand the impacts of modifying this sites existing hydrology. 15
- c. Vernal wetlands manage flood waters and improve water quality, services that will be damaged or lost by removal of habitat features on this site, such as braided streams, vernal swales and grassland habitats. Impacts to water quality from the loss or degradation of these ecosystem benefits should be evaluated. 16

5. Inconsistencies/Errors

- a. I. INTRODUCTION contains three separate references indicating where to direct comments and questions. Each is slightly different, though none appear erroneous, these differences can create confusion and demonstrate a lack of attention to detail in the preparation of this document for the purposes of consistency and clarity. 17
- b. APPENDIX D-2. APPENDIX A. POTENTIAL FOR RARE PLANT SPECIES TO OCCUR IN THE STUDY AREA 18
 - i. Does not include recommendations/conclusions for the following species with moderate potential to occur on the project site
 - 1. Hoover's Spurge

2. California beaked-rush
3. brownish beaked-rush
- ii. The document contains inconsistent identification of occurrence and impacts to Shield-bracted monkeyflower. 19
- c. The study area delineation line is unclear in the following figures:
 - i. Appendix D-2. Figure 5. BCM Map/Rare Plant Survey
 - ii. Figure IV. D-4
- d. The values in Table IV. D-1 are not consistent with the values in Appendix D. or Figure IV. D-2. 20
- e. IV.I. HYDROLOGY AND WATER QUALITY includes Impact and Mitigation Measures for HYDRO 1, HYDRO 2, HYDRO 4, HYDRO 5, HYDRO 6, HYDRO 7, HYDRO 8, but not HYDRO 3. 21

6. Chico 2030 General Plan

- a. Resource Constraint Overlay 22
 - i. Fifteen percent of the average development potential for the underlying land use designation on the RCO sites was assumed in estimating the overall density and intensity of General Plan build-out and to conduct environmental review for the General Plan. As proposed, the project would develop approximately 65 percent of the site, more than four times the assumed development potential for this site.
 - ii. The most significant environmental constraints at the three Resource Constraint Overlay locations are vernal pools, populations of Butte County meadowfoam (BCM), and habitat for BCM.
 - iii. Justification should be provided to consider this significant change in development on lands of significant biological importance.
- b. BCM and Vernal pool Recovery Plans 23
 - i. Loss of habitat has been identified as the primary threat to BCM, and the U.S. Fish and Wildlife Service Recovery Plan for BCM calls for protecting 100 percent of known and newly discovered occurrences as well as protecting 95 percent of the suitable habitat within the Chico region.

7. Proposed Project Alternatives

- a. Alternative C removes all of the on-site Butte County meadowfoam (*Limnanthes floccosa* ssp. *californica*) significantly jeopardizing the potential for species recovery, and also has the potential to meaningfully impact shield-bracted monkeyflower (*Mimulus glaucescens*) identified in the site surveys. 24
- b. Alternative C Increases the number of residents and percentage of development on the site, which is not in compliance with the existing land use designations due to the resource constraint overlay on the project site.
- c. Please consider a Project Alternative that excludes any development East of Bruce Road. Isolating development to parcel 002-190-041 (approximately 48 acres West of Bruce Rd.) would meet the projected development potential as identified by the Resource Constraint Overlay, help achieve the 95-100% goals of the U.S. Fish and Wildlife Service Recovery Plan for BCM and meet the following project objectives: 25
 - Preserve a significant amount of open space on the site, over 100 acres, so as to retain the areas of highest biological resource value;
 - Enhance public access to and protect the integrity of the Butte Creek Diversion Channel and adjacent habitats;
 - Development of a project that is consistent with City design policies and Design Guidelines Manual;
 - Provide Revenue to local businesses during project construction and operation;

- Create residential neighborhoods in the project that offer a variety of housing types at various densities and price points to help meet the City's housing needs;

As a result of the substantial nature of this document, community activities during the review period, and the extremely significant nature of this site, Butte Environmental Council, along with a number of others requested an extension of the review period for this document which was denied. An extended review period would allow for more complete and meaningful review by the public, and should be reconsidered.

Thank you again for the opportunity to provide comment on this important project. Please feel free to contact me with any questions.



Natalie Carter
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Butte Environmental Council (BEC)*Response to BEC-1*

The commenter claims that development of the project would result in irreversible impacts to BCM. The commenter quotes USFW about potential impacts to BCM.

Please see Master Response 1. The DEIR analyzed BCM impacts and provides suitable mitigation as required under CEQA. Master Response 1 has a detailed discussion on how the DEIR met CEQA requirements.

Response to BEC-2

The commenter notes that surveys were conducted during the dry season. The commenter states that other vernal pool species may not have been identified due to dry conditions.

Surveys were conducted by WRA on April 23 and 24 and July 12, 2016 and March 26 and 27, 2018. Foothill Associates conducted surveys on February 15 and 23, March 3, 17, 18, 23, 24, 26 and 30, April 12, 13, 14, 30, and May 3, and July 20 and 21, 2016, and March 28 and April 21, 2017. Data from Foothill surveys was peer reviewed by WRA. In addition, the following surveys were provided by the City of Chico:

- Dole, J.A. 1988. *Results of a Field Survey for the Butte County Meadowfoam in the Vicinity of the City of Chico, California*. May 27, 1988;
- Dole, J.A. and M. Sun. 1992. *Field and Genetic Survey of the Endangered Butte County Meadowfoam-Limnanthes floccosa subsp. californica (Limnanthaceae)*. Conservation Biology, Volume 6, Number 4. December 1992;
- Foothill Associates. 2001. *Letter to Jones & Stokes Documenting Surveys of Butte County Meadowfoam on the Bruce Road Associates Property*. May 2, 2001;
- Foothill Associates. 2004. *Results of a Focused Survey for Butte County Meadowfoam (Limnanthes floccosa ssp. californica) on the Schmidbauer Project Site*. December 9, 2004;

Response to BEC-3

The commenter suggests potential mitigation banks be identified for BCM. The commenter notes that no mitigation bank credits are currently available for the species.

Please see Master Response 1. The City of Chico is required under the CEQA Guidelines to impose mitigation for impacts to sensitive resources, but is not required to identify the exact location of the mitigation, per *California Native Plant Society v. City of Rancho Cordova*, No. 057018, 09 C.D.O.S. 3669. (2009). Previously approved projects utilized the Dove Ridge Mitigation Bank (sold out in 2011), or have acquired land containing BCM habitat and preserved the habitat with a conservation easement and Habitat Mitigation and Monitoring Plan (Meriam Park). A new bank, the Sycamore Creek Conservation Bank, is currently proposed and under review by the Interagency Review Team. Mitigation Measure BIO-2A has been clarified to explain that the applicant may purchase property off-site that contains existing occupied BCM

habitat to fulfill BCM preservation obligations. Such acquisition of off-site BCM habitat to mitigate for project impacts would require establishment of a long-term conservation easement, endowment or other funding mechanism for the long-term management of the species, and habitat mitigation and monitoring plan and interim and long-term management plans.

Response to BEC-4

The commenter claims that the project site is home to a genetically unique form of BCM, Chico C population grouping. The commenter notes that this should be considered in development of mitigation.

Please see Master Response 1. Sloop et al. 2011⁹ conducted follow-up genetic analysis of BCM and determined that the sampled BCM populations, which included locations at the project site, show low levels of genetic variation within and among populations. Nonetheless, within the Stonegate Study Area approximately one-half of the occupied BCM habitat will be preserved, and mitigation directs that the other half be used toward BCM habitat creation within the onsite preserve thereby maximizing the retention of genetic material that exists among clusters of BCM located at the project site. Lastly, neither CDFW nor any other trustee agency has initiated a formal designation for a genetically unique BCM strand that might exist at the project site.

Response to BEC-5

The Commenter claims that the DEIR did not disclose the designation of the Project Site as core habitat under the USFWS 2006 Recovery Plan. The commenter states that the project did not disclose the project site's soil type with enough detail. The commenter expresses concern about indirect impacts associated with construction of the project. The Commenter believes that the on-site preserve would be negatively impacted from project construction.

Please see Master Response 1 for a discussion of the Recovery Plan, soils, and potential indirect impacts to BCM.

Response to BEC-6

The commenter notes that the project will be subject to Section 7 consultation with the Army Corps and Wildlife agencies.

Comment noted, no response necessary.

Response to BEC- 7

The commenter questions why protocol level surveys were not completed for all potential on-site species.

In lieu of conducting protocol-level surveys to determine presence or absence of special-status species with potential to occur in the Study Area, Mitigation Measure BIO-1(A-E) requires mitigation based on impacts to potential habitat for these species based on studies conducted in

⁹ Sloop, C.M., Pickens, C., Gordon, S.P. Conservation genetics of Butte County Meadowfoam (*Limnanthes floccosa* ssp. *californica* Arroyo), an endangered vernal pool endemic

2017 and 2018. These measures also require pre-construction surveys and avoidance and minimization measures. CEQA does not require a lead agency to conduct every recommended test and perform all recommended research to evaluate the impacts of a proposed project. The fact that additional studies might be helpful does not mean that they are required. (CEQA Guidelines, § 15204, subd. (a); Association of Irrigated Residents v. County of Madera, 107 Cal.App.4th 1383 (2003); Society for California Archaeology v. County of Butte (1977) 65 Cal.App.3d 832, 838-839, 135 Cal.Rptr. 679.) Please see Appendix D-1 containing the Biological Resources Assessment which includes an analysis of the USFWS CNDDDB, identifying possible sensitive species that may be present on the site, a review of previous studies conducted on the site, a review of the field study methodology for assessing type and quality of habitat, and an analysis of the qualified biologist's findings. This material provides the documentation for public review and conclusions regarding the potential effect of the project on biological resources. In addition, pre-construction surveys for some species are provided as mitigation measures in the DEIR.

Response to BEC-8

The commenter states "In order to properly identify all species that occur on this site protocol level surveys should be conducted for all species, rather than relying on visual examinations". The commenter notes that no vernal pool wildlife species were identified in site visits conducted by Foothill Associates or WRA.

See Response to BEC-7. All species previously observed or considered to have potential for occurrence based on the presence of suitable habitat have been analyzed.

Response to BEC-9

The commenter notes inconsistent statements in section IV.D and Appendix D-2 regarding the number of sensitive plants found during the surveys.

The typographical errors have been corrected and the changes are noted in Section 5, Errata. To clarify, two rare plant species were found within the project study area, BCM and shield-bracketed monkeyflower.

Response to BEC-10

The comment requests protocol level surveys for several listed species.

Surveys were conducted by WRA on April 23 and 24 and July 12, 2016 and March 26 and 27, 2018. Foothill Associates conducted surveys on February 15 and 23, March 3, 17, 18, 23, 24, 26 and 30, April 12, 13, 14, 30, and May 3, and July 20 and 21, 2016, and March 28 and April 21, 2017. During the course of these surveys, only BCM and shield-bracted monkey flower were observed within the Study Area. Based on a review of the phenology of all plant species on-site and known blooming records of each plant species observed or considered for occurrence, visits to reference populations, and discussions with local botanists at the CDFW (Jenny Marr) and USFWS (Kellie Berry), no further protocol-level surveys are recommended.

See comment response BEC-7. All wildlife species previously observed or considered to have potential for occurrence based on the presence of suitable habitat have been analyzed.

Response to BEC-11

The commenter states that “this proposed project has the potential to impact migratory birds, their nests, eggs, and young which extend beyond project construction. Development of this site permanently removes important habitat, which migratory species rely on for survival”.

Mitigation Measure BIO-1A provides mitigation for potential impacts to special-status and nesting bird species, including pre-construction surveys and establishment of the appropriate buffers for nest avoidance. Six special-status birds have the potential to utilize and nest within the Study Area: grasshopper sparrow, oak titmouse, white-tailed kite, loggerhead shrike, yellow-billed magpie, and Nuttall’s woodpecker. Additionally, a variety of other native species with baseline protections under Federal and State law also presumably nest within the Study Area. Future impacts to these species through the development of the project are considered in the DEIR.

Response to BEC-12

The commenter requests that impacts to grassland/upland habitat be holistically examined in the DEIR.

The CEQA process requires consideration of plant and animal species that, in the judgement of resource agencies, trustee agencies, and certain non-governmental organizations (e.g. California Native Plant Society) warrant special consideration. These species often include those designed “threatened”, “endangered”, or “candidate” for state or federal listing under CESA or ESA. Other species also include those ranked under the CNPS Inventory or Rare or Endangered Vascular Plants of California or those that are considered species of special concern by CDFW. Consideration also extends to riparian or wetland habitats and other biological communities that are ranked as sensitive communities by CDFW (S1-S3), or may be considered sensitive because they are rare or unique to a region. Grassland and upland habitat that is adjacent to vernal pools and the associated non-sensitive species do not require special consideration under CEQA. Further, mitigation requirements that re-establish or preserve habitat off-site will provide associated upland habitat refugia for these species, including nectar-producing forbs and host plants for native pollinators.

Response to BEC-13

The commenter provides background on the BCRP. The commenter does not feel it is appropriate to dismiss the potential for inclusion of this site in the BCRP until the document is finalized and approved by the appropriate regulatory bodies.

As stated on page IV.D-42 of the DEIR: “In a letter dated March 16, 2017, Butte County Association of Governments staff advised City staff that: ‘A revised draft of the BCRP is currently under development and is expected to include the removal of the project listed above [Vesting Tentative Subdivision Map S 15-05 and GPA/RZ 15-02 (Stonegate)] from the BCRP permit area. This change will eliminate any conflict between the BCRP and the project, and will

allow the project to move forward separately via the existing state and federal permitting processes. As such, there are no expected conflicts between the project and the BRCP.” The City of Chico is not in control of the BRCP process and inclusion of the project site in the BRCP is only discounted based on this communication from agency staff in charge of moving the BRCP forward.

Response to BEC-14

Commenter expresses concern about storm water runoff from the RS-20 lots entering the Butte Creek Diversion Channel. The commenter further expresses concern about stormwater runoff having impacts to protected salmon species.

The Butte Creek Diversion Channel within the project site is isolated from Butte Creek by barriers that are impassable to anadromous fishes.

Off-site impacts will be less than significant with compliance of Construction General Permit. The Construction General Permit requires preparation and implementation of a SWPPP, including BMPs to reduce and eliminate sediment during construction activities. The Small MS4 General Permit requires implementation of post-construction stormwater management measures, such as LID design standards to capture and treat runoff from impervious surfaces. Compliance with the Construction General Permit and Small MS4 General Permit would ensure that the rate, volume, and/or duration of stormwater discharges from the project would not substantially increase during construction and operations and would result in no impact to Spring Run Chinook salmon or other aquatic wildlife species.

Response to BEC-15

The commenter states that flooding impacts from developments upstream should be evaluated if existing flood zones are considered outdated/inaccurate due to upstream development.

The commenter does not provide any claim or evidence that the available flood zone maps are inaccurate. As the commenter did not provide a specific concern with the DEIR, the comment is acknowledged and included herein for consideration by the decision makers.

Response to BEC-16

The commenter expresses concern that removal of vernal wetlands will have an impact on flood plains and water quality. The commenter states that impacts to water quality from the loss or degradation of these ecosystem benefits should be evaluated.

Design review at the improvement stage of the project's development requires the applicant to show compliance with the NPDES Construction General Permit and Small MS4 General Permit. Compliance with these regulations requires a no-net runoff from the project site. Furthermore, compliance includes BMPs for water quality and design features that meet minimum standards set forth by the City's Low Impact Development (LID) regulations (CMC 15.50). Lastly, the project as proposed already includes a storm water detention basin on-site that will assist with flood water conveyance and natural filtering of waters.

Response to BEC-17

The commenter notes that the “INTRODUCTION contains three separate references indicating where to direct comments and questions. Each is slightly different, though none appear erroneous, these differences can create confusion and demonstrate a lack of attention to detail in the preparation of this document for the purposes of consistency and clarity.”

The commenter is correct that all none of the references to the contact person are erroneous. While it might be preferable to have identical references for the sake of consistency, this comment does not identify a flaw in the DEIR.

Response to BEC-18

The commenter notes missing recommendations/conclusions for three species in the species matrix portion of the rare plant survey, Appendix D-2.

The omissions in the matrix have been corrected and the changes are noted in Section 5, Errata. To clarify, Hoover’s spurge, California beaked-rush and brownish beaked rush, were not found at the site during rare plant surveys and no further actions were deemed necessary for those species.

Response to BEC-19

The commenter notes typographical errors in Appendix D-2, monkeyflower occurrences. The commenter states that the study area delineation line is unclear in Figure IV.D-4 and Figure 5 in Appendix D-2.

The typographical errors have been corrected and the changes are noted in Section 5, Errata. Regarding the BCM Figures, the study area contains the entire project site which is bounded by a yellow line and, in the corner contiguous to the Doe Mill-Schmidbauer Preserve, a magenta line.

Response to BEC-20

The commenter notes typographical errors in Table IV. D-1.

The typographical errors have been corrected and the changes are noted in Section 5, Errata.

Response to BEC-21

The commenter suggests that there is no impact and mitigation measure for HYDO-3

Impact HYDRO-3: Substantial Erosion or Siltation through Alteration of Drainage Patterns, can be found on page IV.I-16 of the DEIR. The impact relies upon mitigation measures for HYRDO-1 and HYRO-2 to reduce impacts to less than significant levels.

Response to BEC-22

The commenter notes that the project is currently under a resource constraint overlay. The commenter states that the constraints found on the site are BCM, vernal pools, and habitat for BCM. The commenter says justification should be provided for this proposal to develop approximately 65 percent of the site when the assumed development potential for the site was only 15 percent by the General Plan.

The General Plan provides a guideline for future development within the City of Chico. To avoid overestimating the amount of potential future development within the City the General Plan assumed, in absence of a specific proposal, that up to 15 percent of the designated Resource Constraint Overlay (RCO) sites could be developed. This assumption does not preclude a buildout of higher density. As stated on page 3-21 of the Chico General Plan: "Land owners of RCO parcels may conduct more detailed studies, including environmental review, and coordinate with resource agencies to determine actual development potential. Such potential may be more or less than the assumed 15 percent, but not more than the maximum development potential allowed by the underlying land use designation."

The DEIR constitutes the detailed studies required to inform determinations of the true development potential of the project. Coordination with resource agencies is currently underway. Part of the proposed project is a General Plan amendment, which would reconfigure Land Use Designations and remove the RCO designation. Should the project be approved, the General Plan would match the project and the RCO designation would no longer be applicable.

Response to BEC-23

The commenter expresses concern about habitat loss of BCM and highlights the USFW Recovery Plan for BCM.

Please see Master Response 1. To recap, Mitigation Measure BIO-2A ensures that prior to impacts to BCM, the applicant shall provide preservation mitigation at a 19:1 ratio consistent with the Plan's recovery step needed to downlist BCM, and/or creation of BCM habitat at a minimum 1.5:1 ratio that demonstrates a self-sustaining population whose density matches that of a reference population for three years. Approximately one-half of the existing occupied habitat will be preserved within the Stonegate Study Area through a conservation easement and will be actively managed to ensure long-term BCM success. Because the proposed 19:1 mitigation ratio meets the Recovery Plan criteria for downlisting BCM, the project will not significantly contribute to any cumulatively considerable impacts to BCM.

Response to BEC-24

The commenter claims that Alternative C would remove all of the on-site BCM. The commenter claims that Alternative C is not in line with the RCO designation of the project site.

As stated on page VIII-18 of the DEIR, Construction and operation activities under Alternative C would impact these species more than the proposed project, particularly with regard to Butte County meadowfoam where all 5.14 acres of onsite occupied habitat would be removed.

See Response to BEC-22, above, regarding the RCO designation. The DEIR constitutes the detailed studies required to inform determinations of the true development potential of the project. Therefore, Alternative C is in compliance with the resource constraint overlay.

Response to BEC-25

The commenter requests consideration of an alternative that only includes development east of Bruce Road. The commenter suggests that such an alternative would be consistent with the 15-percent development potential identified by the RCO designation, USFWS Recovery Plan goals and five of the project objectives.

Please see Master Response 5. The DEIR examined three alternatives and considered a fourth. An EIR need not consider every conceivable alternative to a project or alternatives that are infeasible. ([Guidelines, § 15126.6, subd. (a).]; see also ([Citizens of] Goleta [Valley v. Board of Supervisors (1990)] 52 Cal.3d [553,] 564 [(Goleta)] and (In re Bay-Delta etc. (2008) 43 Cal.4th 1143, 1162 (Bay-Delta).). The comment has not provided evidence that the DEIR did not meet the standard of considering a reasonable range of alternatives.

Response to BEC-26

The commenter expresses concern over the amount of time to review the DEIR. The commenter states that a request for an extension was denied.

As noted by the commenter, the DEIR was circulated for a 45-day public review period, which is consistent with the CEQA Guidelines. The project complied with all noticing and availability requirements for the DEIR.

23 May, 2018

Mike Sawley, AICP
Senior Planner
City of Chico Community Development Department
P.O. Box 3420
Chico, California 95927

Subject: Stonegate DEIR

Dear Mr. Sawley,

This letter transmits concerns on behalf of the California Indian Water Commission (CIWC) regarding the subject project. The CIWC is a self-determination intertribal organization pursuant to PL 93-638. The CIWC's awareness of this project is recent, and as such we have not had adequate time to thoroughly review the project's DEIR to provide detailed comments. Our comments here are intended to illustrate broader concerns for tribal trust resources. Given the nature of the landscape involved in this project we believe adequate consideration of impacts to trust resources is lacking. Specific concerns are threefold; 1) vernal pool landscapes support ecoculturally significant species; 2) this vernal pool landscape is designated a core recovery unit within the *Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon* (USFWS 2005); and 3) hydrologic connectivity and functionality.

Ecocultural species include species of cultural importance as food, medicine, fiber, ceremonial or other significance. Many species identified as occurring or potentially occurring on the proposed project site are ecocultural species of importance to many California Indians. The direct, indirect, and cumulative impacts of this project contribute to a declining baseline for these species, which has not been addressed in this context. The historic and ongoing impacts to vernal pool landscapes represents a serious threat to the availability, distributions, and long-term viability of these species regionally and beyond.

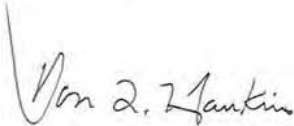
Recovery of vernal pool ecosystems involves stewardship of trust resources and fulfillment of tribal trust responsibilities among agencies. While recovery plans outline voluntary actions identified to contribute to achieving conservation objectives, the ability to recover a species or ecosystem necessitates conservation actions within designated core areas. This project is situated within the Doe Mill Core Recovery area for the Northeastern Sacramento Valley vernal pool region. Unfortunately, the City of Chico, US Fish and Wildlife, and other agencies have failed to implement conservation actions for current development (i.e., Oak Valley and Meriam Park) within a significant portion of this core recovery area. It is designated as core recovery area due in part to the unique suite of species occurring here (including endemic species) and the functionality of the habitat. The Stonegate project represents among the last currently undeveloped lands within this core recovery area. If this habitat is lost, the ability to recover these species is precluded, and hence the fulfillment of trust responsibilities is not achieved.

Vernal pool landscapes are part of nature's water delivery and purification system. While the project may seek to fill vernal pools and other wetlands, it does not negate the fact that the project area is situated within a natural hydrologic system; it floods, stores water, conveys water, and provides habitat. Current research suggests the functionality of natural wetlands cannot be obtained through habitat creation or enhancement; conservation of existing functional wetlands is the best option. Given an uncertain climate future, the hydroperiod and capacity of these wetlands is also uncertain. The development of this site puts that development at risk of flooding, but also puts downstream wetlands, aquatic habitats, and species at risk.

4

We urge the City of Chico to further evaluate the significance of this site.

Sincerely,



Don Hankins, Ph.D.
President

California Indian Water Commission (CIWC)*Response to CIWC-1*

The organization provided introductory remarks to open the letter. No response is necessary.

Response to CIWC-2

The organization states that many species identified within the proposed project site have ecocultural importance to Indian tribes. The author states that the direct, indirect, and cumulative impacts of this project in this context have not been addressed. Biological Resource impacts are discussed in Chapter IV.D and Tribal Cultural Resources are discussed in Chapter IV.Q. Please refer to these chapters for additional details on impact analysis.

In accordance with AB-52, a letter was sent to the Native American Heritage Commission ("Commission") on July 8, 2016, requesting a review of the Sacred Lands file and a list of interested Native American tribes and individuals. On July 13, 2016, the Commission responded indicating that they have no knowledge of Native American resources within the project site and provided a list of five individuals/organizations to contact. Letters were sent to these individuals/organizations on July 26, 2016, requesting information on the project area and soliciting comments on the proposed project. Michael DeSpain from the Mechoopda Indian Tribe called on August 8, 2016, to discuss the high sensitivity of archaeological sites near creeks and other waterways and to request that tribal monitors be present during future ground-disturbing activity, including coring. No other comments were received from interested Native American parties. As such, the proposed project complied with AB-52 to consult with Tribes to identify potential Tribal Cultural Resources on the project site.

Response to CIWC-3

The organization expresses concern about potential project impacts to vernal pools from the project. The organization cites the project being a core recovery area within the Northeastern Sacramento Valley vernal pool region. The commenter notes that, in their belief, other agencies have not met the goals of the designation.

The organization does not provide a specific comment on the adequacy of the DEIR. Please refer to Section IV.D for a comprehensive analysis of biological resource impacts, and see Master Response 1, above, for a specific discussion of the Recovery Plan's designation of the site as a core recovery area. The DEIR discloses and provides mitigation for all potentially significant impacts of the project on vernal pools and associated species.

Response to CIWC-4

The commenter questions the project's ability to create habitat as mitigation. The commenter states that the overall site is part of a vernal pool and wetland system. The commenter claims that impacts to one area affect the overall system's ability to store water, convey water, and provide habitat. The commenter notes that the project puts downstream users at the risk of flooding and other impacts.

The organization does not provide a specific comment on the adequacy of the DEIR. Please refer to Section IV.D for a comprehensive analysis of biological resource impacts and Section IV.I for a detailed analysis of Hydrology and Water Quality.

May 24, 2018

City of Chico
Community Development Department
Attn: Mr. Mike Sawley, Senior Planner
411 Main Street
Chico, CA 95927

RE: Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone Draft Environmental Impact Report dated April 2018 (Stonegate DEIR, 2018)

Dear Mr. Sawley,

As residents on E. 20th Street directly across from this proposed development we respectfully share our many concerns about the adequacy of **Stonegate DEIR**, dated April 2018.

Inadequate Time to Review:

We appreciate timely notice of the availability of the **Stonegate DEIR**. We saw the notice in the local newspaper, on fencing near the property (although the wind did not allow the post to stay), and received the notice on April 10, 2018 by mail. Once we began our review using the copy at the library and the online resources, we realized we needed more than 45 days. We requested and were denied an extension of the 45-day review period. While 45 days is the minimum time for review, just two more weeks are critical to us as this is our first time reviewing such a document and the proposed project's impact is significant in so many ways. We took this review task very seriously. This document and its appendices are quite comprehensive, totaling over 2,200 pages. But while the document is 'comprehensive,' we found it inadequate in many ways.

Inadequate Clarity/Confidence Level/Readability:

The **Notice of Preparation (NOP)** for this **DEIR** was June 20, 2016—nearly two years ago. While we acknowledge this is a comprehensive document with several experts consulted, many site surveys and reports developed—it is riddled with incorrect references. It is our understanding that a **Final EIR** is the document that dictates the actual development and as such needs to be free of errors in spelling, grammar, references, and conflicting statements. So many of the sentences referencing this site have the compass directions rotated 90° as many maps are printed with North along the left edge, rather than the convention of the top of the page. This document is too cumbersome. This lack of clarity leads to lack of integrity. Please see our attached page-by-page findings—some of the attached notes give an idea of the issues we are trying to highlight under this inadequacy.

Inadequate Alternatives Presented:

Given that the **Chico 2030 General Plan** denotes this space as *Resource Constraint Overly* with an anticipated 15% build out, we see at least two additional viable alternatives that need to be considered.

- Alternative D is a 15% build out of the site with changes in the zoning required. This alternative likely would have most of the development remaining on the west side of Bruce Road, although some may be just along the east side of Bruce Road, or all four corners of the Bruce Road/E. 20th Street intersection.
- Alternative E is a compromise between the proposed 65% build out and Chico's 2030 vision of a 15% build out. Alternative E might strike a 40% build out, with essentially the same Project Objectives (Stonegate DEIR, page III-22). Or Alternative E might be a 33%
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PAUL & KATHY COOTS

build out, which would allow for reasonably quick re-analysis of the various environmental components impacted. Approximately half the number of trips, half the amount of greenhouse gases, and half the impact to air quality—realizing it's not that easy, but also not that difficult to arrive at a compromise between what citizens of Chico expected for and planned for that space (15%) and what the developer is seeking (65%).

Inadequate Cumulative Impact Analysis:

Because so much time has lapsed between the **NOP** and the **DEIR**, the Special Planning Area just east of this property is beginning to come up on the radar for development. On page III-25 of this **DEIR**, the Doe Mill/Honey Run SPA is not included. On page V-1 of this **DEIR** these guidelines are included:

In identifying projects that may contribute to cumulative impacts, the CEQA Guidelines allow the use of a list of past, present, and reasonably anticipated future projects, producing related or cumulative impacts, including those which are outside of the control of the lead agency.

Given that Chico Unified School District Board Meeting Minutes of February 7, 2018 mention the Doe Mill/Honey Run SPA—now called Valley Edge—as a possible site for the construction of an elementary school, this **DEIR** is inadequate as it only describes the area immediately east of the proposed development as 'privately owned open rangeland.' This area is now (April 2018) blinking on the radar for development and will significantly impact traffic patterns for E. 20th Street all along the northern edge of Stonegate and the key intersection at Bruce Road and E. 20th Street. When coupled with the Belvedere Heights build out of 92 homes near both sites, a revisiting of the Cumulative Impact Analysis which includes Doe Mill/Honey Run SPA must occur for **Stonegate DEIR** to be adequate.

Inadequate Mitigation for Endangered Species:

We find it difficult that this project proposes to mitigate any Butte County Meadowfoam. As stated in this **DEIR** (page IV.D-35), the recovery criteria are to protect 100 percent of all known occurrences of the species. The additional alternatives with less development as suggested above, support the recovery criteria developed in 2005 and cited in the **DEIR**.

During the Planning Commission meeting on May 3, 2018 to introduce this document and take initial public comments, clarity about the review process included a suggestion that comments by page number are valuable to the process. With this idea of providing feedback related to exact page numbers we have attached such a document. The attached multiple page document illustrates by exact page number the many inadequacies we found in our review. We expect the lead agency to respond to the attachment as well as this cover letter in its development of the **Final EIR**.

Our review of **Stonegate DEIR**, April 2018 with its *many inadequacies*, coupled with what appears to be some intentional *manipulation* of the resources and reference points that favor the developer, brings us to question the integrity of this document. Given all the data included in the document, presented only as tables of numbers with descriptive narrative following, the impact is hidden. Providing pie charts, bar graphs or other graphics with color-coding would allow the reader to analyze and understand the impacts, the benefits of the project and actual significance. This property is so important to so many and in so many ways—we need to get this right.

Sincerely,



Paul Coots



Kathy Coots

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Comments by page number or section from Paul & Kathy Coots regarding **STONEGATE DEIR, April 2018**

Respectfully submitted on MAY 24, 2018 as an attachment to cover letter.

As an introduction, we are both retired educators. Paul taught in alternative education and Kathy was a reading specialist. In reviewing the **Stonegate DEIR** dated April 2018 and its many appendices, it came to our attention there are many issues. There are errors in references; errors in grammar, punctuation, spelling; and what appears to be manipulation of the information that leads the reader to conclusions that favor project development. Given the length of the document and its appendices, most reviewers will scan or skim rather than do any sort of ‘close’ reading. Given the length of this document and its several errors in references we find it far too cumbersome to review effectively. Given the 2-year gap from NOP Scoping and the actual **DEIR** we believe that many of the ‘findings’ and many of the ‘mitigation measures’ are now inadequate. Therefore we must conclude: **Stonegate DEIR (April 2018) is inadequate**. Our cover letter provides a global review of the inadequacies. In this table we provide some specifics to illustrate our conclusions. Some ‘comments’ are merely errata; while others are ‘inadequacies.’ The table below is organized in numeric order by page in order to support the review of our comments. This is not an exhaustive list, as the 45-day review period was far too short to review the over 2,200 pages—which we wanted to do as we found issues within and between the 500-page **DEIR** and the various appendices.

PDF	DOC	COMMENT	
5	i	Spelling error: II. C. <i>Summary</i> is misspelled	9
6	ii	Reference error: VI. Page references are incorrect for VI. A, B, C & D	10
12-13	viii-xi	Many acronyms scattered throughout this document are not referenced here. This lack of organization makes for more difficult review. Suggest including <u>every</u> acronym in this list.	11
79	Fig III-5	View 1 is incorrectly referenced . This photo is taken from within the Doe Mill neighborhood. Should be “View looking south towards the project site from homes within neighborhood along E. 20 th St.”	12
80	Fig III-6	View 1 is incorrectly referenced . This photo is taken from the most eastern point of E. 20 th St. It is NOT taken from the project site , but instead approximately 0.5 mile distant from project site.	13
80	Fig III-6	View 3 is incorrectly referenced . This photo is taken from Honey Run Road located east by approximately 0.3 mile from the ‘southern border’ of the project site.	14
		<u>General comments regarding photos included in this section:</u> The photos included in <i>Appendices A and D1</i> give the reader a view of the project site that includes the area when it is green, with water and trees in view. The photos included in the DRAFT EIR are all taken when the area appears to be merely dry grass. This apparent manipulation of the photos included in the main DEIR , causes much concern. We question the ‘objectiveness’ of the authors. The appendices were not published (e.g. no hard copies available to the public) for this DEIR . As such review of the appendices is difficult. This area is teeming with life, which those photos help to demonstrate. We believe only ‘dry grass’ photos skew decision-making of the decision-makers. We suggest the addition of photos from within the project site published as part of the main DEIR not just in the appendices.	15
			16

Comments by page number or section from Paul & Kathy Coots regarding **STONEGATE DEIR, April 2018**

PDF	DOC	COMMENT	
94	III-25	NOP for this EIR was released June 2016 with an <i>exhaustive list of approved, proposed, or current construction projects</i> . Many events have happened in two years, including the Chico USD considering purchase of land in the Doe Mill/Honey Run SPA (DM/HR SPA) for construction of an elementary school. See Chico USD School Board Minutes of February 7, 2018 . DM/HR SPA (now also known as the Valley Edge Development) creates the need to re-examine the impact of the Stonegate proposal. Tables III-4 and III-5 must be updated.	17
AESTHETICS			
107	IV.B-2	Quote: <i>East of the project site is privately owned rangeland and open space that slopes gently up in elevation to the rolling foothill terrain.</i> Now that same 'rangeland' is being considered for an elementary school as part of DM/HR SPA. This portion of the DEIR should be rewritten to consider the Cumulative Impact of the projects listed in Table III-5 PLUS DM/HR SPA.	18
108	IV.B-3	The Figures referenced are incorrectly labeled in the narrative (occurrence is twice , first paragraph and second to last paragraph).	19
109	IV.B-4	Last paragraph: Not actually a panoramic view, more a sweeping view from looking south in View 3, then looking west in View 4.	20
		IV B-4 View 3 is incorrectly oriented ...it is NOT taken from the southern border of the project site. Photo is taken from Honey Run Road. The description on page IV.B-5 is accurate in that there is an industrial area just east of the most south-eastern border.	21
110	IV.B-5	This page is littered with incorrect references . 'Figures' and 'views' are misidentified or incorrectly labeled or incorrectly referenced . Comment: A picture gives the reviewer so much information, but here there is so much misinformation.	22
110	IV.B-5	Regarding Figure IV.B-3/View 1 incorrect reference point, this shot is taken from within Doe Mill looking south toward E. 20 th St.	23
110	IV.B-5	Figure IV.B-4 View 1 incorrect reference point.	24
	IV.B-14	Quote: <i>The project site is adjacent to private land that provides views of the Sierra Nevada foothills.</i> But once DM/HR SPA is developed, foothill view will be totally compromised. Need to revisit this element with DM/HR SPA in the cumulative impact considerations.	25
124	IV.B-19	Suggestion: To be explicit with the Aesthetic review, each of the "Public Viewpoints" listed in this table should have a "Computer-Generated Visual Massing" in order to give the reviewers an adequate understanding of the impact to the Visual Aesthetics of the proposed project. Because the authors did not include a computer-generated visual massing for each vantage point, we suspect manipulation of the information to favor the developer . This is especially the case because we find this statement in Chico's public policy: "Preserve the foothills as a natural backdrop to the urban form." (Chico's General Plan 2030 , Policy OS-2.4)	26
124-125	IV.B-19 and 20	The narrative within the table on the row labeled Potter Road states: "...altered from undeveloped grasslands to that of modern development." The very next paragraph states: "Views from the Potter Road pedestrian path would maintain the same visual context." Apparently conflicting statements.	27

Comments by page number or section from Paul & Kathy Coots regarding **STONEGATE DEIR, April 2018**

PDF	DOC	COMMENT	
AIR QUALITY			
134	IV.C-7	This Table IV.C-1 is a critical reference for the data analyses for the following tables. Suggestion: create a chart from the various data points to allow the reviewer to easily analyze the numeric information included in the various tables including Tables IV.C-2 and IV.C-3. Another way to think of this is ‘show me, don’t tell me,’ or be like MapQuest, include maps <i>and</i> driving directions.	28
136 & 138	IV.C-9 & IV.C-11	These tables both use a positive word (YES) to denote a negative condition . We respectfully suggest the addition of a chart developed using the various data points with color-coded positive and negative impacts. Such a chart would convey the information contained within the tables in a much more effective manner. Because these data sets have not been translated into readily-analyzed charts, and a positive word is used to indicate a negative condition; we have to consider the information is being manipulated to lead the reviewers to think there is little impact to Air Quality.	29
		From Appendix C detailing the Air Quality information, page 16: It appears construction activities on this site begin on 6/1/2019 and continues through 3/28/2042. Do we conclude that the TAC (Toxic Air Contaminants) continue for 22 years? (By the way, TAC is not included in the Acronyms listing, creating a ‘go-back-to-find-the-reference’ detour.) There are plans for schools in the vicinity, a full generation of students will be exposed.	30
BIOLOGICAL			
145	IV.D-2	Second paragraph gives some history to the Stonegate project. We believe that in the interest of transparency of this project, a comprehensive log of the various projects brought by Schmidbauer (and related associates) to the City of Chico might be included. At least a log of the ‘status’ or ‘surveys’ conducted on any of the APNs included in this proposal might be shared. There are many rumors regarding this property about mitigations. Notations are within Appendix D-2 referencing plant counts in 1984 through 2008 for this site. Again on page IV.D-54 there is a statement about the owner of the Stonegate project in 1989 dedicated to the City the Doe Mill-Schmidbauer Preserve “in anticipation of mitigation requirements for a previous project that did not move forward at that time.” Such a log of ‘events’ or ‘activities’ could perhaps lay to rest the rumors—as well as lay groundwork for any subsequent proposal. Lack of such a log or timeline leads us to believe there is omission of the information in order to manipulate public sentiment toward the proposal.	31
	Figures IV.D-1 IV.D-2 IV.D-4	It appears that BCM (Fig. IV.D-4) is located in areas quite different from the wetlands noted in Figures IV.D-1 and IV.D-2. Please see next comment about the other special species found previously on this site.	32
154	IV.D-13	Quote: <i>No wildlife species were observed within vernal pools on the property during site visits, although the pools were only visually examined and no protocol-level surveys were completed.</i> It seems odd that as long as expert biologists were at the project site, no protocol-level surveys were completed for organisms living in the vernal pools.	33
	Figure IV.D-5	We have had conversations with bird watchers who frequent this site from the levee who have shared their observation of a nest of burrowing owls on the site . We would like see this special species listed within the Final EIR along with the other special species as it is also within this zone.	34

Comments by page number or section from Paul & Kathy Coots regarding **STONEGATE DEIR, April 2018**

PDF	DOC	COMMENT
164	IV.D-23	<p>Inconsistencies or Incorrect references:</p> <p>Last paragraph quote: <i>Approximately 5.14 acres (16,542 individuals) of BCM were observed in annual grasslands and along the fringes of a few vernal pool and swale features in the project site. Figure IV.D-4 displays occurrences of BCM documented during the multiple rare plant surveys used in this analysis (Appendix D-3).</i></p> <p>Appendix D-3 is the Aquatic Resources Delineation. During a scan of every page of the over 250 pages, we are unable to locate the reference to 16,542 individual BCM plants.</p> <p>If we use Appendix D-2 which is the Rare Plant Survey Report, in the Executive Summary on page 'i', it states 1,656 individual BCM plants.</p> <p>It seems impossible to find the actual references. If impossible to locate the references, the actual data used to write the narrative, then just how reliable is the narrative?</p> <p>In Appendix D-3 review for BCM count of 16,542, we noted Foothill also surveyed the site on September 23, October 7, 13, 2016. These dates are not indicated in any summary. Again, inconsistent or incomplete information. How can analysis of water, weather, and endangered species occur with inaccurate information?</p>
179	IV.D-39	<p>Conflicting information:</p> <p>Quote: <i>Of the forty species, one species is present within the project site....</i></p> <p>Quote from IV.D-20 states: <i>Two rare plant species were observed in the project site during the site assessments.</i></p> <p>Both plants are listed on the CNPS sensitive plant list.</p>
	IV.D-46	Beginning on this page, there are detailed mitigation measures for the sensitive seasons for a variety of living creatures. The month of September is the only month where work activities are not mitigated.
5	App D2 page i	Last paragraph states: "Approximately 1,656 individuals of BCM were observed during the April survey. No other rare plant species were identified in the Study Area." Which April? Which organization?
20	App D2 page 14	Rainfall totals chart is labeled WETS Analysis for 2015-2016 Water Year Prior to the Survey Dates. But the actual chart appears to be for the 2014-2015 Water Year. This is either a minor typo, or needs to be re-examined for the actual water year.
28	App D2 page 2	Quote: <i>An estimated 16,542 individuals of BCM and 68 shield-bracted monkeyflower were observed in the Study Area over several surveys by WRA and Foothill Associates.</i> See Executive Summary with conflicting statements—1,656 or 16,542 BCM? Plus there was an additional rare plant identified—so Executive Summary statement, which is what most people read to gather the most critical information, is in error.
CULTURAL		
204	IV.E-2	<p>Quote: A letter was also sent on July 26, 2016 to the Butte County Historical Society, requesting information on the project area. A follow-up telephone message with the same information was left on March 8, 2016.</p> <p>The 'follow-up' happened before the letter. Likely another typo.</p>

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Comments by page number or section from Paul & Kathy Coots regarding **STONEGATE DEIR, April 2018**

PDF	DOC	COMMENT	
GREENHOUSE GAS EMISSIONS			
242	IV.G-2	This table needs the header row from the previous page continued, looks like there is enough room at bottom of page as it appears there are two more lines available. Minor, yes; but it is about reader understanding.	42
253-254	IV.G-13 & IV.G-14	Here are two more examples of a table filled with numbers, using a positive word (Yes) to indicate a negative condition . Readers who skim, scan for information, which we all do; may interpret this incorrectly. A bar graph or other chart with a bit of color coding would easily display the fact that the Total GHG Emissions in MT is over 12 times the significance threshold. How is it than we can actually promote this project given this impact?	43
HYDROLOGY AND WATER QUALITY			
271	IV.I-3	Had to read and re-read and re-read, then fix the first sentence in the first full paragraph. Directional reference points are off without this correction of moving a portion of the sentence to the beginning. <i>On the west and northwest side of the project site, there are vernal pools and a series of braided streams that intermittently flow to the southwest through several culverts under Bruce Road....</i>	44
272	IV.I-4	First paragraph final two words '(Figure 1)', believe this should read "Figure IV.I-1"	45
		Comment: As an adjacent neighbor living in the flood zone as shown in the Figure IV.I-1; we are assuming homes built within this 'flood plain' will require FEMA Flood Insurance as a condition of any mortgage. Why would we build in this zone given the increase in home ownership costs, additional costs to building , and of course the more extreme weather events associated with global warming. Avoid building in this area!	46
286	IV.I-18	Last paragraph, first sentence: the word "northwest" should likely read "northeast" and the final reference to (Figure 1), should be to Figure IV.I-1.	47
		Comment: This section speaks to the need for special codes, therefore should the Computer-Generated Visual Massing photos taken for the Aesthetics section be adjusted? Also this section speaks to the need to cut and fill within the flood zones. Would this impact the need to cut down trees, or fill sensitive wetlands so adjustments may be necessary in section on Biological Resources?	48
LAND USE AND PLANNING			
294	IV.J-6	Comment: At the time of the NOP there was a "Resource Constraint Overlay (RCO)" for the project site. Why is this not detailed within this section as this is a major change from the Chico 2030 planning documents? City documents 'acknowledge the existence of the identified constraints and set special policy requirements for study prior to development. The most significant environmental constraints at these locations are vernal pools, populations of BCM and habitat for BCM. Additionally Butte County is developing the Butte Regional Conservation Plan, which is a federal Habitat Conservation Plan and a state Natural Community Conservation Plan. It seems that the RCO designation is exactly what Land Use and Planning should speak to.	49
NOISE			
313	Figure IV.K-1	This is the only map that details a gas station is planned for the southeast corner of Bruce and E. 20 th Street. NO GAS STATION in this basically residential area!! Underground storage tanks for gasoline products is not acceptable to the established neighborhood. Please consider moving this gas station to the southeast portion along Skyway (labeled Medical Buildings in this map) where there is already a similar feature.	50

Comments by page number or section from Paul & Kathy Coots regarding **STONEGATE DEIR, April 2018**

PDF	DOC	COMMENT
POPULATION AND HOUSING		
343-348	IV.L-1 through IV.L-6	Please convert the various narratives, and tables of numbers into digestible information. Chico's 2030 plan details the expected growth and need for housing, jobs, and associated services. Is it possible to make this into an integrated graphic? Could this integrated graphic include projections into the scope of this proposed project with various construction dates into 2040s (See Appendix C)? Do we need this housing? This section does not convince us as there is no graphic to display need and gap, associated projects plus this project. Since it is not here, makes this seem that lack of clarity suggests favoritism toward project over protection of this site—or at least portions of the proposed building site.
PUBLIC SERVICE (Why is this suddenly a V rather than an IV? Pagination in this sub section needs correction.)		
350	V.M-2	Two issues here: #1. The narrative details the closest school to the project site is Castles Preschool. Based on a quick review of Castles Preschool, this is NOT a public school, but a private daycare/preschool. #2. The California website for CEQA states the schools in close proximity to the Stonegate Proposal are Chapman Elementary School, and CCS, which we assume is Chico Christian School (not a public school). Chapman ES is on the west side of HWY 99 and does not include this project within its boundary. This project is within Little Chico Creek ES boundary. According to the School Accountability Report Card accessed on May 23, 2018 Little Chico Creek had an enrollment of 474 children in grades K through 5. According to page V.M-6 this project would generate approximately 315 elementary students. That seems a significant impact. If this project along with the other projects on the 'exhaustive' list detailed on III-26, 4,671 more residences would be constructed within Little Chico Creek ES boundaries. Using 0.43 statewide average yield factor per dwelling unit, without Stonegate, Little Chico Creek is facing an increase of over 2,000 students!! Some of the students currently in Little Chico Creeks enrollment are from construction that has completed (Carriage Park Apartments). So the numbers we realize are not exact; but the clear need for an additional elementary school in this portion of Chico is apparent. Hence the discussion of purchase of land on E. 20 th Street in the DM/HR SPA for an elementary school. This additional information must be included within the April 2018 Draft EIR as this is a very significant impact to schools and a significant cumulative impact to not just schools, but traffic, transportation, air quality and other elements of this project.

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Comments by page number or section from Paul & Kathy Coots regarding **STONEGATE DEIR, April 2018**

PDF	DOC	COMMENT	
TRANSPORTATION AND TRAFFIC			
Every map in this section		All maps prepared by Fehr & Peers, has the word 'tentative' misspelled as 'tenative.'	54
385	IV.O-25	Quote: <i>Open space is not assumed to generate trips.</i> Comment: As our home is located directly across from the levee for the Butte Creek Diversion Channel, we can assure you many trips are generated per week, and even more if you include the Steve Harrison Bike Path as non-residents drive to this area to use this beautiful open space. Perhaps a drop in the bucket in relation to the 25,293 gross daily trips, but this open space does generate trips.	55
406	IV.O-46	The DM/HR SPA noted here in the third bullet, might include and likely needs to include an elementary school. See Chico USD School Board Minutes for Feb. 7, 2018. Traffic study is therefore inadequate.	56
406	IV.O-46	First bullet near bottom of page: "...and schools within the study area." Since there are none currently, the 'cumulative' impact in Figure IV.O-11 is inadequate.	57
CUMULATIVE EFFECTS			
		General comments: Because DM/HR SPA is now on the horizon, this Stonegate DEIR is inadequate in its findings of the cumulative impact for several categories. A revisit of Page III-25 to determine which Resource Areas should be reanalyzed is necessary to provide an adequate EIR for Stonegate. The Bruce Road/E. 20 th Street intersection and the road east of that intersection as detailed in the various maps will not accommodate the increase in traffic volume from DM/HR SPA, and therefore needs to be redesigned before this project begins any development along the northern edge. Do not approve as currently designed.	58
GENERAL IMPACT CATEGORIES (Typo: Labeled V, but should be VI. Following pagination is correct.)			
459	VI-1	In the paragraph immediately following the quote in section A the first sentence does not make sense, and is therefore inadequate in its statement of significant unavoidable impacts. Quote: <i>Based on the analysis..., implementation of the proposed project would result not result in significant unavoidable environmental impact for the majority of impact areas.</i>	59
460	VI-2	The final paragraph states: "...the proposed project would be adequately served by existing public services such as fire...." Based on incorrect information about which elementary school would serve Stonegate, this seems incorrect. We believe the analysis regarding school services is inadequate.	60
PROJECT ALTERNATIVES (Typo: Labeled VI in heading, should be VII. Pagination is correct.)			
473	VII-3	"An off-site project alternative was rejected as infeasible because the project applicant does not own any other property for this project...." But did he in the past and all the other alternatives have been sold and/or developed and/or used for mitigation? A log or timeline of previous activities for this site and/or this developer (Schmidbauer) would give clarity here.	61 62
493	VII-24	Alternative to Proposed Project Comparison: We question why no other alternatives were examined. The preparers of this document had nearly 2 years to gather and analyze. Certainly another 2 alternatives could have been analyzed and detailed here. We find having only 3 alternatives inadequate for this property.	63

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Paul & Kathy Coots (COOTS)***Response to COOTS-1***

The commenter provides introductory remarks. No response is necessary

Response to COOTS-2

The commenter expresses concern over the amount of time to review the DEIR. The commenter states that a request for an extension was denied. Lastly, the commenter provides information about the time they felt necessary to fully review the DEIR.

As noted by the commenter, the DEIR was circulated for a 45-day public review period, which is consistent with the CEQA Guidelines. The project complied with all noticing and availability requirements for the DEIR.

Response to COOTS-3

The commenter notes the NOP for the DEIR was published two years ago. The commenter expresses concerns over geographic references and placement of compass direction. The commenter states that the EIR lacks clarity and provides page-by-page findings later in the letter.

The commenter correctly notes that the NOP was published on June 20, 2016. Following the NOP process the DEIR was prepared and put out for public review in a manner that allowed for all impacts to be analyzed prior to issuance of the draft. The rest of the comment will be addressed in subsequent responses to comments, below.

Response to COOTS-4

The commenter questions why additional alternatives were not examined for the proposed project. The commenter suggests two alternatives were not enough.

Please see Master Response 5. The DEIR examined three alternatives and considered a fourth. An EIR need not consider every conceivable alternative to a project or alternatives that are infeasible. ([Guidelines, § 15126.6, subd. (a).]; see also ([Citizens of] Goleta [Valley v. Board of Supervisors (1990)] 52 Cal.3d [553,] 564 [(Goleta)] and (In re Bay-Delta etc. (2008) 43 Cal.4th 1143, 1162 (Bay-Delta).). The comment has not provided evidence that the DEIR did not meet the standard of considering a reasonable range of alternatives.

Response to COOTS-5

The commenter states that given the lapse of time between publication of the NOP and the DEIR, new projects should be included within the cumulative impacts analysis. The commenter specifically cites the Doe Mill/Honey Run SPA (also referred to as the Valley's Edge) as not being included.

The commenter is correct that CEQA requires that a cumulative impact section produce a list of past, present, and reasonably anticipated future projects. The DEIR, as noted by the commenter, provides such a list on page III-25 of the DEIR (Table III-5). As noted before the table in the DEIR, the table includes "an exhaustive list of approved, proposed, projects

currently under construction in the City of Chico at the time the Notice of Preparation for this EIR was released (June 2016).” No formal applications have been submitted to the City of Chico for the Valley’s Edge project, however the DEIR cumulative traffic analysis did account for an assumed buildout of Special Planning Area 5 – Doe Mill Honey Run to analyze cumulative traffic impacts for the Stonegate project. In addition, the new school that commenter cites is in the exploratory phase of finding a site, and no site has been chosen or plans for a school developed.

Response to COOTS-6

The commenter expresses concern over the potential to mitigate for Butte County Meadowfoam. The commenter points out that the project cites recovery criteria as protection of 100 percent of all known occurrences of the species. The comment suggests that listed alternatives in the letter would reduce impacts to help meet the recovery criteria.

The commenter does not express any specific issue with the mitigation for Butte County Meadowfoam. In the context of the Recovery Plan an “occurrence” is defined as a location occupied by a species separated from other locations by at least 0.4 kilometer (0.25 mile), and may contain one or more populations.” (Executive Summary, page XXV)

Please refer to Master Response 1

Alternatives to the proposed project were developed with reducing impacts to Butte County Meadowfoam in mind. The alternatives meet the spirit of the commenter goals of reducing impacts via alternatives.

Response to COOTS-7

The commenter provides an introduction to their attachment of page-by-page line-item edits. Responses to these suggested edits will be provided individually below.

Response to COOTS-8

The comment provides ending remarks to their cover letter. The commenter expresses concern with the usage of tables vs visual aids in presenting project data.

The DEIR was prepared by professional consultants using industry standard practices. The data provided within the DEIR is presented per the CEQA Guidelines, City Codes and industry standards.

Response to COOTS-9

The comment provides background information on the commenters. The commenter highlights perceived errors in the document. The commenter states that there appears to have been manipulation of information in favor of the developer. The commenter believes that the time span between the release of the NOP and the DEIR makes the findings inadequate. Lastly, the commenter introduces errata that they have provided.

The DEIR was prepared to industry standards by several consulting firms in conjunction with the City of Chico. The project applicant was not part of the DEIR process, aside from confirming the

accuracy of the Project Description contained in Section III. The DEIR reflects the City of Chico's assessment of impacts for the proposed project. The commenter does not provide any specific or substantial evidence that the timeframe between the NOP and DEIR make findings inadequate. The time span between the NOP and DEIR was necessary to complete a comprehensive study of the potential impacts from the proposed project.

Response to COOTS-10

The commenter suggests that a typographical error on page 2-i be corrected.

The typographical error has been corrected and the change is noted in Section 5, Errata.

Response to COOTS-11

The commenter suggests that a typographical reference error on page 2-ii be corrected.

The typographical reference error has been corrected and the change is noted in Section 5, Errata

Response to COOTS-12

The commenter suggests that not all acronyms found within the DEIR are referenced in the acronym list.

The missing acronyms have been added and the change is noted in Section 5, Errata

Response to COOTS-13

The commenter suggests that View 1 is incorrectly labeled in figure III-5.

The View 1 label has been corrected and the change is noted in Section 5, Errata.

Response to COOTS-14

The commenter suggests that View 1 is incorrectly labeled in figure III-6.

The View 1 label has been corrected and the change is noted in Section 5, Errata.

Response to COOTS-15

The commenter suggests that View 3 is incorrectly labeled in figure III-6.

The View 3 label has been corrected and the change is noted in Section 5, Errata.

Response to COOTS-16

The commenter suggests that the photos used within the DEIR chapters III and IV.B misrepresent the site. The commenter suggests using photos found within the appendices in the main text of the DEIR. Lastly, the commenter notes that the appendices of the DEIR were not published in hard copies available to the public.

Photographs used in Sections III and IV.B were taken in the months of April, May, July and August. As the photos represent a nearly half a year of the project site, they are representative of existing conditions on the site. Hard copies of the DEIR were made available to the public at

the City of Chico Planning Department Public Counter and local libraries. In addition, all appendices were made available online for public review.

Response to COOTS-17

The commenter states that given the lapse of time between publication of the NOP and the DEIR, new projects should be included within the cumulative impacts analysis. The commenter specifically cites the Doe Mill/Honey Run SPA (also referred to as Valley's Edge) as not being included.

Please see response to COOTS-5.

Response to COOTS-18

The commenter suggests that the DEIR should replace discussion of rangeland east of the project site with discussion of an elementary school being considered for construction east of the project site. The commenter further suggests that cumulative impacts with the proposed elementary school be considered.

Please see response to COOTS-5.

Response to COOTS-19

The commenter suggests that a typographical error on page IV.B-3 be corrected.

The typographical error has been corrected and the change is noted in Section 5, Errata.

Response to COOTS-20

The commenter suggests that a typographical error on page IV.B-4 be corrected.

The typographical error has been corrected and the change is noted in Section 5, Errata.

Response to COOTS-21

The commenter suggests that an error exists in the description of IV. B-4 View 3.

The description of IV. B-4 View 3 has been corrected and the change is noted in Section 5, Errata.

Response to COOTS-22

The commenter suggests that several errors occur in the description of views on page IV. B-5.

The descriptions found on IV. B-5 have been corrected and the changes are noted in Section 5, Errata.

Response to COOTS-23

The commenter suggests that an error exists in the description of IV. B-3 View 1.

The description of IV. B-3 View 1 .has been corrected and the change is noted in Section 5, Errata.

Response to COOTS-24

The commenter suggests that an error exists in the description of IV. B-4 View 1.

The description of IV. B-4 View 1 has been corrected and the change is noted in Section 5, Errata.

Response to COOTS-25

The commenter provides additional concerns on cumulative impacts related to the Doe Mill/Honey Run SPA (also referred to as the Valley's Edge) project.

Please refer to the response for COOTS-5.

Response to COOTS-26

The commenter suggests that each public viewpoint be utilized for a computer-generated visual massing.

Three viewpoints were chosen for the visual analysis that are representative of nearly all view points of the project. The viewpoints were chosen by WRA in coordination with the City of Chico.

Response to COOTS-27

The commenter claims that there is a contradiction in the language describing impacts from the Potter Road pedestrian bike path.

Large portions of Potter Road bike path would be blocked from viewing the developed portion of the project site due to natural topography. In areas where the topography doesn't block views of the development, the path will be bordered by a 108-acre preserve, thus largely maintaining its current context.

Response to COOTS-28

The commenter express concern with the usage of tables vs visual aids in presenting project data.

The DEIR was prepared by professional consultants using industry standard practices. The data provided within the DEIR is presented per the CEQA Guidelines, City Codes and industry standards.

Response to COOTS-29

The commenter expresses concern over the diction choices used to denote impacts in the Air Quality chapter. The commenter express concern with the usage of tables vs visual aids in presenting project data.

The DEIR was prepared by professional consultants using industry standard practices. The data and diction provided within the DEIR is presented per the CEQA Guidelines, City Codes and industry standards.

Response to COOTS-30

The commenter notes emissions found in Appendix C continue for a span of 22 years. The commenter asks for confirmation that emissions will continue for 22 years. The commenter notes TAC is not included in the acronym list.

As noted by the commenter, Air Quality construction emissions are anticipated to exist on the project site for a span of approximately 22 years. Emissions rates will ultimately be influenced by the phasing of the proposed project. As project construction elements are started and completed, emission rates will follow corresponding changes.

TACs has been added to the acronym list, as noted in Section 5 Errata.

Response to COOTS-31

The commenter asks for a comprehensive log of projects brought forth by Schmidbauer (and associates) to the City of Chico. The commenter further asks for a log of all surveys conducted on any of the APNs included as part of the project.

The DEIR utilized and cited all available surveys for the project site. The purpose of the DEIR is to provide an environmental impact analysis of the project as proposed. Background information of the site is utilized to provide context of past environmental conditions. Projects proposed by the land owner outside of the proposed project are outside of the purview of this analysis.

Response to COOTS-32

The commenter notes that BCM was found outside of wetlands denoted in Figures IV.D-1 and IV.D-2. No response is necessary.

Response to COOTS-33

The commenter questions why protocol level surveys for vernal pool wildlife species were not conducted.

In lieu of conducting protocol-level surveys to demonstrate presence or absence of special-status species with potential to occur in the Study Area, Mitigation Measure BIO-1(A-E) requires mitigation based on impacts to potential habitat for these species based on studies conducted in 2016 and 2018. These measures also require pre-construction surveys and avoidance and minimization measures. CEQA does not require a lead agency to conduct every recommended test and perform all recommended research to evaluate the impacts of a proposed project. The fact that additional studies might be helpful does not mean that they are required. (CEQA Guidelines, § 15204, subd. (a); *Association of Irrigated Residents v. County of Madera*, 107 Cal.App.4th 1383 (2003); *Society for California Archaeology v. County of Butte* (1977) 65 Cal.App.3d 832, 838-839, 135 Cal.Rptr. 679.) Please see the appendix containing the Biological Resources Assessment which contains an analysis of the USFWS CNDDb, identifying possible sensitive species that may be present on the site, a review of previous studies conducted on the site, a review of the field study methodology for assessing type and quality of habitat, and an analysis of the qualified biologist's findings. This material provides the

documentation for public review and conclusions regarding the potential effect of the project on biological resources.

Response to COOTS-34

The commenter states that bird watchers who frequent the site from the levee have seen nesting burrowing owls on the site.

See Response to CDFW-5. As stated on Appendix D-1, page B-16:

Open grassland within the Study Area provides ostensibly suitable year-round habitat for this species. The nearest documented CNDDDB occurrence is located approximately 0.3 mile east of the Study Area (dating from 2008; (CDFW 2016), and nearby observations have also been reported on eBird (2016). However, no ground squirrel burrows or analogous refugia suitable for this species were observed during the site visit.

The project site was surveyed by a WRA wildlife expert on May 17 and 18, 2016. Since the necessary habitat components for this species were not found at the site it was deemed unlikely to occur at the site where it could potentially be impacted by the project. Therefore, burrowing owl was ruled out of warranting further impact discussions in the DEIR. Nonetheless, Mitigation Measure BIO-1A requires preconstruction surveys for nesting bird species protected by the MBTA and California Fish and Game Code.

Response to COOTS-35

The commenter notes inconsistencies in the count of BCM plants within the DEIR and Appendix D-2.

The inconsistencies in BCM plant count have been corrected and the changes are noted in Section 5, Errata. To clarify, 16,542 BCM plants were found over the course of multiple surveys spanning three years (2016-2018).

Response to COOTS-36

The commenter notes inconsistencies in the count of rare plants found on the project site.

The inconsistency has been corrected and the change is noted in Section 5, Errata. To clarify, two rare plant species were found within the project study area.

Response to COOTS-37

The commenter notes that September has no work window restrictions with regard to biological impact mitigation. No response is necessary.

Response to COOTS-38

The commenter asks for clarification on when a survey was taken.

The clarification has been added and the change is noted in Section 5, Errata.

Response to COOTS-39

The commenter notes a typographical error on page Appendix D-2 pg. 14.

The typographical error has been corrected and the change is noted in Section 5, Errata.

Response to COOTS-40

The commenter notes an inconsistency in description of the number of BCM plants and rare plants within the executive summary.

The inconsistencies have been corrected and the changes are noted in Section 5, Errata. To clarify, 16,542 BCM plants were found over the course of multiple surveys spanning three years (2016-2018).

Response to COOTS-41

The commenter notes a typographical error on page IV.E-2.

The typographical error has been corrected and the change is noted in Section 5, Errata. To clarify,

Response to COOTS-42

The commenter requests that the header for table IV.G-1 be continued on to its second page.

The header has been corrected and the change is noted in Section 5, Errata.

Response to COOTS-43

The commenter expresses concern with the usage of tables vs visual aids in presenting project data. The commenter questions how the project can go forward with emissions 12 times over the threshold.

The DEIR was prepared by professional consultants using industry standard practices. The data and diction provided within the DEIR is presented per the CEQA Guidelines, City Codes and industry standards.

The DEIR noted that the project would have significant and unavoidable impacts to greenhouse gas emissions, as impacts could not be mitigated below thresholds. The threshold referenced in the comment is a screening threshold used for determining if a project's impact is cumulatively considerable – step one in a two-step process for determining impact significance. Project greenhouse gas emissions are anticipated to be 1.13 times the applicable threshold for determining a significant impact.

Response to COOTS-44

The commenter requests that a sentence be rephrased to provide more clarity regarding existing hydrology at the project site.

The sentence has been corrected and the change is noted in Section 5, Errata.

Response to COOTS-45

The commenter notes a typographical error on page IV.I-4.

The typographical error has been corrected and the change is noted in Section 5, Errata.

Response to COOTS-46

The commenter expresses concern about building homes within a mapped FEMA floodplain. The commenter requests that homes not be built in the floodplain.

The comment does not express any specific concern about the adequacy of the DEIR or its analysis. The comment is acknowledged and included herein for consideration by the decision makers.

Response to COOTS-47

The commenter notes typographical errors on page IV.I-18.

The typographical errors have been corrected and the changes are noted in Section 5, Errata.

Response to COOTS-48

The commenter expresses concern that compliance with code as required in Impact HYDRO-4 would affect the analysis of Aesthetics resources. The commenter also asks if the need to cut and fill to accommodate development would affect the DEIR's analysis of impacts to biological resources.

The aforementioned section requires compliance with standardized code that was considered in the creation of visual massings used in the Aesthetics section of the DEIR. Indirect impacts from the proposed development to biological resources, such as those that could potentially result in tree removal or wetland fill beyond the proposed footprint of the project was considered in the DEIR section on Biological Resources.

Response to COOTS-49

The commenter notes that the project is currently under a Resource Constraint Overlay (RCO) designation. The commenter states that the constraints found on the site are BCM, vernal pools, and habitat for BCM. The commenter says justification should be provided for the change in development on lands of significant biological importance. The commenter notes that the BCRP is being developed.

Page 3-21 of the Chico General Plan states: "Land owners of RCO parcels may conduct more detailed studies, including environmental review, and coordinate with resource agencies to determine actual development potential. Such potential may be more, or less than the assumed 15 percent, but not more than the maximum development potential allowed by the underlying land use designation."

The DEIR constitutes the detailed studies required to inform determinations of the true development potential of the project. Coordination with resource agencies is currently underway. Part of the proposed project is a General Plan amendment, which would reconfigure

Land Use Designations and remove the resource constraint overlay. Should the project be approved, the general plan designations would match the project and the RCO overlay would no longer be applicable.

The BRCP has not been finalized or approved and is therefore not required to be considered for the purposes of this DEIR.

Response to COOTS-50

The commenter notes that Figure IV.K-1 in the Noise section of the DEIR displays a gas station at the southeast corner of Bruce Road and E 20th Street. The commenter requests that no gas station be approved at that location and suggests moving the gas station to the southeast portion of the site near Skyway.

The figure has been edited to remove reference to a gas station. No gas station is currently proposed at the southeast corner of Bruce Road and E 20th Street; that corner was modeled for the noise analysis with a gas station based on conceptual site planning information provided by the applicant. Any future gas station proposed within the project will require City approval of a use permit as well as site design and architectural review applications.

Response to COOTS-51

The commenter expresses concern with the usage of tables vs visual aids in presenting project data. The commenter requests that the narratives and tables of numbers in the Population and Housing section be converted into an integrated graphic. The commenter questions if the City needs as much housing as included in the project, noting also that construction of the project will extend into the 2040s.

The DEIR was prepared by professional consultants using industry standard practices. The data provided within the DEIR is presented consistent with direction provided in the CEQA Guidelines, City Codes and industry standards. Based on the analysis contained in the DEIR, the “project would contribute only a portion, approximately 10% of the BCAG prediction and 4.28% of the General Plan projection, of the predicted housing needs” for the City of Chico by 2030 (DEIR page IV.L-5). Should construction of the project extend beyond 2030 as anticipated elsewhere in the DEIR, then it would provide less than those percentages of the new housing needed by 2030. Therefore, the ability for the City to absorb the new housing units anticipated from the project were concluded to be less than significant.

Response to COOTS-52

The commenter notes a typographical error in Section IV.M.

The typographical error has been corrected and the changes noted in Section 5, Errata.

Response to COOTS-53

The commenter notes that the DEIR incorrectly lists a private school as being the nearest school to the proposed project.

The correction has been made and the changes noted in Section 5, Errata.

The commenter raises concerns about the ability of the existing Little Chico Creek Elementary school to accommodate the number of new students from the proposed project and others nearby.

As state on page IV.M-6,

The project applicant would be required to pay developer fees to offset any impacts the project would have on the school districts serving the site. Under California Government Code Section 65996, these fees are “the exclusive methods of considering and mitigating impacts on school facilities that occur or might occur as a result of any legislative or adjudicative act, or both, by any state or local agency involving, but not limited to, the planning, use, or development of real property or any change of governmental organization or reorganization”. Therefore, payment of the required developer fees would ensure that the proposed project’s impacts on school services would be less than significant.

Response to COOTS-54

The commenter notes typographical errors in section IV.O, Transportation and Traffic.

The typographical errors have been corrected and the changes are noted in Section 5, Errata

Response to COOTS-55

The commenter suggests that the assumption that open space will not generate trips is faulty.

Trip rate assumptions were made by a qualified traffic engineer using the BCAG transportation model and the Trip Generation Manual published by the Institute of Transportation Engineers. Visitors of the site are expected to be pedestrians from the neighboring community. Any increase in auto trips would be negligible and not affect any of the DEIR’s conclusions. The open space has no formal parking, picnic tables, or other items that would create a regional draw.

Response to COOTS-56

The commenter suggests that the traffic model needs to include the proposed school in the Doe Mill/Honey Run (DM/HR)SPA.

As noted previously, the aforementioned elementary school is merely in the siting phase. There are no formal plans to locate the school within the DM/HR SPA area. As such, the elementary school is not a reasonably foreseeable project to be included in the analysis.

Response to COOTS-57

The commenter notes that there are no schools within the perceived study area.

The traffic analysis utilized the BCAG regional travel model, which encompasses several schools.

Response to COOTS-58

The commenter states that the cumulative impacts analysis is not adequate because the Doe Mill/Honey Run SPA (also referred to as the Valley's Edge) is not included in the cumulative analysis. The commenter notes that the Bruce Road/E. 20th Street intersection will not accommodate increased traffic volume from the Doe Mill/Honey Run SPA (also referred to as the Valley's Edge) and therefore needs to be redesigned before this project begins any development along the northern edge.

See Response to COOTS-5 regarding the cumulative project list and how it was developed. No formal applications have been submitted to the City of Chico for the Valley's Edge project, however the DEIR cumulative traffic analysis did account for construction of the Bruce Road Widening Project (which includes enhancements at the 20th Street intersection) and an assumed buildout of Special Planning Area 5 – Doe Mill Honey Run to analyze cumulative traffic impacts for the Stonegate project. The DEIR traffic analysis found that the enhanced intersection at E 20th Street and Bruce Road would operate at an acceptable LOS D under cumulative plus project future conditions.

Response to COOTS-59

The commenter notes typographical errors on page VI-1.

The typographical error has been corrected and the change is noted in Section 5, Errata. To clarify, the paragraph in question should read: "Based on the analysis contained in this Draft EIR and the Initial Study included in Appendix A, implementation of the proposed project would not result in significant unavoidable environmental impacts for the majority of impact areas. The project would create significant unavoidable impact to greenhouse gas emissions. Furthermore, the project would create cumulatively considerable impacts to greenhouse gas emissions."

Response to COOTS-60

The commenter claims that the project would not be adequately served by existing public services, specifically schools.

Please see response to COOTS-53.

Response to COOTS-61

The commenter notes typographical errors in Section VII.

The typographical errors have been corrected and the changes are noted in Section 5, Errata

Response to COOTS-62

The commenter asks questions about the property owner's past. The commenter requests a log of projects the property owner has sold and/or developed and/or used for mitigation.

The request is outside the purview of the DEIR. The DEIR is meant to assess the proposed project's environmental impacts. The developer's past developments are not pertinent to the proposed development and are thus not an environmental impact under CEQA.

Response to COOTS-63

The commenter questions why additional alternatives were not examined for the proposed project. The commenter states that three alternatives is not enough.

Please see Master Response 5. The DEIR examined three alternatives and considered a fourth. An EIR need not consider every conceivable alternative to a project or alternatives that are infeasible. ([Guidelines, § 15126.6, subd. (a).]; see also *Goleta*, supra, at p. 574.)" (*BayDelta*, supra, 43 Cal.4th at p. 1163.). The comment does not constitute evidence that the DEIR did not meet the standard of considering a reasonable range of alternatives.

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Mike Sawley

From: Woody Elliott <woody.elliott@gmail.com>
Sent: Thursday, May 24, 2018 1:21 PM
To: Mike Sawley
Cc: Ann Elliott; Christian Smit; Cindy Weiner; Denise Devine; Dorothy L Domish; Janna Lathrop; Jim and Catie Bishop; Justine Devoe; KarroLynn Yells; Marjorie McNairn; Meryl Bond; Nancy Praizler; Paul L. Moore; Paula Shapiro; Woody Elliott; Greg Suba; Natalie Carter; Susan Tchudi; John Merz; Scott Huber; Chris Devine; Jon Clark
Subject: Comments on DEIR for the Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone Project

Please consider the following comments on the Draft Environmental Impact Report (DEIR) for the Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone Project for incorporation into the project's Final EIR:

A fourth alternative project for consideration as the “environmentally superior alternative”, besides the No Project Alternative, should have been evaluated that avoids most direct impacts to Butte County meadowfoam (BCM). It would:

- Add to proposed open space by eliminating the following:
 - Parcels East of Bruce Rd:
 - RS-20 Lots in the southeast corner of the project east of Butte Creek (Little Chico Creek) Diversion Channel (Alternative B)
 - Single Family Residences east of Baron Dr. and Street I and north of Street H.
 - Parcels West of Bruce Rd:
 - Single Family Residences along Street Q and both sides of Street P.
 - Multi-Family Residences (Lot 470)
- Conform closer to the USFWS’s 2006 Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon that recommends that 99 % of BCM be protected (USFWS letter to City of Chico: Nov. 24, 2015).
- Lessen the cumulative adverse effects on BCM from past, current and future development projects:
 - The latest inventory of BCM populations lists four of 33 populations throughout its range as extirpated (Species Accounts – Butte County Meadowfoam, Appendix A, Butte Regional Conservation Plan, November 2015, Formal Public Draft Pages A.30-19, 20). In addition, contour grading in year 2017 eliminated another population of BCM. Notably three of these five extirpated populations are in southeast Chico that are genetically unique (Sloop, C. 2009. Application of Molecular Techniques to Examine the Genetic Structure of Populations of Butte County Meadowfoam. Final Report, FWS Agreement No. 814208J123):
 - North Enloe / Meriam Park Project,
 - Farm Credit (east of Chico Diversion Channel) / Bruce Road-Warfield,
 - Schmidbauer West / Canyon View High School.

- The population of BCM to be impacted by the proposed Stonegate development in southeast Chico is genetically unique and central in the BCM range (Sloop, C. 2009, *ibid*). The proposed development's elimination of the genetically unique population of BCM east and west of Bruce Road would significantly reduce the probability for the long-term survival of BCM's meta-population. A varied gene pool is necessary for a species continued existence by adapting to a changing environment.
- Avoid adverse cumulative effects of this project on BCM that are problematically assumed to be able to be mitigated to less than significant level by measures required by USFWS and CDFW per DEIR's Cumulative Effects analysis:
 - Extensive ecological preserves and mitigation credits may not be available for purchase.
 - *The U.S. Fish and Wildlife Service Recovery Plan for BCM calls for protecting 100 percent of known and newly discovered occurrences as well as protecting 95 percent of the suitable habitat within the Chico region (Chico General Plan – Land Use Element, pg. 3-20).*

Removal of the project's area from the Butte Regional Conservation Plan (BRCP: federal Natural Communities Conservation Plan / state Habitat Conservation Plan), which intends to protect wetlands and associated sensitive species on this project while streamlining approval of projects that adversely impact them, may delay implementation of the project as well as hinder the effectiveness of the BRCP.

Woody Elliott
, Conservation Chair



287 Pinyon Hills Dr.
Chico, CA 95928

Cell Phone: (530) 588-2555

Woody Elliott (ELLIOTT)**Response to ELLIOTT-1**

The commenter would like a fourth project alternative to be analyzed as part of the impact analysis. The commenter provides details of the proposed new alternative.

Please see Master Response 5. The DEIR examined three alternatives and considered a fourth. An EIR need not consider every conceivable alternative to a project or alternatives that are infeasible. ([Guidelines, § 15126.6, subd. (a).]; see also *Goleta*, supra, at p. 574.)” (*BayDelta*, supra, 43 Cal.4th at p. 1163.). The commenter has not provided evidence that the DEIR failed to meet the standard of evaluating a reasonable range of alternatives as defined by the California Environmental Quality Act.

Response to ELLIOTT-2

The commenter states that “removal of the project's area from the Butte Regional Conservation Plan (BRCP) may delay implementation of the project as well as hinder the effectiveness of the BRCP”.

The BRCP is still in draft form and has not been formally adopted. The City of Chico did not request for the project site to be removed from the draft BRCP. As the BRCP has not been adopted and does not include the project site, it is outside the purview of this DEIR.

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**Comment Form
Stonegate EIR
Draft Environmental Impact Report
(State Clearinghouse # 2016062049)**

Name: Bryce Goldstein
Address: 1620 Hemlock St
Chico, CA 95928
E-mail: brycegoldstein@yahoo.com

Comments:

IV: G. Greenhouse gas emissions
"Design and build compact communities in the urban core
to prevent sprawl"

This project will not "create cohesive infill development".
As one of very few people in this room who will
be affected heavily by climate change, I want
the commission to know that this is unacceptable. The
GHG emissions from the Stonegate development are
largely from transportation. Creating a more dense
development, installing bike lanes and safe bike
parking, and ensuring implementation of bus routes
and safe bus stops are options for mitigation,
and should be pursued, if this development is allowed.

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Bryce Goldstein (GOLDSTEIN)***Response to GOLDSTEIN-1***

The commenter claims that the project would not “create a cohesive infill development,” consistent with one of the “BCAQMD’s Standard Mitigation Measures” listed in Table IV.G-1, and expresses concerns about the project’s contribution to climate change. The commenter suggests bike lanes installation, denser development, and implementation of bus routes as options for mitigation.

No specific deficiency of the analysis contained in the DEIR is identified. Please refer to DEIR section IV.G Greenhouse Gas Emissions for a detailed discussion of the project’s contribution to and mitigation for climate change. Implementation of Mitigation Measure AIR-2C/GHG-1 would reduce the GHG operational impacts, but not a level a level of less than significant. Therefore, this project impacts associated with greenhouse gas emissions would remain significant and unavoidable.

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May 22, 2018

Mike Sawley

Senior Planning Community Development department

Re: Stonegate Development and Extension of Webster Drive

Mr. Sawley

We would like to express our concerns about the extension of Webster Drive. Right now, there is only one way in and one way out of our housing tract, this limits traffic which allows our kids to play outside with numerous activities such as riding bikes/skateboards/scooters, roller skating, playing ball, walking dogs, etc. While there is always a risk of children getting injured while playing outside, the extension of Webster would allow many more vehicles to pass through our quiet neighborhood putting our children at a greater risk of being hit and exposed to other hazards that come with opening up the street. This can include but not limited to the increased risk of vandalism, graffiti, and robbery.

We like our quiet neighborhood and it's one of the main reasons we considered purchasing our house in our cul de sac. I grew up in a similar type of neighborhood with a cul de sac and was looking forward to raising our kids the same way. We've been in our house since 2006 and have raised our older kids here but still have the younger ones that are 8 and 10.

There is no reason to extend Webster Drive as there is already access to Bruce Road close by via 20th Street, Skyway, and Raley Blvd, along with the proposal of connecting Freemont St. The extension of the street would change the nature and desirability of our neighborhood, which could lead to the possibility of decreasing our housing values. I work in the real estate industry and know how important location is to the value of a property. Quiet, peaceful neighborhoods are always more desirable than busy streets.

Please consider all impacts when deciding on the extension of Webster and know that opening up the street has more negative than positive impacts.

Thank you

Jacquie and Colin Harrison

Cathy Scanlan

3 Roberto Ct

Chico CA

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Jacquie & Colin Harrison***Response to HARRISON-1***

The commenter expresses concern about extension of Webster Drive to Bruce Road. The commenter states that the area is currently used by kids playing in the street. Extension of the road would put the children at greater risk to injury according to the commenter.

Please refer to Master Response 4. The project would provide a minimal increase in traffic relative to the applicable thresholds of significance used for determining acceptable levels of service for local roadways. In addition, the project would be required to meet all City of Chico Municipal Code requirements related to road way design and safety.

Response to HARRISON-2

The commenter states that the extension would lead to increased risk of vandalism, graffiti, and robbery.

Please refer to Master Response 4. The project would provide a minimal increase in traffic relative to the applicable thresholds of significance used for determining acceptable levels of service for local roadways. In addition, the project would be required to meet all City of Chico Municipal Code requirements related to safety.

Response to HARRISON-3

The commenter provides background information on the reason they purchased their home. No response is necessary.

Response to HARRISON-4

The commenter states that there are several other connections (existing and proposed) to Bruce Road negating the need to connect via Webster Drive.

The connection of Webster Drive to Bruce Road has been proposed as part of the project. The purpose of the DEIR is to evaluate and disclose the environmental effects of the proposed project. It is not within the scope of the DEIR to gauge the merits the project or specific aspects of the design. Please refer to Master Response 4 regarding the anticipated environmental impacts associated with the proposed extension of Webster Drive to Bruce Road.

Response to HARRISON-5

The commenter states that the extension would reduce the value of their home.

Please refer to Master Response 4. This is not a CEQA issue and is thus outside the purview of the DEIR.

Response to HARRISON-6

The commenter asks for consideration of all impacts when deciding on the extension of Webster Drive. No response is necessary.

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Date: May 21, 2018

To: Mike Sawley, Senior Planner
Community Development Department
411 Main Street, 2nd Floor
Chico, CA 95928

From: Phillip & Kelly Hernandez, Homeowners
60 New Dawn Circle
Chico, CA. 95928

Mr. Sawley,

We are writing to oppose the plans to have Webster Ave. extended through from Notre Dame to Bruce Road. We bought our home eight (8) years ago with the understanding that a Highschool may be built on the land between Bruce Road and our home. We were also fully aware that the possibility existed for Webster to be extended into a planned neighborhood. We would not be in opposition if either of those situations would come to fruition. However, we were saddened to hear that Webster was being considered as a Thorofare between Notre Dame and Bruce Road.

1

We have six (6) adult children and three (3) grandchildren who visit periodically. We have one grandchild, age six (6) that we help to raise and is with us a day or two a week. We are deeply concerned of the safety and risk to our children, our neighbor's children and the general foot traffic if Webster were to be allowed to extend through to Bruce Road. We daily see neighbors walking with children, babies and/or infants in strollers, walking their dogs or just walking/biking enjoying the safety and peacefulness of our neighborhood. We feel strongly that this would be lost if Webster would be allowed to extend through to Bruce Road.

2

in addition, extending Webster through to Bruce road would raise concerns of increased traffic, the roads ability to handle the increased traffic, related noise and air pollution. We would also be concerned of the increased probability and threat of crime like: theft, vandalism, graffiti, littering, burglary and robbery.

3

We believe that there is no valid reason to extend Webster through to Bruce Road. The new multi-use housing project could and should be accessed through Freemont or directly from Bruce Road. This would not only benefit our existing neighborhood but also the newly planned neighborhood creating the same benefits for the new neighborhood as we are fighting to protect in ours.

4

Please think through this and these types of projects, take into consideration the thoughts and opinions of the Chico residents impacted by planning and development of our great city. We do not oppose residential and/or economic growth. We only ask that these decisions be made wisely maintaining the safe, quiet and enjoyable qualities many of the neighborhoods in Chico enjoy.

Respectfully submitted,

Phillip & Kelly Hernandez
(530) 321-4100

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Phillip & Kelly Hernandez***Response to HERNANDEZ-1***

The commenter expresses concern about extension of Webster Drive to Bruce Road. The commenter states that they were not aware that the Webster Drive may become connected to Bruce Road when they purchased their home.

Please refer to Master Response 4. This is not a CEQA issue and is thus outside the purview of the DEIR.

Response to HERNANDEZ-2

The commenter provides background information on their family and use of Webster Drive. The commenter expresses concern about safety and reduced foot traffic if Webster Drive is extended. Lastly, the comment expresses concern about losing social interactions from the extension.

Please refer to Master Response 4. The project would provide a minimal increase in traffic relative to the applicable thresholds of significance used for determining acceptable levels of service for local roadways. In addition, the project would be required to meet all City of Chico Municipal Code requirements related to road way design and safety. Social issues are not a CEQA issue and thus outside the purview of the DEIR

Response to HERNANDEZ-3

The commenter expresses concern about increased traffic, related noise, and air pollution from the proposed extension of Webster Drive to Bruce Road. The commenter also has worries about the increased threat of crime like theft, vandalism, graffiti, littering, burglary, and robbery.

The commenter does not provide specific inadequacies of the DEIR regarding the topics listed. The comment is acknowledged and included herein for consideration by the decision makers. Please refer to Master Response 4 for a discussion of concerns regarding traffic and safety of the proposed connection.

Please refer to chapters IV.C Air Quality and IV.K Noise for detailed analysis of project impacts related to increased air and noise emissions.

Response to HERNANDEZ-4

The commenter believes that the project should be accessed through Fremont Street or directly from Bruce Road, and not from Webster Drive. The commenter asks for consideration of all points made in the letter when determining impacts associated with the extension.

The purpose of the DEIR is to evaluate and disclose the environmental effects of the proposed project. It is not within the scope of the DEIR to gauge the merits the project or specific aspects of the design. Please refer to Master Response 4 regarding the anticipated environmental impacts associated with the proposed extension of Webster Drive to Bruce Road. The applicant does not own the land to provide project access via Freemont Street.

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Mike Sawley

From: Jennifer Jewell <cultivatingplace@gmail.com>
Sent: Tuesday, May 22, 2018 9:25 PM
To: Mike Sawley
Subject: Public Comments on DRAFT EIR Stonegate Project Chico, CA

Dear Mike and others concerned,

I am writing to share my comments and concerns with the developers, city planners and deciders in regard to the proposed development in Southeast Chico known as the “Stonegate Project.”

According to the description of the project, the plan would be to subdivide the 313 acre parcel into open space, public right of way, public parks, single and multi family residential lots and commercial lots - with changes in zoning and General Plan amendments throughout the site. In terms of the “Anticipated Environmental Effects” the general conclusion is that “the draft EIR indicates that there would be significant and unavoidable impacts related to greenhouse gas emissions.....[and that,] Impacts on the remaining environmental resources would be less than significant with or without implementation of mitigation. The project is not located on any of the lists of sites enumerated under Section 65962.5 (hazardous Sites) of the Government Code.” While the full Draft EIR for this project goes on to address more specific impacts on specific plants and animals- some listed, rare and/or endangered, known to live and well mapped on portions of this site (specifically the easterly most half of the portion of the site east of Bruce).

I am a believer in urban infill planning and implementation to reduce as much as possible the deleterious effects of urban and suburban sprawl. I live in such a neighborhood and I understand that we all need to live somewhere, with luck, as lightly as possible in relationship to the other species with whom we share this planet. I am also not opposed to or insensitive to the benefits of the economic and cultural growth of our city. And when I look at this 313 acre proposed development, there are aspects of it that make some sense to me to see developed for efficient urban use.

However, the vast majority of the land within the bounds of this proposed development - specifically the portion of the project east of Bruce and lying south of Bruce to Skyway - most particularly the 1/4 of the proposed project furthest east and south are not typical flat, previously tilled remnant rural fields - they are in fact intact wetland and lower foothills mosaic ecosystems in which wildlife, plant life, the water shed and the view shed for which our city is known are thriving and vibrant. These acres are active, enduring and working refugia for endangered and rare species of meadow foam for one, but more importantly the rest of the vernal pool and wetland ecosystem in which meadow foam and related species live. When you look at the overlay of the proposed development footprint onto the lay of this land, it is clear that these “insignificant” environment impacts will be significant indeed for the species who make their homes here. And while the statement “Impacts on the remaining environmental resources would be less than significant with or without implementation of mitigation,” strikes me as euphemistic at best and delusional/misleading at worst.

While the concept of “mitigation” might make some people feel better and appear to be better in the eyes of the law or social standing/approval, the words mean nothing to an extinct species. To indicate that we can “mitigate” for the loss of a species is just not true. As I said in my in-person comments to

the council, you cannot mitigate for a lost species or a lost ecosystem that provides life to legions of plants, bugs, birds and mammals and provides the kind of access to real quality of life (not non-native street tree and lawn planting “beautification”) that the City of Chico was built on - through the foresight and legacy of protections for Bidwell Park to name the most remarkable and enduring.

While this development may not violate the letter of the law, I would plead with the City Council to consider carefully the impacts of destroying the entirety of this ecosystem in the name of more single family residences with lawns, sterile and no-habitat providing flowering pear trees, and two car garages. I would urge you to ask yourself why this project was removed from the Butte Regional Conservation Plan? And further, ask yourself if the mapping and third party analysis of “impact to the remaining natural resources” of this site were evaluated with truly sufficient diligence? It will be significant to the species that live here now.

I would ask you to look at questions of not just how we can do the very least necessary within this project but the very most possible to protect open space that means something and maintains the health and integrity of the wetland ecosystem visited by mating chorus frogs, nesting blue herons, migrating monarchs, summertime bats and winter waterfowl, swathes of goldfields, frying pan poppies, lupines, alliums, and yes even the “listed” endangered meadow foam which lies so precariously close to extinction. Could the open space area be expanded to exclude the larger single family home lots on the eastern edge of this project, thereby reducing the number of known areas of endangered plants and seasonal wetlands and destroyed, as well removing the run-off impacts of these houses into the main “downstream” heart of this seasonal wetland watershed?

If I were to have my wish, the project would be denied approval wholesale, it would be reduced to the portions of the project west of Bruce, or it would be significantly and meaningfully reduced and redistributed across the most intact portions of this wetland, vernal pool and native wildflower meadow ecosystem.

Thank you for your consideration,

Jennifer Jewell
2766 Garden Valley Terrace
Chico CA 95928

Jennifer Jewell, Writer and Host
Cultivating Place: Conversations on Natural History and the Human Impulse to Garden
530-520-2942

Cultivating Place, a weekly public radio gardening program & podcast: cultivatingplace.com. Follow Cultivating Place on Instagram @cultivating_place and Facebook @cultivatingplace.NSPR

Jennifer Jewell*Response to JEWELL-1*

The commenter provides an introduction. No response is necessary.

Response to JEWELL-2

The commenter describes the project and lists statements from the DEIR. No response is necessary.

Response to JEWELL-3

The commenter provides information on their beliefs related to planning and economic development. The commenter does not provide specific comments on the DEIR. No response is necessary.

Response to JEWELL-4

The commenter notes that the proposed project would impact wetlands and other sensitive habitat. The commenter disagrees with the impact conclusions for these resources.

The commenter does not provide specific comments on the DEIR as to why impact conclusions are inadequate. The commenter also does not provide any substantial evidence to show that impact conclusions are incorrect.

Response to JEWELL-5

The commenter provides personal feelings on the concept of mitigation. The commenter expresses concern about the ability for mitigation to address complete removal of habitat from the project site. The commenter opines that mitigation cannot adequately account for project impacts, which the commenter believes is on-site extinction. The commenter notes that the proposed project complies with applicable laws. The commenter requests the City Council to carefully review the project and to consider why the project site was removed from the BRCP.

This document is part of the Environmental Impact Report for the Project and therefore assesses the potential for impacts related to the physical environment and not those related to social or economic factors. Please refer to Master Response 3 for a discussion of mitigation and mitigation credits to offset project impacts.

Response to JEWELL-6

The commenter asks if the RS-20 lots can be eliminated to reduce potential impacts. The commenter notes the importance of protecting biological resources.

Alternative B, identified in the DEIR as the Environmentally Superior Alternative, removes the RS-20 lots as suggested in the comment. It will ultimately be the responsibility of the Chico City Council to decide if the project can be approved as proposed, or if an alternative version of the project may be approved.

Response to JEWELL-7

The commenter expresses their desire for the project to be denied or altered.

The comment is acknowledged and included herein for consideration by the decisions makers.

Mike Sawley

From: carol@johnsonshome.us
Sent: Wednesday, May 02, 2018 3:05 PM
To: Mike Sawley
Subject: New Stonegate Housing Development in Chico, CA

Dear Mr. Sawley,

This is not written to protest or resist the new development coming. I am writing because it will be in close proximity to other neighborhoods and there is a concern about the traffic control that will take place. We live in the Senior Community of Springfield Manor on Springfield Dr. There are other family homes next to our development.

As we look at the map, it appears Springfield will be going directly into the new Stonegate Development. Will the primary access to Stonegate be from 20th Street or Springfield? Will there be a direct access from Springfield Dr. as a secondary access? There is already traffic into the United Health Care area and the residents also use Springfield as their primary ingress/egress road. Our concern is the speed of that traffic? Right now, there are those that do not care about excessive speed along there and if there is access to Stonegate, then that danger increases. You have a senior community of about 150 people who walk and drive along Springfield. They cross the street to get to the grocery store and other businesses. We just hope consideration is given concerning the traffic flow along this corridor and the safety elements that go with it. Thank you.

Sincerely,

Carol May Johnson

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Carol May Johnson*Response to JOHNSON-1*

The commenter expresses concern about traffic control in the project area. The commenter does not provide any specific comments on the project or the DEIR.

Please refer to Section IV.O for a detailed analysis of traffic and transportation.

Response to JOHNSON-2

The commenter states that Springfield Drive will directly enter the proposed project. The commenter asks for clarification on site access.

As shown in Section III. Figure III-7, the proposed project has no connection to Springfield Drive. Furthermore, the proposed project is not located adjacent to Springfield Drive.

Response to JOHNSON-3

The commenter expresses concern about safety due to increased traffic on Springfield Drive.

As stated above, direct access to the site is not possible from Springfield Drive.

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Mike Sawley

From: Steve Kasprzyk <c21falconer@gmail.com>
Sent: Tuesday, May 01, 2018 12:07 PM
To: Mike Sawley
Subject: stonegate

Mike, here we go again. new massive for chico residential commercial project gonna go in and i ask myself about the roads and traffic. how does it affect the quality of life. lot's of development in that area and only four lanes on bruce and 20th st. 1

--

Steve Kasprzyk
Century 21 Jeffries Lydon

530-518-4850
c21falconer@gmail.com

www.zillow.com/profile/Steve-Kasprzyk

Just remember to have some fun!

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Steve Kasprzyk (KASPRZYK)

Response to KASPRZYK-1

The commenter asks a general question of how traffic will be impacted in the area.

Traffic and Transportation impacts are discussed in detail in Section IV.IV-O.

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Mike Sawley

From: Douglas Keister <doug@keisterphoto.com>
Sent: Thursday, May 24, 2018 11:46 AM
To: Mike Sawley
Subject: Chico Rock Walls (Stone fences)

Hello Mike...

I have recently received notice that parts of Chico's iconic Rock Walls/Stone Fences will be removed for a development project.

Over the years, rock by rock and section by section these structures have slowly been disappearing. What may seem like a jumble of random rocks to many, is in actuality, an integral part of Chico's heritage and history.

Surely there is a way to avoid destroying these structures while allowing development to happen. Once historic structures are gone, even if they are recreated at a future date, they will not have same integrity they once had (witness the disintegrating recreated rock wall near Bruce and Humboldt)).

Preserving and honoring the past helps protect the future.

Thank you for your time.
Doug Keister

Douglas Keister Photography
2485 Notre Dame Blvd.
Suite 370-234
Chico, CA 95928
530-521-6448
doug@keisterphoto.com

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Douglas Keister (KEISTER)***Response to KEISTER-1***

The commenter notes the importance of the rock walls found within the project site and Chico. The commenter requests the destruction of the walls be avoided.

The proposed project will preserve in place the majority of rock walls found on the site. The walls would only be impacted to allow for entry to Potter Road. Section IV.E Cultural Resources provides a detailed analysis of impacts to the rock walls.

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Mike Sawley

From: lawrence levin <Levinlarry@comcast.net>
Sent: Saturday, May 19, 2018 8:55 PM
To: Mike Sawley
Subject: Stonegate Subdivision

I have contemplated commenting on this proposal for some time, and while I am not confident that my comments or many more similar comments will have much of an impact, I decided to go ahead anyway.

I have lived nearby the area since 1991 and have watched this part of town grow over the years. The result has been more traffic and pollution without much real improvements to Chico overall. I realize that open space is considered wasted space. That has been the thinking since the beginning of this country. The proposed Stonegate development, however, seems particularly misguided. I will concede that Chico could use more affordable housing, but I do not see that this development is the answer. What Chico needs and has needed ever since I moved here in 1982 is a better economic base with jobs that provide enough income for people to afford better housing. Much of what the development will provide is another subdivision for migrants from places like the Bay Area to come to Chico and buy a nice house.

I found the EIR appalling. Little attention is given to the actual consequences of such a development: erosion of air quality, pollution, more automobile traffic and congestion, noise; drain on precious resources such as water, police, fire and other services, and an overall decline in quality of life. In an age where climate chaos must be seriously addressed building subdivisions, 1950's style seems outdated and counter productive. I understand that Chico is still a fairly conservative or provincial area in spite of the presence of a fine state university, abundant musicians, artists, and very intelligent individuals. For some reason, the politics remain backward. I am sure that a far better project could be built than the one outlined in this proposal.

I have two master's degrees and am a practicing psychotherapist. I studied urban planning and sociology as an undergraduate and it seems that planning in America has not progressed much over the last 40 years or more. I see a sad confusion between planning and design. What mostly comes off as planning, illustrated by this project, is design and not planning for the community and betterment of the community as a whole. As you might guess, I am strongly opposed to this project and think it is misguided and will not improve the quality of life in Chico. It is simply one more step towards overgrowth and diminishing returns, bringing Chico closer to exactly what people are moving away from.

It is unfortunate that so much was invested in designing this project prior to public comment. That seems quite backward to me, and implies the forgone conclusion that it will be built no matter what the public thinks. This process, of course, only alienates people, which leads to the distrust of government and apathy by citizens.

Sincerely,
Larry Levin, LCSW

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Larry Levin (LEVIN)*Response to LEVIN-1*

The commenter provides insight into their reasons for commenting on the DEIR.

Response to LEVIN-2

The commenter provides history on their dwelling in the City of Chico. The commenter provides opinions on social issues, affordable housing, and economic development.

This comment does not identify any environmental impacts omitted from the DEIR, no response is necessary.

Response to LEVIN-3

The commenter notes that the DEIR is lacking in several topical areas and lists the areas. The commenter also notes opinions on subdivision, City of Chico politics, and other social issues.

The commenter does not provide any specific question or inadequacy for the DEIR. Nor does the commenter provide any substantial evidence that the DEIR analysis is inadequate. This document is part of the Environmental Impact Report for the Project and therefore assesses the potential for impacts related to the physical environment and not those related to social or economic factors.

Response to LEVIN-4

The commenter provides personal background information. The commenter expresses concern about the design of the project. Lastly, the commenter expresses their disapproval of the project.

The commenter does not provide specific comments on the DEIR, no response is necessary.

Response to LEVIN-5

The commenter expresses concern with a lack of public input on the project prior to the DEIR comment period.

The City solicited public input for the proposal during the Notice of Preparation (NOP) process. The NOP was circulated on June 20, 2016, to local, State and Federal agencies, and nearby property owners until July 21, 2016, as required by CEQA. The NOP provided a general description of the proposed project and a summary of the main regulations and permit conditions applicable to the development and operation of the proposed project. Additionally, an NOP scoping meeting was held on July 12, 2016 at the City of Chico City Council Chambers.

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Mike Sawley

From: debra meline <debrameline@att.net>
Sent: Thursday, May 24, 2018 11:13 AM
To: Mike Sawley
Subject: EIR regarding Stonegate Project



Mr. Sawley:

I would like to express my concern regarding the Environmental Impact Report for the Stonegate Project. I object to the finding that breaches in the rock fences on the property would not impact their historical value. As the founder of Respect The Walls, I believe their value to be paramount to our local history, and that said value can not be replaced once the fences have been breached.

Respect the Walls is committed to obtaining protection for the rock fences, most of them built in the 1800s, designed by the Portuguese, and built by local laborers, including Chinese, Indigenous peoples and local ranchers/landowners. A great deal of effort went into the building of these fences, it would be disrespectful to compromise them.

Please take this irretrievable history into consideration before allowing these breaches to occur.

Respectfully,

Debbie Meline
Respect The Walls



att.net Mail Stationery

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Debra Meline (MELINE)*Response to MELINE-1*

The commenter notes the importance of the rock walls found within the project site and Chico. The commenter requests the destruction of the walls be avoided.

The proposed project will preserve in place the majority of the rock walls found on the site. The walls would only be impacted to allow for entry to Potter Road. Section IV.E Cultural Resources provides a detailed analysis of impacts to the rock walls.

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RECEIVED

MAY 24 2018

CITY OF CHICO
BUILDING & DEVELOPMENT
SERVICES

MIKE SAWLEY, SENIOR PLANNER
CITY OF CHICO
411 MAIN ST.
CHICO, CA. 95926

MAY 24, 2018

DEAR MIKE,

MY COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE PROPOSED STONEGATE VESTING TENTATIVE SUBDIVISION MAP AND GENERAL PLAN AMENDMENT/REZONE ARE AS FOLLOWS:

1. THE MOST GLARING FEATURE OF THIS PROJECT IS THE STATED FACT THAT THE "2030 GENERAL PLAN ASSUMES A 15% BUILDOUT OF THE PROJECT SITE, WHILE THE PROPOSED PROJECT WOULD RESULT IN BUILDOUT OF APPROXIMATELY 65% OF THE PROJECT SITE" (CUMULATIVE EFFECTS, PAGE V-1). SO WHY IS THIS PROJECT EVEN BEING CONSIDERED?

2. TIED TO THE ABOVE IS THE FACT THAT THIS PROJECT CLEARLY FALLS WITHIN CONSTRAINED AREA "C" OF THE 2030 GENERAL PLAN, ONE OF THREE (3) SUCH AREAS THAT WERE IDENTIFIED IN THE GENERAL PLAN AS HAVING SIGNIFICANT BIOLOGICAL RESOURCES PROTECTED UNDER A HOST OF STATE AND FEDERAL LAWS. DID THE PROJECT PROPONENT

NOT GET THE MEMO?

3. UNDER THE CUMULATIVE IMPACTS ANALYSIS, WHICH PAST, CURRENT AND PROBABLE FUTURE PROJECTS WERE INCLUDED? 4

4. THE STATEMENT CONCERNING THE BUTTE REGIONAL CONSERVATION PLAN (BRCP) AND ITS "EXPECTED" EXCLUSION OF THE STONEGATE PROJECT FROM THE BRCP PERMIT AREA IS UNACCEPTABLE (SEE PAGE V-4). THE BRCP PROCESS STARTED OVER A DECADE AGO AND THERE IS REASON TO DOUBT, FOR BETTER OR WORSE, THAT THE PLAN ITSELF WILL EVER BE ADOPTED. 5

5. THE WHOLE DISCUSSION ABOUT AESTHETICS (PAGE V-2) RELIES ON THE 2030 GENERAL PLAN UPDATE EIR RATHER THAN A PROJECT-SPECIFIC ANALYSIS WHICH THIS DEIR IS REQUIRED TO PROVIDE. 6

6. OVERALL, THE SPECIAL FEATURES THAT EXIST IN THIS PART OF CHICO ARE NOT RECOGNIZED OR, AS FAR AS I CAN TELL, RESPECTED BY THE WORK DONE TO DATE ON THE DEIR. AT LEAST ONE ADDITIONAL ALTERNATIVE - THE DEVELOPMENT LIMITED TO WEST OF BRUCE ROAD - SHOULD BE REVISITED AND THE DEIR RECIRCULATED FOR A MORE 7

THOROUGH AND THOUGHTFUL EXPLORATION
OF WHAT SOUTHWEST CINCO SHOULD (AND
COULD) BECOME.

Mr. Merz clarified he meant "southeast" here.

YOUR CONSIDERATION OF MY COMMENTS IS
APPRECIATED.

Sincerely,

J.M.

JOHN MERZ

P.O. BOX 4759

CINCO, CA. 95927

(530) 345-4050

JBMERZ@SBCGLOBAL.NET

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John Merz (MERZ)*Response to MERZ-1*

The commenter provides an introduction. No response is necessary.

Response to MERZ-2

The commenter questions how the project can occur given that the General Plan assumed a 15 percent buildout of the project site.

The General Plan provides a guideline for future development within the City of Chico. To avoid overestimating the amount of potential future development within the City the General Plan assumed, in absence of a specific proposal, that up to 15 percent of the designated Resource Constraint Overlay (RCO) sites could be developed. This assumption does not preclude a buildout of higher density. As stated by the General Plan (pages 3-20 and 3-21):

Fifteen percent of the average development potential for the underlying land use designations on the RCO sites was assumed in estimating the overall density and intensity of General Plan build-out and to conduct environmental review for the General Plan, (consistent with the development assumptions for the Land Use Diagram outlined in Appendix D). Land owners of RCO parcels may conduct more detailed studies, including environmental review, and coordinate with resource agencies to determine actual development potential. Such potential may be more or less than the assumed 15 percent, but not more than the maximum development potential allowed by the underlying land use designation.

Therefore, the General Plan allows for a project of higher density provided it goes through the appropriate environmental permitting and City approval processes.

Response to MERZ-3

The commenter notes that the project falls within one of the three Resource Constrained areas identified in the General Plan.

See response to MERZ-2, above.

Response to MERZ-4

The commenter questions which projects were used in the cumulative impacts analysis.

Table III-4 in the Project Description section of the DEIR lists all of the projects included in this analysis. The project also assumed build out of the 2030 General Plan, as appropriate, to evaluate potential cumulative impacts under forecasted future conditions.

Response to MERZ-5

The commenter asserts that a statement on Page V-4 of the DEIR noting the that Stonegate site is expected to be excluded from the BCRP permit area is unacceptable and notes that there is reason to doubt the BCRP being adopted.

As explained in more detail on Page IV.D-42 of the DEIR:

In a letter dated March 16, 2017, Butte County Association of Governments staff advised City staff that: “A revised draft of the BRCP is currently under development and is expected to include the removal of the project listed above [Vesting Tentative Subdivision Map S 15-05 and GPA/RZ 15-02 (Stonegate)] from the BRCP permit area. This change will eliminate any conflict between the BRCP and the project, and will allow the project to move forward separately via the existing state and federal permitting processes. As such, there are no expected conflicts between the project and the BRCP.

Therefore, the statement in the DEIR identified by the commenter constitutes substantial evidence as it is based on written communication directly from the agency sponsoring the creation of the BRCP.

Regarding the commenter’s belief that there is reason to doubt that the BRCP will ever be adopted, the analysis contained in the DEIR does not predict or depend upon adoption of the BRCP to support its conclusions. No further response is necessary.

Response to MERZ-6

The commenter states that the discussion for Aesthetics in Section V. relies upon the 2030 General Plan rather than a project-specific analysis.

Section V. of the DEIR addresses cumulative impacts. The discussion of Aesthetics in this portion of the DEIR considers build out of the proposed project and the General Plan together to assess cumulative impacts. Project-specific impacts related to aesthetics are discussed in Section IV.B Aesthetics.

Response to MERZ-7

The commenter states that special features that exist in southeast Chico are not recognized as part of the DEIR.

The commenter does not state what “special features” the DEIR failed to analyze. The DEIR includes numerous technical reports that detail project-specific impacts to existing resources and features found on the site. In absence of a specific comment or concern on the DEIR this comment will be included herein for consideration by the decision makers.

Mike Sawley

From: Larry Mitchell <geggmit@att.net>
Sent: Wednesday, May 02, 2018 1:07 PM
To: Mike Sawley
Subject: Comment on Stonegate Project

Hi, Mike. I want to comment on the Stonegate Project EIR. I am very concerned about the potential loss of wetlands because of the project. I know there are quite a number of vernal pools on this land. 1

Also, my wife and I frequently travel along Bruce Road between Skyway and East Avenue. We very much value the view of the open land east of Bruce Road between Skyway and 20th Street. That is a wonderful view of grasslands sloping up to the ridge. We fear the project would have a significant impact on this beautiful view. I read the section of the EIR that talks about views. I was surprised and feel the EIR is wrong in seemingly downplaying the impacts on views. 2

This is what I read as the bottom line on this section of the EIR:
Aesthetics impacts associated with the proposed project would be less than significant. 3

That seems just plain wrong, to me. If you look at how land on the east side of Bruce Road has been developed to the north of the project site, you can see how much the view to the east has been damaged. I think this project would similarly damage the view to the east. I would like to know if mitigations have been proposed to prevent such damage. Thank you.

Larry Mitchell
Chico

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Larry Mitchell (MITCHELL)*Response to MITCHELL-1*

The comment notes concern about potential loss of wetlands and vernal pools on the site.

Section IV.D Biological Resources of the DEIR provides detailed analysis on the impacts to wetlands and vernal pools by the proposed project.

Response to MITCHELL-2

The commenter discusses the view available traveling along Bruce Road between Skyway and East Avenue. The commenter states that the EIR is wrong in that it downplays project impacts on its analysis of this view point.

As noted in Table IV.B-1 of the DEIR, Bruce Road between Skyway and East 20th Street is a north-south road, opposite the east-west sightline toward the Sierra Nevada foothills that would be blocked by project activities, and there are no pedestrian facilities along this stretch of roadway. Views toward the Sierra Nevada Foothills traveling on this section of Bruce Road would only be available to passengers of a traveling vehicle, and would be further limited to approximately 0.8 miles of view or about one minute of view time. The DEIR acknowledged that there would be some aesthetic impacts from reducing the visibility of scenic resources as a result of the project, however those impacts were concluded to be less than significant due to the limited number of public viewpoints, limited views at available viewpoints, and lack of pedestrian access to viewpoints.

Response to MITCHELL-3

The commenter asks if mitigation is being consider for perceived visual impacts.

Section IV.B Aesthetics of the DEIR provides detailed analysis on impacts related to visual resources. In summary, the DEIR found project impacts regarding aesthetics to be less than significant and no mitigation is proposed.

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Wagner & Bonsignore

Consulting Civil Engineers, A Corporation

Nicholas F. Bonsignore, P.E.
Robert C. Wagner, P.E.
Paula J. Whealen

David H. Peterson, CEG, CHG
David P. Lounsbury, P.E.
David Houston, P.E.
Vincent Maples, P.E.
Patrick W. Ervin, P.E.
Martin Berber, P.E.
Ryan E. Stolfus

James C. Hanson, P.E.
Henry S. Matsunaga

May 24, 2018

Re: Comments on Draft Environmental Impact Report for Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone (Sch # 201606204)

Dear Mr. Sawley,

I am writing to you on behalf of the M&T Ranch, Chico CA. We have reviewed the “Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone” by WRA Environmental Consultants, dated April 2018 (DEIR). This letter provides comments on issues related to potential increases in storm water runoff and impacts from the project to areas downstream. The M&T Ranch is located downstream of the project by way of Comanche and Little Chico creeks. The DEIR makes no evaluation of impacts to these waterways, nor addresses any potential impacts to the properties downstream along these creeks.

1

The proposed Stonegate project will develop approximately 313 acres of currently undeveloped grasslands. The proposed project will create housing and a series of access roadways. Urban development such as the proposed project has significant impacts on storm water runoff and discharge due to the use of impervious surfaces. As acknowledged by the DEIR, precipitation falling on hardscape (roofs, asphalt, concrete, etc.) becomes runoff instead of percolating into the ground, which increases storm water discharge, shortens the time of concentration of that discharge, and increases peak flows. The DEIR indicates that areas of development resulting in 5,000 square feet (0.12 acres) of impervious cover requires mitigation. The City of Chico requires that there be no net increase in runoff from the project. The DEIR cites the City’s General Plan, “Policy PPF-6.2 (Storm Water Drainage) – Continue to implement a storm water drainage system that results in no net increase in runoff” (DEIR, page IV.1-11).

2

Section IV.I *Hydrology and Water Quality* provides a brief overview of the pre-developed landscape and hydrology, outlines regulatory statutes and programs, and provides an outline on environmental impacts related to hydrology and water quality. The DEIR fails to quantify existing conditions related to rate, volume, and timing of storm water discharges. Further, the DEIR does not outline any specific storm water mitigation efforts, instead noting that future compliance with the NPDES Construction General Permit and Small MS4 General Permit will mean that “violation of any water quality standards or waste discharge requirements would be less-than-significant.” Without quantifying baseline and post-development conditions, the DEIR’s conclusion that impacts are “less-than-significant” is unsupported.

3

Mike Sawley, Senior Planner
May 24, 2018
Page 2

The subsection *Impact HYDRO-3* states that existing surface water systems located on the west and northwest portion of the project will be removed. Currently, surface water is conveyed through a network of braided streams and vernal pools, recharging a portion of the water to the groundwater table, and discharging excess runoff into existing storm drains. The proposed project will remove the stream network and pipe storm flow through the subdivision where it will discharge into existing storm water inlets on Fremont Street, Bruce Road, and the Skyway. This will likely increase storm water discharge due to the reduction of recharge potential from the removal of the stream network and vernal pool complex.

4

The DEIR is deficient as it pertains to storm water discharge because it does not quantify pre- and post-development storm water discharge. The DEIR fails to establish baseline conditions to which post-development impacts can be compared to ensure no net increase in runoff. Furthermore, as the project is reliant in part on the City of Chico's existing storm water system and the City's existing storm water management plan, an analysis of the adequacy of the system and the plan is required. The DEIR should consider changes to the intensity, duration, and storm return periods, runoff coefficients, function of the Fair Street Basin and other facilities that have occurred over time. Additionally, the DEIR should investigate the cumulative storm water impacts of all existing projects, potential future projects, and the Stonegate project to assess impacts on downstream drainages.

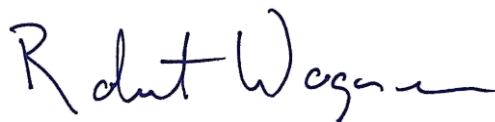
5

M&T Ranch is generally supportive of development within the City of Chico, however, any such development must identify, quantify, and mitigate for impacts to downstream areas that are directly impacted by the development. M&T Ranch is the recipient of increases in storm water discharge resulting from upstream development like Stonegate. M&T requests that the City analyze the Stonegate project and others, to demonstrate compliance with the City's stated policy of no net increase in storm water runoff from development.

6

Very truly yours,

WAGNER & BONSIGNORE
CONSULTING CIVIL ENGINEERS



Robert C. Wagner, P.E.

cc: Les Heringer, M&T Chico Ranch

Via: e-mail

M&T Ranch (MTR)***Response to MTR-1***

The comment provides an introduction on the commenter and whom they are providing comments for, M&T Ranch. No response is necessary.

Response to MTR-2

The comment provides project description background in relation to impervious surfaces. No response is necessary.

Response to MTR-3

The commenter asserts that the DEIR fails to quantify existing conditions related to storm water discharges and that without quantifying baseline and post-development conditions the DEIR's conclusion that hydrology impacts are less-than-significant is unsupported.

A reliable and accurate quantification of post-development conditions for the project cannot be made at this time; to do so would require speculation about which Low Impact Development (LID) technologies would be used within the development areas to comply with City requirements to achieve no net increase to storm water runoff. These details are not required at the tentative map stage of development, however, the requested quantification of pre- and post-construction storm water discharge rates and volumes is required at each phase of development, prior to construction, once specific project components become known and detailed infrastructure plans are developed. City review of these detailed infrastructure plans prior to the improvement stage of the project's development requires the applicant to show compliance with the NPDES Construction General Permit and Small MS4 General Permit. These efforts include requirements to calculate and apply technologies that attenuate potential runoff rates/volumes prior to development permits being issued. Notably, the proposed project includes a storm water detention basin at the southern (lowest) portion of the site. The improvements plans would also provide additional details on other efforts to reduce stormwater discharge, such as storm water BMPs, underground galleys, surface basins, and LID design standards to capture and treat runoff from impervious surfaces. The DEIR does not need to be exhaustive in level of detail of future impacts, it must only show that a potential impact can occur and that there are means to reduce that impact to a less than significant level.

Response to MTR-4

The commenter expresses concern about the removal of vernal pools and braided streams, stating that removal of these features will likely increase storm water discharge.

Please refer to the response for MTR-3.

Response to MTR-5

The commenter provides further comments on the DEIR's analysis of storm water discharge. The commenter suggests that the DEIR should investigate the cumulative storm water impacts

of all existing and future projects in addition to the Stonegate project to assess impacts on downstream drainages.

Please refer to the response for MTR-3. As stated in Section V. Cumulative Impacts of the DEIR:

NPDES permit requirements apply to the cumulative projects as well as the proposed project. As such, a reduction in runoff and overall pollutant loads in stormwater in the vicinity of the project site is anticipated over time, thereby reducing cumulative impacts... The implementation of Mitigation Measures HYDRO-1 and HYDRO-2 would ensure that stormwater runoff and flood water flows from the proposed project would not result in cumulatively considerable impacts related to water quality, flooding, erosion/sedimentation, or exceeding the capacity of the existing stormwater drainage system. The required mitigation would reduce the project's contribution to any significant cumulative impact on stormwater and flooding to less than cumulatively considerable. (DEIR page V-7)

Response to MTR-6

The commenter reiterates their desire for storm water discharge rates to be analyzed in the DEIR.

Please refer to the response for MTR-3.

May 10, 2018

Dear Planning Commission,

My name is Barbara O'Brien and I live at 39 New Dawn Circle which directly connects to Webster Drive. I spoke at the Planning Commission meeting, and am now putting my comments into written form regarding the EIR of the Stonegate project. I will also be reiterating a neighborhood concern to not open Webster Drive from Bruce Rd. to Notre Dame Blvd.

1

I will begin by questioning Mr. Sawley's comment that the green house gasses cannot be mitigated. And yet they must be mitigated for the safety and air quality of those living in or near Chico. Mitigating green house gasses may require building fewer homes, and adding more green space and parks. This is a beautiful piece of land. If they are going to build it, build it properly, with this most important consideration in mind.

2

I know we have a very unique and rare environment in those fields. The meadowfoam, fairy shrimp and the frog habitat cannot be replaced, once it is destroyed. I do not know the politics regarding these environmental concerns, but I do hope this situation is in the forefront of the Planning Commission as well.

3

The following point is also of the utmost concern to both my neighbors and my family: New Dawn Cir, Webster Drive and all of the cull de sacs that feed into Webster make up a quiet, secluded and friendly neighborhood, with many families and children walking and riding along these streets. We are asking you to not allow Stonegate to make Webster Drive a thoroughfare from Notre Dame to Bruce Rd.

4

Stonegate encompasses acres of property, adjoining many existing and busy roads in which alternative routes can be planned without accessing and affecting an established neighborhood. The traffic that is being called "minimal" is in fact excessive; with a quoted mention of "25,000 car trips a day coming and going from the development." Certainly this kind of traffic will take a toll on a small community street such as Webster Dr.

A case in point is Notre Dame Blvd. which has a posted 25mph speed limit; yet no one goes 25 mph on this very busy, connecting road. We do not want this for Webster Dr. Our children will no longer be safe riding around the block or crossing Webster to get to their homes in the various cull de sacs.

We are asking that Webster Drive not be part of this excessive growth and overcrowded development. Please stand up for the people of New Dawn Cir, Webster Drive and the adjoining cull de sacs, and ask Stonegate to look at alternative routes to and from their planned development.

One alternative street to consider is Fremont St, which has only a couple of apartment buildings and a fire station. Here you may find less resistance than that of an established neighborhood such as New Dawn/ Webster Drive.

5

Thank you for your consideration on this very important matter.
Barbara O'Brien

Besides the unmitigated green house gases that have not yet been addressed

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Barbara O'Brien (OBRIEN.B)*Response to OBRIEN.B-1*

The commenter provides introductory remarks and conveys that she does not want Webster Drive extended to Bruce Road. No response is necessary.

Response to OBRIEN.B-2

The commenter raises concerns over the project not being able to mitigate greenhouse gas emissions. The commenter expresses the opinion that the project should reduce the number of homes if the emissions cannot be mitigated.

Section IV.G of the DEIR provides a detailed analysis of greenhouse gas emissions. The DEIR includes Mitigation Measure AIR-2C/GHG-1 that would reduce projected operational GHG emissions, but not enough to ensure that emissions are reduced to a less than significant level. Therefore, impacts from greenhouse gas emissions are considered significant and unavoidable. The purpose of the DEIR is to disclose potentially significant impacts. The Chico City Council will have ultimate approval authority for the proposed project.

Response to OBRIEN.B-3

The commenter expresses concern about impacts to biological resources.

The commenter does not provide a specific comment or inadequacy with the DEIR. Section IV.D provides a detailed impact analysis for these resources.

Response to OBRIEN.B-4

The commenter expresses concern about safety as it relates to the extension of Webster Drive. The commenter is also concerned about the social impacts from extending Webster Drive.

Please refer to Master Response 4. The project would provide a minimal increase in traffic relative to the applicable thresholds of significance used for determining acceptable levels of service for local roadways. In addition, the project would be required to meet all City of Chico Municipal Code requirements related to road way design and safety. Social issues are not a CEQA issue and are thus outside the purview of the DEIR

Response to OBRIEN.B-5

The commenter suggests that a connection at Fremont Street be utilized instead of Webster Drive.

Please refer to Master Response 4. Fremont Street is not adjacent to the project and the applicant does own the land to make this connection possible. The land has been set aside to construct a school.

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MAY 21 2018

CITY OF CHICO
PLANNING SERVICES

May 20, 2018

Planning Commission,

My name is Steven O'Brien and I live at 39 New Dawn Circle, off Webster Drive via Notre Dame Blvd. I have been in Chico since 1969 and at this address for over 20 years. I am writing to you to reiterate and expand on the comments that I made at the public meeting of the Chico Planning Commission on May 3.

1

I have watched the development of the Merriam Park project with some pleasure. I enjoy seeing our city grow and I knew that one day there would be houses, businesses etc. on the land between our neighborhood and Bruce Road. But I am opposed to the Stonegate Project. I am very wary of the numbers of people, the density of houses and the increase of traffic, that the combination of Miriam Park, Belvedere subdivision and Stonegate will bring to our area. Also Chico Unified School District has plans to build a satellite campus and a new high school in our area. Too much development is happening in this small area.

I especially object to the proposed extension of Webster Dr. through to Bruce Rd. I have seen the increase in traffic and speeds that have occurred on Notre Dame Blvd. after it was extended to 20th St. and became an access to more businesses and houses. Notre Dame Blvd. has also clearly become a desired route at commute time and a major through street. I think the same thing will happen to Webster Drive.

2

It seems common sense to me that a resident in Stonegate heading toward Chico would travel on Webster Dr. to Notre Dame Blvd. then continue on to either the Skyway or 20th St. I don't think they will backtrack to Bruce Rd.

Streets in newer subdivisions seem to be circuitous and made to be inconvenient to pass through traffic. Yet extending Webster Dr. to Bruce Rd, will make it a straight shot through, causing a significant increase in vehicular traffic, despite the EIR claim of a minor increase in traffic. And this increase in traffic will impact our neighborhood in a negative way. If Webster Dr. is extended to Bruce Rd. a Chico neighborhood, my neighborhood, will be ruined. To paraphrase another speaker at the meeting, once this is done it won't be changed back. It will be gone.

We have the same concerns as our neighbors on Parkhurst St. There are children playing and families walking on Webster too. There is definitely a quality of life issue. Also, we have invested a significant amount of money in the purchase of our home, its upkeep and our yard. We are concerned that the change in Webster Dr. will change our quiet neighborhood and lower the value of our property. We did not expect this change when we chose this location.

3

Freemont St. parallels Webster Dr. one block to the south. It has only one apartment complex accessing it. It is not directly adjacent to Stonegate but it could be extended to Bruce Rd. with no impact on our neighborhood. This road was not mentioned in the EIR.

4

Not too long ago the desired standard for Chico subdivisions was the Doe Mill Park model that encouraged neighbor interactions with front porches, common areas and garages in the back. We have achieved this phenomena on our own and changing Webster Dr. into a busy road will do severe damage to our neighborhood atmosphere.

5

I will conclude by stating that I strongly disagree with the environmental impact reports conclusion that there would be a minimal increase in traffic on Webster Dr. when it is connected to Bruce Rd. And I vehemently oppose the extension of Webster Dr. and the entire Stonegate development in its present form.

6

Thank You,

Steven W. O'Brien

Steven O'Brien (OBRIEN.S)*Response to OBRIEN.S-1*

The commenter provides introductory remarks. The commenter notes that several other projects are being constructed in the vicinity of the project site. The comment ends with the claim that too much development is occurring.

The comment does not provide a specific inadequacy of the DEIR. The comment does not address the DEIR. The comment is acknowledged and included herein for consideration by the decision makers.

Response to OBRIEN.S-2

The commenter raises concerns over the extension of Webster Drive to Bruce Road. The commenter notes their belief that the connection will cause a significant increase in traffic on Webster Drive because the connection is a straight shot rather than a circuitous route that would discourage through-traffic. The comment ends with the conclusion that the extension will create safety issues.

Please refer to Master Response 4. The project would provide a minimal increase in traffic relative to the applicable thresholds of significance used for determining acceptable levels of service for local roadways. In addition, the project would be required to meet all City of Chico Municipal Code requirements related to road way design and safety.

Response to OBRIEN.S-3

The comment expresses concern about quality of life impacts and decreases to the value of their home.

Please refer to Master Response 4. This is not a CEQA issue and is thus outside the purview of the DEIR.

Response to OBRIEN.S-4

The commenter suggests that Fremont Street be extended to Bruce Road instead of Webster Drive.

Please see Master Response 4. Fremont Street is not adjacent to the project and the applicant does not own the land to make this connection possible. The land has been previously set aside for a school.

The commenter highlights the building patterns of other subdivisions. The comment expresses concern that Webster Drive will be turned into a busy road that changes the character of the neighborhood.

Please refer to Master Response 4. This is not a CEQA issue and is thus outside the purview of the DEIR

Response to OBRIEN.S-6

The comment reiterates the commenter's objection to the project. No response is necessary.

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Mike Sawley

From: Mark Rodriguez <mrkz164@yahoo.com>
Sent: Thursday, May 24, 2018 2:43 PM
To: Mike Sawley
Subject: Regarding the Stonegate EIR

Regarding the Stonegate EIR

After reviewing the Stonegate EIR I would ask that you reject it for the following reasons.

1. The Rare Plant Survey Report Fig.2 clearly shows that the whole project area is laced with wetlands. The applicant's mitigation is to destroy 2/3 of them on site and attempt to purchase much less wetland's habitat off site. Unfortunately this project, as it stands, eradicates far too many endangered species and the unique eco-system they depend on for survival. 1
2. 15126(a) states that an EIR shall describe a range of reasonable alternatives to the project that result in less of an environmental impact. The applicant has failed to follow this direction and instead presents Alternative C, which leaves less open space as the less environmental impact alternative. This appears to be a misuse of the purpose of an alternative plan and is only proposed to push their preferred plan B. The applicant should be made to submit an alternative plan that actually lessens the environmental impact to the wetlands. For example, Fig. 5 map BCM Rare Plants Study shows that slight adjustments to the east lot line could save several endangered vernal pool areas. 2
3. The applicant's IV. Environmental Impact Analysis section D. Biological Resources states, the site contains 4.73 acres of Riverine Seasonal Wetlands, and says this about them: These riverine seasonal wetlands are an important component of the larger vernal pool complex and act as swales which often provide hydrologic connections between multiple vernal pools. It later states that the swales hydrologic connections between vernal pools allows for the dispersal and movement of aquatic organisms. I believe this must refer to the endangered fairy shrimp and tadpole shrimp. If this project is approved this 4.73 acres should be included in any off site mitigation for the above reasons 3
4. Questions for applicant and/ or city planner. At the Planning Commission Meeting, Les Heringer spoke of his concerns about flooding. He also said that 80 acres of the project land was used by Mr. Schmidbauer as an off site mitigation site to allow his company to log on the coast. Is this true? Has the city looked into this information? Have you contacted the coastal county in which Schmidbauer has his logging concerns? Perhaps this is the Doe Mill Schmidbauer Meadowfoam Preserve, but I believe you owe it to the citizens of Chico to confirm that all agreements are being honored. Would you please contact me as to what actions the city has taken and whether the 80 acres had been set aside as a prior mitigation site. 4

Thank you, Mark Rodriguez
164 picholine way Chico CA 95928 #530 848 1870



Sent from my iPad

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Mark Rodriguez (RODRIGUEZ)*Response to RODRIGUEZ-1*

The commenter notes that the project site contains wetlands that would be impacted from project implementation. The commenter states that the project impacts too many endangered species and the ecosystem they depend on for survival.

The commenter does not provide a specific concern or comment on the adequacy of the DEIR. Section IV.D provides a detailed analysis of the project's potential impacts to sensitive species. The comment is acknowledged and included herein for consideration by the decision makers.

Response to RODRIGUEZ-2

The commenter states that the proposed project failed to provide a reasonable range of alternatives. The commenter states that "adjustments to eastern lot lines could save several endangered vernal pool areas".

Please see Master Response 5. The DEIR examined three alternatives and considered a fourth. An EIR need not consider every conceivable alternative to a project or alternatives that are infeasible. ([Guidelines, § 15126.6, subd. (a).]; see also *Goleta*, supra, at p. 574.)" (*BayDelta*, supra, 43 Cal.4th at p. 1163.). The comment has not provided evidence that the DEIR did not meet the standard of looking at a reasonable range of alternatives.

Response to RODRIGUEZ-3

The commenter notes that the proposed project would impact 4.73 acres of Riverine Seasonal Wetlands. The commenter also notes that there are potentially fairy shrimp and tadpole shrimp in these wetlands and vernal pools. The commenter lastly requests mitigation for these impacts if the project is approved.

As stated on page IV.D-50, Mitigation Measures BIO-1D provides mitigation for potential impacts to vernal pool fairy shrimp, vernal pool tadpole shrimp, midvalley fairy shrimp, and California linderella.

Response to RODRIGUEZ-4

The commenter asks if any portion of the site has been used for mitigation for impacts related to other projects by Mr. Schmidbauer.

The City has no record of the project site ever being utilized as mitigation for another project. For the project site to have been used as mitigation, placement of a deed on the project site would have been required, and none have been placed on the subject parcels.

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May 2, 2018

Mike Sawley, AICP
Senior Planner
Community Development Department
City of Chico
P.O. Box 3420, Chico, CA 95927

Dear Mr. Sawley,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (Draft EIR) prepared for the Stonegate Project in southeast Chico.

1

On page IVG-17 the report states, “the proposed project is generally consistent with the Climate Action Plan’s new development measures. However, as discussed above, project GHG emissions would exceed the significance threshold of 1,100 metric tons threshold and 4.6 MT of CO₂e per service population. Therefore, this impact would be considered significant and unavoidable.”

While 469 single-family homes, 208 apartment units and 400,000 sq. ft. of commercial space will significantly increase the GHG emissions from electricity and natural gas, California has some of the greenest building codes in the nation, so there is not much more the City can require. The avoidable impacts are in transportation and traffic, and I encourage you and the City to focus on improving that area of the EIR.

2

On Page IV.O-25 the report states, “the proposed project is estimated to generate 1,213 gross AM peak hour trips, 2,377 gross PM peak hour trips, and 25,293 gross daily trips.” In response, the EIR requires the developer to “coordinate subdivision improvement plans with the local transit provider to include bus stops in conformance with Butte Regional Transit design standards.” [IVG-16]

On Page IV.O-44 the report states, “Potential transit service modifications include a new route or route extension along Bruce Road between E 20th Street and Skyway (consistent with the BCAG Transit and Non-Motorized Plan) and the installation of bus stops internal to the project site. Bus stops should be installed at locations within close proximity to key pedestrian routes (e.g. the Bruce Road / Webster Drive and Skyway / Potter Road intersections).”

To mitigate the significant climate impacts due to increased trips generated by the project, the goal of the above mitigation must be to increase transit ridership, not simply make it available. I believe it is important to recognize that all transit riders start and end their journeys on foot or on a bicycle. So we need to have bus stops that are welcoming and accessible to pedestrians and bicyclists. In his book, *Human Transit: How Clearer Thinking about Public Transit Can Enrich Our Communities and Our Lives* (2012), Jarrett Walker writes that “creating a civilized waiting

environment for transit is not different from designing waiting areas for other businesses and government functions.” A good example of a “civilized waiting environment” is the transit stop outside the CVS at Lassen and Esplanade. The developers went beyond the typical three-sided box tacked on to the project in-between the sidewalk and the curb. One enticing feature is that it is open and accessible to the shopping center it is designed to serve.

To encourage residents of the Stonegate development to take some of their trips by mass transit rather than by personal car—and reduce the significant climate impacts of this project—the developer needs to provide more than the minimum bus stop required by the local transit authority. To encourage ridership, the developer should provide a bus stop that has ample seating, shading, and bike parking. The transit stops for this development should also have dedicated pullouts. Not only do pullouts keep the bus from interfering with traffic, transit pullouts also serve as a safe and convenient space for a driver to drop off a transit rider, known as a ‘kiss and ride’ location, in reference to the more common ‘park and ride’ locations.

These additional requirements will not fully mitigate the significant increase in greenhouse gasses that this development will generate but they will provide the infrastructure for residents to comfortably shift transportation modes over time.

Sincerely,

Mark Stemen
1504 Salem Street
Chico, CA 95928

Mark Stemen (STEMEN)*Response to STEMEN-1*

The commenter provides introductory remarks and project description information. No response is necessary.

Response to STEMEN-2

The commenter provides additional information on the GHG impacts from the proposed project. The commenter explains why mitigation should be used to promote transit ridership, not provide transit. The commenter provides details on how to make transit stops more user friendly to promote use.

As stated on page IV.O-44, Mitigation Measure TRANSPORTATION-5 requires the applicant to coordinate with local public transit providers to determine a suitable transit service concept for the project site that does not substantially alter existing public transit operations and is consistent with relevant service standards and new service warrants. The commenter's ideas will be part of the record for the local public transit agency to consider.

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Mike Sawley

From: Swanson <srswanny@att.net>
Sent: Monday, May 07, 2018 7:38 AM
To: Mike Sawley
Subject: Bruce Rd Bridge

Hi Mike,

Last week read the article on the housing project on Bruce Rd. This would increase traffic on Bruce Rd significantly. There is a two lane bridge (that four lanes feed into from south to north) that will become quite a bottleneck.

What are your plans to alleviate that problem?

Thank You,

Scott

PS – how old is that bridge?

1

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Scott Swanson (SWANSON)

Response to SWANSON-1

The commenter asks for detail of how the project would impact traffic in the vicinity of the project site.

Section IV.O provides a detailed traffic impact analysis.

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Mike Sawley

From: Susan Tchudi <susantchudi@gmail.com>
Sent: Tuesday, May 22, 2018 8:32 AM
To: Mike Sawley
Subject: comments on the Stonegate Project

We are writing to comment on the proposed Stonegate project in South Chico east and west of Bruce Road, between the Skyway and 20th Street. Abundant scientific and environmental evidence has been available for several years to raise serious doubts about the impact of this project on our land and community. Piecemeal mitigation proposals would not resolve these problems. Here are our objections:

--Vernal Pools: This project is proposed for development in a vernal pool landscape. Vernal pools are in critical decline because of urbanization and the development of orchards and vineyards. Because vernal pools (like much of nature) exist in delicate balance with the rest of their environment (geology, hydrology, water-dependent creatures and plants), it is difficult (if not impossible) to establish them elsewhere. There is little chance of mitigation, and no compensation that can pay for their loss. (Professor Doug Alexander, AquAlliance, Butte Environmental Council)

--Butte County Meadowfoam: This project will significantly impact the state-endangered Butte County Meadowfoam, which lives on the land proposed for the project. Moreover, the population grouped as Class C (a genetically unique form of BCM) by the Butte Regional Conservation Plan is found only in this location. It is highly unlikely that it can ever be established elsewhere. Surely, we don't want to take such a risk. (Butte Regional Conservation Plan; Department of Fish and Wildlife, 2015 letter in response to proposed Stonegate Project; Butte Environmental Council)

--Birds: Song birds and ground-nesting migrating birds will be adversely affected by this project. White-tailed kites, Western burrowing owls, loggerhead shrikes, and yellow warblers all depend on this sort of habitat and are in decline, some in rapid decline. The Western burrowing owl and the yellow warbler are California Species of Special Concern. (Department of Fish and Wildlife, 2015 letter in response to proposed Stonegate project; Altacal Audobon 2018 letter in response to the proposed Stonegate project)

-- Crustaceans: Vernal Pool Crustaceans, including fairy and tadpole shrimp, reside in the ground in dry summers and resume growth in wet winter; they are protected by the Endangered

Species Act. A long-term study will demonstrate their presence and dependence on the project site. (Department of Fish and Wildlife, 2015 letter commenting on the proposed Stonegate project, Army Corps of Engineers 2015 letter commenting on the proposed project; Professor Doug Alexander)

--Long-term observation: Many of the species, which live in the proposed project site, are seasonal. Their active period may be summer or spring. Moreover, because of drought, plants or creatures might not be active every year. In order to account for fragile and rare plants and creatures, longer studies needs to be done to determine with certainty that no Endangered or Special Status plants or creatures are present.

Wetlands: Our environment is suffering from climate change, population growth, and urbanization. By now, we should know that we on earth are interdependent: When one species suffers, many others are put at risk. We need to preserve our wetlands and wild lands. The following, from the Western Shasta Resource Conservation District, demonstrates what's at stake: "So why all the fuss about mud, water and plants? If you have stopped to look closely at a wetland, you realize the variety of plants and animals that use wetlands as a home, such as birds, mammals, frogs, fish, and plant species. Up to one half of North American bird species use wetlands to nest, feed, or just rest, making them absolutely essential for many migratory species. As wetlands have declined, some bird populations have concurrently declined. Many fish, amphibians, insects, and plants are also dependent on wetlands. In dry climates like ours, wetlands can be a precious sanctuary for wildlife."

More to this particular piece of land, the Army Corps of Engineers states that the project should include alternatives that avoid impacts to wetlands for other waters of the United States." (Army Crops of Engineers, 2015; Western Shasta Resource Conservation District)

Aesthetics: Though not a scientific criterion, aesthetics is a crucial consideration for development as Chico and Butte County have suffered from suburban sprawl and have developed management plans—in this case being ignored—to preserve quality of life for citizens, plants, and animals. All of us place value on natural places and views differently. For many people, this place is beautiful, wild, and precious. It is part of their "viewshed." Many of us want to protect our natural environment, which is dependent on our watershed, but we also want to protect the viewshed, the open view up to the canyon and beyond.

Additional considerations. A project of this magnitude will have enormous impact in many of the areas under review: Both construction and the finished product will have negative impact on traffic, air quality and greenhouse gas emissions.

9

Alternatives: Rather than destroy this unique and irreplaceable piece of land, the Planning Commission and the City of Chico should consider other possibilities. One might be to downsize the project significantly and allow building only on the west side of Bruce Road. This will leave the large piece of land to the east of Bruce Road as a relatively intact ecosystem with Endangered and California Special Status creatures and plants protected. Another alternative is infill housing within the Chico. Homes within the city make for easier public transport, greater use of bicycles and walking, less greenhouse gasses produced from auto travel.

10

Susan and Stephen Tchudi

10846 Nelson Bar Road

Yankee Hill, CA 95965

530-781-4122

530-781-4676

Note: Although we are not residents of Chico, our social and volunteer work is centered in Chico. We are volunteers with KZFR (cohorts of Ecotopia), AquAllaince, The Butte Environmental Council, the Chico Peace and Justice Center, the Love Chapmantown Coalition, the Environmental Coalition of Butte County, BEC's Procession of the Species, and the Chico Housing Action Team.

11

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Susan & Steven Tchudi (TCHUDI)***Response to TCHUDI-1***

The commenter provides introductory remarks. The commenter claims that scientific and environmental evidence raises doubts about the impact of the project on land and the local community. The comment finishes by stating it will go into further detail.

The individual concerns will be answered below.

Response to TCHUDI-2

The commenter raises concern about project impacts to vernal pools. The commenter provides general information about vernal pools being impacted by urban development. The commenter quotes an individual that states there is little chance of mitigation for vernal pools.

The commenter does not raise a concern about a specific inadequacy of the DEIR. The comment includes general concerns about urban development. Section IV.D Biological Resources discusses impacts to vernal pools in detail. Please see Master Response 1, 2 and 3 for a discussion of mitigation.

Response to TCHUDI-3

The commenter raises concerns about project impacts to Butte County Meadowfoam.

Please see Master Response 1. The DEIR analyzed BCM impacts and provides suitable mitigation as required under CEQA.

Response to TCHUDI-4

The comment states that various birds will be impacted by the proposed project and lists several bird species.

The commenter does not raise a concern about a specific inadequacy of the DEIR. Section IV.D Biological Resources discusses impacts to special status birds and mitigation for potential impacts to them. Additional information regarding potential project impacts to birds can be found in Appendix D-1 Biological Resources Assessment.

Response to TCHUDI-5

The commenter states that vernal pool crustaceans can be found on the project site. The comment suggests a long-term study will demonstrate their presence.

The commenter does not raise a concern about a specific inadequacy of the DEIR. Section IV.D discusses impacts to vernal pool crustaceans and mitigation for potential impacts to them.

Response to TCHUDI-6

The commenter suggests that some of the species may need long-term studies to determine presence of species on-site.

The commenter does not raise a concern about a specific inadequacy of the DEIR. Section IV.D discusses impacts to special status species and mitigation for potential impacts to them. The section also details surveys that were conducted over multiple years to determine habitat. Some species were assumed present based upon the availability of habitat.

Response to TCHUDI-7

The commenter provides a general discussion of the importance of wetlands. The commenter quotes USACE stating the project should include alternatives that reduce impacts to wetlands.

The commenter does not raise a concern about a specific inadequacy of the DEIR. Section IV.D, Biological Resources, discusses impacts to wetlands and mitigation for potential impacts to them. Several alternatives were developed for the project including one that focused on reducing impacts to BCM. The proposed project would permanently set aside 108 acres of habitat for conservation.

Response to TCHUDI-8

The commenter provides general comments on the project's impacts to the viewshed of local residents.

The commenter does not raise a concern about a specific inadequacy of the DEIR. Section IV.B, Aesthetics, discusses impacts to viewsheds. To recap, the DEIR found that impacts to public viewing points would be less than significant.

Response to TCHUDI-9

The commenter states that the project will have negative impacts on traffic, air quality and greenhouse gas emissions.

The commenter does not raise a concern about a specific inadequacy of the DEIR. The commenter only lists these areas as having negative impacts. Potential impacts to each impact category is discussed in its respective section of the DEIR.

Response to TCHUDI-10

The commenter suggests two alternatives be considered: 1) development only west of Bruce Road and 2) infill at sites throughout the City of Chico.

Please see Master Response 5. The DEIR examined three alternatives and considered a fourth. An EIR need not consider every conceivable alternative to a project or alternatives that are infeasible. ([Guidelines, § 15126.6, subd. (a).]; see also Goleta, supra, at p. 574.) (BayDelta, supra, 43 Cal.4th at p. 1163.). The comment has not provided evidence that the DEIR did not meet the standard of considering a reasonable range of alternatives.

Response to TCHUDI-11

The commenter provides background information on groups they are affiliated with. No response is necessary.

Mike Sawley

From: Leanne Thayne <Leanne.Thayne@enloe.org>
Sent: Thursday, May 24, 2018 12:42 PM
To: Mike Sawley
Subject: Webster Dr. extension for Stonegate

5/23/2018

Mike Sawley

RE: Proposed Webster Dr. extension through to Bruce Rd. for Stonegate project.

I live off of Webster Dr. at 38 New Dawn Cir. I understand that there is a plan to extend Webster through to Bruce Rd. Let me tell you about the impact that will have on our neighborhood.

About 15 years ago, several of our neighbors and us were concerned about the rise in the crime rate and decided to put together a neighborhood watch through the Chico Police Department. It then occurred to us that in order to watch out for our neighbors, we needed to know who our neighbors are. This was the beginning of multiple activities each year designed to pull our neighborhood together so we can get to know each other. Every one of the 89 households is invited to each activity and it is always an interesting mix of different people each time we meet.

Many wonderful things have happened as a result. People meet in the street to talk to each other. Parents walk the neighborhood with their children on bikes and chat with people working in their yards. The older people go out to get some exercise and to socialize. The local dogs get walked and the new babies get some fresh air. We use our neighborhood for block parties and have come to know our neighbors. This has happened because we are a closed neighborhood with one way in and out. People drive slow because we are aware that kids may be out playing and other safety issues are a concern. This environment provides for a high quality of life for those in our neighborhood.

If Webster is extended through to Bruce Road, it will dramatically increase the level of traffic through our neighborhood along a narrow street, and will increase even more once the new school is put in. The increased traffic will be people who are not aware of the safety issues particular to our neighborhood. It will no longer be safe to let children be out on bikes. It will no longer be safe for neighbors to pass the time chatting across the road about their gardens. We will lose the culture we have built in our

1

2

neighborhood. Block parties will be a thing of the past. People will retreat to their back yards and neighbors will become strangers. Crime and vandalism will increase.

At the Chico Planning Commission meeting, the impact on the environment was passionately presented and there was talk about mitigating the loss and damage to the environment. But how do you mitigate the loss of community? How do you mitigate the loss of Quiet Enjoyment of our Neighborhood?

I believe that that using Fremont, Raley, or 20th St are far better options and that that using one of these other streets would have far less detrimental impact on those neighborhoods.

Please reconsider extending Webster through to Bruce Road.

Leanne Thayne

Enloe Medical Center

This message, including attachments, contains information from Enloe Medical Center that is considered confidential. The information is intended solely for the use of the addressee(s). If you are not an addressee, your disclosure, copying, distribution or use of the contents of this message is prohibited. If this message has been sent to you in error, please notify the sender by return e-mail and then delete this entire message.

Thank you.

Leann Thayne (THAYNE.L)***Response to THAYNE.L-1***

The commenter provides background about efforts to deter crime along Webster Drive. The commenter believes there will be a negative impact from extending Webster Drive. The comment also provides details of social uses of Webster Drive.

Please refer to Master Response 4. The project would provide a minimal increase in traffic relative to the applicable thresholds of significance used for determining acceptable levels of service for local roadways. In addition, the project would be required to meet all City of Chico Municipal Code requirements related to road way design and safety. Social issues are not CEQA issues and are thus outside the purview of the DEIR

Response to THAYNE.L-2

The commenter expresses concern about increased traffic along the street in conjunction with traffic from the nearby proposed school.

Please refer to Master Response 4. The project would provide a minimal increase in traffic relative to the applicable thresholds of significance used for determining acceptable levels of service for local roadways. In addition, the project would be required to meet all City of Chico Municipal Code requirements related to road way design and safety.

Response to THAYNE.L-3

The commenter reiterates points made at the project's hearing on the DEIR about community loss.

Please refer to Master Response 4. This is not a CEQA issue and is thus outside the purview of the DEIR

Response to THAYNE.L-4

The commenter believes that Fremont Street would be a better option to connect into the project site.

Please refer to Master Response 4. The applicant does not own this land. The land has been set aside for construction of a school.

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Mike Sawley

From: Russ Thayne <russthayne@gmail.com>
Sent: Thursday, May 24, 2018 4:34 PM
To: Mike Sawley
Subject: Re: Stonegate Project in Chico, CA - Notice of Availability of a Draft Environmental Impact Report
Attachments: No Webster Extension Signatures - May 3 2018.pdf

Hi Mike:

I'm writing again to go over the reasons we do not feel the EIR for Stonegate is adequate and needs to be redone. Attached are the 120 signatures who have been submitted before, and our 10 points of disapproval. You have a whole neighborhood that contests this Webster Extension.

As I have thought about it more, the CEQA protects both the physical environment and the humans in the same environment. Assuming that we value children's safety in any space as important or more important than any other animal, then a child's safety should be paramount to this EIR review process. The safety concerns for our children and grandchildren are real and should not be discounted.

For that reason, plus so many other points we have outlined in the attached petition, we strongly suggest that the Webster extension not be allowed for the Stonegate development.

If you have further questions, please let me know. You may reach me at 530-518-8508.

Thanks Mike.

rt

On Mon, Apr 9, 2018 at 3:21 PM, Mike Sawley <mike.sawley@chicoca.gov> wrote:

Dear Interested Parties, attached please find a Notice of Availability for the Draft Environmental Impact Report (Draft EIR) prepared for the Stonegate Project in southeast Chico. The Draft EIR and supporting appendices are [available at this link](#). Copies of the Draft EIR have also been sent to the State Clearinghouse for distribution to applicable state agencies.

The public comment period begins today (April 9, 2018), and ends on May 24, 2018, at 5 p.m. After the public review period, written responses to all significant environmental issues raised will be drafted and a Final EIR will be prepared. Once the Final EIR is prepared, a public hearing by the Planning Commission will be scheduled to consider the EIR as well as the requested project entitlements and zoning changes. The Planning Commission will forward recommendations to the City Council for final action.

Feel free to contact me at my direct line below, or via email if you have any questions or comments.

Thank You,

Mike Sawley, AICP

Senior Planner

City of Chico Community Development Dept.

P.O. Box 3420, Chico, CA 95927

(530) 879-6812



<http://www.ci.chico.ca.us/>

<http://chico.facilitiesmap.com/>

Russell Thayne (THAYNE.R)***Response to THAYNE.R-1***

The commenter introduces a petition from the Webster New Dawn Neighbors that opposes the extension of Webster Drive to Bruce Road and adds that the connection would also raise safety concerns for children and grandchildren living in the existing neighborhood.

Please refer to responses WNDN-1 through WNDN-13 regarding the points raised in the petition, and refer to Master Response 4 regarding safety concerns and other issues pertaining to the extension of Webster Drive.

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Mike Sawley

Stone Gate EIR comments

State Clearinghouse No. 2016062049

5/24/2018

From: Mike Trolinder

Protecting the environment and providing good urbanization is not counter to each other. Good urbanization as directed by the general plan respects the environment by allowing the tools and methods of good urban planning to balance with the protection of the natural environment.

1

Unfortunately, the Stone Gate development as proposed makes claims of being compliant with the general plan but fails to demonstrate those claims with the planning exhibits provided.

2

The low density goals of this project brings into question the EIRs economic fitness. The project needs to demonstrate that its accumulative costs and future cost won't be a financial Burdon on the citizens and city of Chico. Let's see the math

The project makes the claim of complete streets but fails to demonstrate complete streets in it plans

The project avoids the general plan and community goals for a variety of housing types

The General plan is clear in what makes a good neighborhood. This plan falls short

The rezone as proposed avoids general plan goals for compact urban form

I'm not against a careful project on parts of this property. I'm opposed to certifying the EIR without remedy to the above concerns and the idea that the finding of overriding circumstance is a cure for bad planning.

3

Sincerely

Michael Trolinder

1975 Bruce rd apt 203

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Michael Trolinder (TROLINDER)*Response to TROLINDER-1*

The commenter states that “Good urbanization as directed by the general plan respects the environment by allowing the tools and methods of good urban planning to balance with the protection of the natural environment”.

The commenter does not comment on the DEIR or its adequacy. No response is necessary.

Response to TROLINDER-2

The commenter claims that the proposed project does not comply with the General Plan. The commenter provides several general planning theories and asserts that the project does not comply with them. In addition, the comment states that the project must demonstrate that its cumulative costs and future cost won't be a financial burden on the City of Chico.

Section IV.J provides a detailed analysis of the proposed project in relation to the City of Chico's General Plan policies. The proposed project is generally consistent with the General Plan as the designations for the site would still permit a variety of residential, commercial, and open space uses. Upon approval, the project would be consistent with the General Plan, as the General Plan itself would reflect the project. While policy inconsistencies are not significant environmental impacts, the project's consistency with the policies listed in Table IV.J-1 was taken into account as part of the analysis in this DEIR. By adhering to the City's standard street sections and improvement criteria (curbs, gutter, and separated sidewalk) the new streets are considered complete streets. The DEIR listed policies that would be applicable to the housing types proposed.

The last comment is an economic and/or social topic. Under CEQA, “‘environment’ means the physical conditions that exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance.” (CEQA Guidelines, section 21060.5)

This document is part of the Environmental Impact Report for the Project and therefore assesses the potential for impacts related to the physical environment and not those related to social or economic factors.

Response to TROLINDER-3

The commenter states that they are opposed to certification of the DEIR until issues discussed in TROLINDER-2 are addressed.

Please see the response to TROLINDER-2.

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April 19, 2018

Mike Sawley
Senior Planner Community Development Department
411 Main Street, 2nd Floor
P.O. Box 3420
Chico, CA 95928

RE: Comments on Draft EIR - Stonegate Vesting Tentative Subdivision Map and IV.O. Transportation and Traffic General Plan

Mr. Sawley,

We are writing today to express our concerns about the General Plan Amendment and Re-zone associated with the Stonegate Draft Environmental Impact Report.

Specifically, we wish to comment on the transportation and traffic analysis and the associated environmental impacts, mitigation measures (both existing and cumulative).

We are gravely concerned that the significant traffic impacts on the neighborhood homes around Webster Drive are not adequately mitigated. We believe the proposed transportation plan will have a substantial deleterious effect on our neighborhood, our quality of life, and safety.

We offer the following comments:

1. The project study area was developed based on a collaboration between City of Chico staff and the EIR consultant, but the study indicates that Caltrans has jurisdictional authority over major portions of the roads in the transportation plan.
2. Many of the intersections listed in the intersection operations table indicate that they will have a C Level of Service. This is unacceptable and the study should be redone to analyze more construction of 4 lane roads, especially all of Bruce Road. Pushing more cars onto 2 lane side streets like a Webster were not considered in this Draft EIR.
3. This project transportation EIR does not meet the intent of the Chico General Plan CIRC-1.1.1 which calls for development to safely and efficiently accommodate traffic generated by development.
4. The selection of roads which will be two lane, three lane or four-lane do not add the capacity needed for the estimated 23,497 internalized auto trips from table IV.0-9. Again pushing these thousands of new daily auto and not on auto trips on to side streets is bad planning policy.
5. The California Environmental Quality Act requires that any change in level of service standards in regards to auto congestion must be mitigated. The density of this project will significantly increase congestion and traffic and the mitigation measures are insufficient.
6. Additionally, the California Environmental Quality Act requires parking capacity to be studied and this draft document does not address parking adequately for the density described in the introduction.
7. Full build out when combined with anticipated growth north of E. 20th St. would completely change traffic patterns. All of the traffic study alternatives should include anticipated growth north of E. 20th

St. The 2010 BCAG Travel Demand Model is now more than eight years old and should be updated before it is used as a viable model for this traffic study.

8. Sidewalk and bike path connections which are listed in the study need to be reevaluated considering the Butte Creek diversion channel is too narrow to accommodate any additional bicycle or pedestrian facilities. For the bicycle circulation plan to be accurate the construction of a new bridge crossing needs to be added as a necessary mitigation measure.
9. Although the plan calls for a new roundabout on E. 20th Street, there was no consideration of new roundabouts on Laredo or on Webster. The cumulative impact and mitigation measures are incomplete without a study of alternative roundabout placements.
10. Overall the transportation in traffic section does not adequately address which mitigation measures would be phased in, and at which time period to adequately mitigate these impacts. The study should be redone and all impacts and mitigation measures should be listed in a manner where construction phasing is clearly outlined.

Thank you for accepting our comments on the Environmental Impact Analysis for the Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Re-zone.

We do not believe that the extension of Webster Drive is necessary. Moreover, we do not believe that the impact of the chosen alternatives studied in the Draft Environmental Impact Analysis reflects the reality of the intensity and impacts on our neighborhood.

We value the quiet neighborhood we live in and believe that the transportation in traffic chapter as currently outlined is woefully in adequate and should be recommissioned with alternative traffic plans studied which would not adversely impact our quality-of-life and safety.

Sincerely,

As each resident has signed below

Webster-New Dawn Neighbors

<u>38 NEW DAWN CIR</u>	<u>RUSSELL THAYNE</u>	<u>[Signature]</u>
Residential Address	Printed Name	Signature
<u>38 New Dawn</u>	<u>Leanne Thayne</u>	<u>Leanne Thayne</u>
Residential Address	Printed Name	Signature
<u>44 NEW DAWN CIR</u>	<u>BOBBY KENDRA</u>	<u>[Signature]</u>
Residential Address	Printed Name	Signature
<u>36 NEW DAWN CIRCLE</u>	<u>GILBERT MENDIVEL</u>	<u>[Signature]</u>
Residential Address	Printed Name	Signature
<u>27 NEW DAWN CIRCLE</u>	<u>JORDAN DAVIS</u>	<u>[Signature]</u>
Residential Address	Printed Name	Signature
<u>33 New Dawn Cir.</u>	<u>Jean S. Miller</u>	<u>Jean S. Miller</u>
Residential Address	Printed Name	Signature

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Sincerely,

As each resident has signed below

Webster-New Dawn Neighbors

<u>3 New Dawn circle</u> Residential Address	<u>Ashley Allard</u> Printed Name	<u>Ashley Allard</u> Signature
<u>3 New Dawn circle</u> Residential Address	<u>Lori Teague</u> Printed Name	<u>Lori Teague</u> Signature
<u>1 New Dawn Circle</u> Residential Address	<u>Clint Dubner</u> Printed Name	<u>CWB</u> Signature
<u>1 New Dawn Circle</u> Residential Address	<u>Heather Megowan</u> Printed Name	<u>Heather Megowan</u> Signature
<u>40 New Dawn Circle</u> Residential Address	<u>Daisy Anla</u> Printed Name	<u>Daisy Anla</u> Signature
<u>28 New Dawn Circle</u> Residential Address	<u>Tessa Levos</u> Printed Name	<u>Tessa Levos</u> Signature

4

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Sincerely,

As each resident has signed below

Webster-New Dawn Neighbors

<u>42 New Dawn Cir</u>	<u>Kaylie Deluca</u>	<u>[Signature]</u>
Residential Address	Printed Name	Signature
<u>42 New Dawn Cir</u>	<u>Kevin Clement</u>	<u>[Signature]</u>
Residential Address	Printed Name	Signature
<u>46 New Dawn Cir</u>	<u>Kathy Buck</u>	<u>[Signature]</u>
Residential Address	Printed Name	Signature
<u>46 New Dawn Cir</u>	<u>Alethia Dornan</u>	<u>[Signature]</u>
Residential Address	Printed Name	Signature
<u>54 New Dawn Cir</u>	<u>Linda Baughman</u>	<u>[Signature]</u>
Residential Address	Printed Name	Signature
<u>54 New Dawn Cir</u>	<u>Robert Baughman</u>	<u>[Signature]</u>
Residential Address	Printed Name	Signature

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Sincerely,

As each resident has signed below

Webster-New Dawn Neighbors

39 New Dawn Cir	Barbara O'Brien	Barbara O'Brien
Residential Address	Printed Name	Signature
7 Roberto Ct.	Rosario Reyes	[Signature]
Residential Address	Printed Name	Signature
7 Roberto Ct	Moises Reyes	[Signature]
Residential Address	Printed Name	Signature
9 Roberto Ct	Carla Stapp	Carla Stapp
Residential Address	Printed Name	Signature
9 Roberto Ct	DAVID STAPP	[Signature]
Residential Address	Printed Name	Signature
29 New Dawn Cir	Wilverna Robings	[Signature]
Residential Address	Printed Name	Signature

36 NEW DAWN CIRCLE	ANTOINETTE LOPEZ	Antoinette Lopez
Residential Address	Printed Name	Signature
27 New Dawn Cir	Glenna Berge	Glenna Berge
Residential Address	Printed Name	Signature
27 NEW DAWN CIR	JORDAN DAVIS	Jordan Davis
Residential Address	Printed Name	Signature
32 New Dawn	Josh Rowe	Josh Rowe
Residential Address	Printed Name	Signature
32 New Dawn Cir.	Courtney Rowe	Courtney Rowe
Residential Address	Printed Name	Signature
34 New Dawn Cir	Natalie Keables	Natalie Keables
Residential Address	Printed Name	Signature
34 New Dawn Cir	Tyler Keables	Tyler Keables
Residential Address	Printed Name	Signature
18 New Dawn Circle	Barry Pittman	Barry L. Pittman
Residential Address	Printed Name	Signature
15 New Dawn Circle	Kelly Mitchell	Kelly Mitchell
Residential Address	Printed Name	Signature
11 NEW DAWN CIRCLE	HERBERT GILLESPIE	Herbert Gillespie
Residential Address	Printed Name	Signature
11 New Dawn Circle	Michelle Van Klee	Michelle Van Klee
Residential Address	Printed Name	Signature
14 New Dawn Circle	Bonifacio Rodriguez	Bonifacio Rodriguez
Residential Address	Printed Name	Signature
12 New Dawn Circle	Tammara Taylor	Tam Taylor
Residential Address	Printed Name	Signature
9 New Dawn Cir	Stephanie Waller	Steph Waller
Residential Address	Printed Name	Signature
5 NEW DAWN CIR.	MATTHEW GRIFFIS	Matthew Griffis
Residential Address	Printed Name	Signature
5 NEW DAWN CIR.	Krystal Griffis	Krystal Griffis
Residential Address	Printed Name	Signature
1 Cecil Pl	Steve Brands	Steve Brands
Residential Address	Printed Name	Signature

10 ROXANNE CT DAVID KLEIN DJT
Residential Address Printed Name Signature

10 Roxanne Ct Luz Alva Luz Alva
Residential Address Printed Name Signature

9 Roxanne Armande Villegas Armande Villegas
Residential Address Printed Name Signature

7 Roxanne Ct Jessica Leeman Jessica Leeman
Residential Address Printed Name Signature

4 Roxanne Ct Jacob Spatz Jacob Spatz
Residential Address Printed Name Signature

4 Roxanne Ct Alicia Baggan Alicia Baggan
Residential Address Printed Name Signature

7 Roxanne Ct JERIMES LEE MAN JERIMES LEE MAN
Residential Address Printed Name Signature

4 Roxanne Ct JUANITA JUANITA
Residential Address Printed Name Signature

1 Roxanne Ct NANCY RANG NANCY RANG
Residential Address Printed Name Signature

3 Roxanne Ct Lia Kochenderfer Lia Kochenderfer
Residential Address Printed Name Signature

Residential Address Printed Name Signature

Residential Address Printed Name Signature


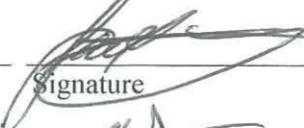


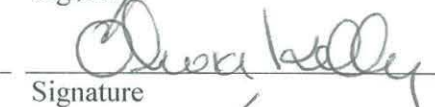


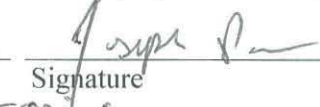
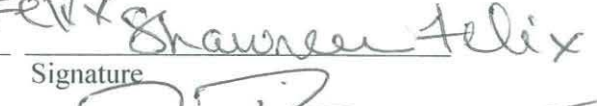



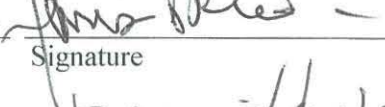
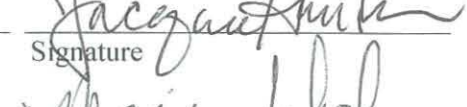
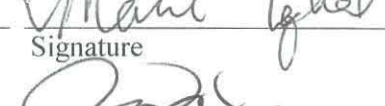


Residential Address Printed Name Signature





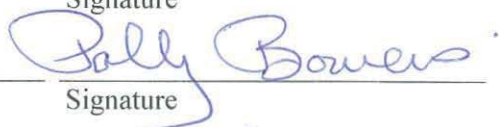
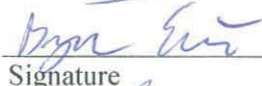


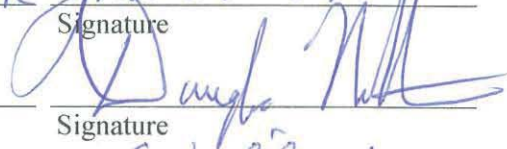





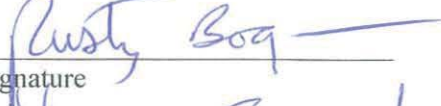


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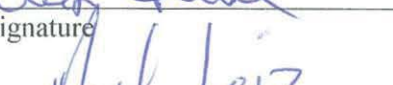
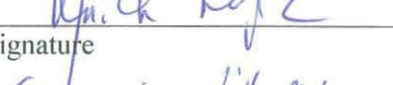
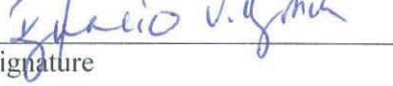

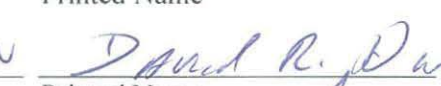









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1 Cecil Place	Chris Brad	
Residential Address	Printed Name	Signature
3 New Dawn Circle	Scott Teague	
Residential Address	Printed Name	Signature
12 Webster Dr	Nick Salerno III	
Residential Address	Printed Name	Signature
59 New Dawn Cir	Douglas Krill	
Residential Address	Printed Name	Signature
59 New Dawn	Olivia Kelly	
Residential Address	Printed Name	Signature
60 New Dawn Circle	Kelly Hernandez	
Residential Address	Printed Name	Signature
60 New Dawn Cir	Phillip Hernandez	
Residential Address	Printed Name	Signature
53 New Dawn Cir	Joseph Padilla	
Residential Address	Printed Name	Signature
20 New Dawn Circle	Shawneen Felix	
Residential Address	Printed Name	Signature
31 New Dawn Cir	Justin Barry	
Residential Address	Printed Name	Signature
39 New Dawn Cir	STEVE O'BRIEN	
Residential Address	Printed Name	Signature
7 Webster Dr	Steve Buck	
Residential Address	Printed Name	Signature
2 Roberto Ct.	Jim Rice	
Residential Address	Printed Name	Signature
3 Roberto Ct	Jacquie Harrison	
Residential Address	Printed Name	Signature
4 Roberto Ct	Maira Iqbal	
Residential Address	Printed Name	Signature
5 Roberto Ct	Owen North	
Residential Address	Printed Name	Signature
6 Roberto Ct	Farhang Hashemi	
Residential Address	Printed Name	Signature

14 Webster Drive	TRACY McConchie	
Residential Address	Printed Name	Signature
12 Webster Dr.	Angela Salerno	
Residential Address	Printed Name	Signature
12 Webster Dr.	Peter Fonseca	
Residential Address	Printed Name	Signature
10 Webster Dr.	Ed Bowers	
Residential Address	Printed Name	Signature
10 Webster Dr.	Polly Bowers	
Residential Address	Printed Name	Signature
8 Webster Dr	Bryan Ervin	
Residential Address	Printed Name	Signature
8 Webster Dr	Robin Carter-Ervin	
Residential Address	Printed Name	Signature
5 Freda Ct	Janee Nitchman	
Residential Address	Printed Name	Signature
5 Freda Ct	Doug Nitchman	
Residential Address	Printed Name	Signature
4 Freda Ct.	Kathy Williams	
Residential Address	Printed Name	Signature
4 Freda Ct.	Kevin Williams	
Residential Address	Printed Name	Signature
3 Freda Ct.	GLEN WOOD	
Residential Address	Printed Name	Signature
3 Freda Ct.	Brunella Wood	
Residential Address	Printed Name	Signature
2 Freda Ct	DeWitt H Branco	
Residential Address	Printed Name	Signature
7 Freda Ct	Rusty Bogart	
Residential Address	Printed Name	Signature
7 Freda Ct	Laura Bogart	
Residential Address	Printed Name	Signature
8 Freda Court	Hika Melero	
Residential Address	Printed Name	Signature

8 FREDA CT	JALME TONEY	
Residential Address	Printed Name	Signature
15 Webster Drive	Merri Prusse	
Residential Address	Printed Name	Signature
15 Webster Drive	Ericha Prusse	Ericha Prusse
Residential Address	Printed Name	Signature
15 WEBSTER DRIVE	Erich Prusse	
Residential Address	Printed Name	Signature
51 New Dawn Cir	Anita Lopez	
Residential Address	Printed Name	Signature
51 New Dawn Cir	Ignacio Villanueva	
Residential Address	Printed Name	Signature
50 New Dawn cir	Judy DuBose	
Residential Address	Printed Name	Signature
50 New Dawn	David R. DuBose	
Residential Address	Printed Name	Signature
49 New Dawn	 Todd Hsi	
Residential Address	Printed Name	Signature
52 New Dawn cir	Irene Serrato	
Residential Address	Printed Name	Signature
57 New Dawn cir	Gabriela Monte Gabriela Mata	
Residential Address	Printed Name	Signature
57 New Dawn	JOSE R. mata	
Residential Address	Printed Name	Signature
2 Cecil Place	Drex Dawls	
Residential Address	Printed Name	Signature
3 Cecil Place	Leo Padilla	
Residential Address	Printed Name	Signature
5 Cecil PLACE	DAN BRASHEARS	
Residential Address	Printed Name	Signature
5 Cecil Place	Christina Brashears	
Residential Address	Printed Name	Signature
6 Cecil Pl	GARY GRIFFS	
Residential Address	Printed Name	Signature

7 Cecil Place SHERI GEER Sheri Geer
Residential Address Printed Name Signature

1 New Dawn Circle Clint Dubner Clint Dubner
Residential Address Printed Name Signature

1 New Dawn Circle Heather McGowan Heather McGowan
Residential Address Printed Name Signature

4 New Dawn Circle Mandy Jacobs Blake Mandy Jacobs Blake
Residential Address Printed Name Signature

4 New Dawn Circle James Blake James Blake
Residential Address Printed Name Signature

13 New Dawn Circle Josh Hughes Josh Hughes
Residential Address Printed Name Signature

16 New Dawn Cir. Angelica Lopez Angelica Lopez
Residential Address Printed Name Signature

13 New Dawn Cir. Hawley Hughes Hawley Hughes
Residential Address Printed Name Signature

2245 Notre Dame Blvd Randy + Martha Randy + Martha
Residential Address Printed Name Signature

28 New Dawn Cir. Tessa Leves Tessa Leves
Residential Address Printed Name Signature

28 New Dawn Cir. Rene Cabral Rene Cabral
Residential Address Printed Name Signature

24 New Dawn Alyssa Gorman Alyssa Gorman
Residential Address Printed Name Signature

24 New Dawn Cir. Laurel Heddens Laurel Heddens
Residential Address Printed Name Signature

26 New Dawn Cir. Carmelle Araya Carmelle Araya
Residential Address Printed Name Signature

22 New Dawn Cir. Wolf Bless Wolf Bless
Residential Address Printed Name Signature

8 New Dawn Cir. Luis Rivera Luis Rivera
Residential Address Printed Name Signature

8 New Dawn Cir. Gloria M. Rivera Gloria M. Rivera
Residential Address Printed Name Signature

Residential Address	Printed Name	Signature
37 New Dawn Cir.	Jolene Barry	
Residential Address	Printed Name	Signature
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Webster-New Dawn Neighbors (WNDN)*Response to WNDN-1*

The commenter provides an introduction. The commenter states that the letter will focus on the transportation and traffic analysis associated with the project, specifically Webster drive. No response is necessary.

Response to WNDN-2

The commenter notes that Caltrans has jurisdiction over parts of the City of Chico's transportation plan.

Caltrans does indeed have jurisdiction over its facilities and right-of-way. No response is necessary.

Response to WNDN-3

The commenter states that intersections listed in the operations table would have a C Level Of Service. The commenter claims this is unacceptable and that "the [traffic] study should be redone to analyzed more construction of 4-lane roads, especially all of Bruce Road". The commenter claims that "pushing more cars onto 2 lane side streets like a Webster were not considered in this Draft EIR".

Section IV.O, Transportation and Traffic, provides a detailed analysis of intersection Level Of Service (LOS) impacts. To recap, LOS C is an acceptable amount of delay per Chico General Plan Policy CIRC-1.4 (Level of Service Standards). The cumulative impacts portion of the DEIR Traffic section was completed by modeling traffic from numerous anticipated new land uses and roadway improvement projects expected by the year 2035, (see DEIR page IV.O-45). The future roadway improvements included, among others, "Bruce Rd widening to four lanes between SR 32 and Skyway, including a 2-lane roundabout (as proposed on the tentative map) or improved signalized intersection (as anticipated by the City's Bruce Road Widening Project) at E 20th Street." Therefore, the DEIR traffic analysis did include the roadway configuration requested by the commenter.

The commenter does not provide substantial evidence showing that Level Of Service C is an unacceptable level. The traffic analysis looked at numerous intersections and roadways within the vicinity of the proposed project, including Webster Drive. This data can be found in Section IV.O and Appendix G of the DEIR.

Response to WNDN-4

The commenter states that the project transportation EIR does not meet the intent of Chico General Plan CIRC-1.1.1, which calls for development to safely and efficiently accommodate traffic generated by development.

General Plan Action CIRC-1.1.1 (Roadway Network) states "Enhance existing roadways and intersections and develop the roadway system shown in Figure CIRC-1 over the life of the General Plan as needed to accommodate development."

The DEIR traffic analysis identified that, with mitigation as noted to improve certain intersections as development occurs, the proposed project would not cause intersections in the study area to fall below acceptable levels of service as specified by the Chico General Plan. See Master Response 4, above, for additional response.

Response to WNDN-5

The commenter states that the proposed project would not meet the capacity needed for an increase in 23,497 internalized trips associated with the project.

The DEIR traffic analysis identified that, with mitigation as noted to improve certain intersections as development occurs, the proposed project would not cause intersections in the study area to fall below acceptable levels of service as specified by the General Plan.

Response to WNDN-6

The commenter states that CEQA requires mitigation for any changes in level of service standards with regards to auto congestion.

Please refer to the Thresholds of Significance for transportation and traffic, starting on page IV.O-31 of the DEIR. CEQA only requires mitigation for traffic congestion impacts from a project when those impacts could degrade a roadway's level of service below a minimally-acceptable level, which is typically LOS-E for local roadways in Chico (see Table IV.O-11 of the DEIR). Please refer to Mitigation Measures TRANSPORTATION-1, TRANSPORTATION-2, TRANSPORTATION-6 and TRANSPORTATION-7 for the roadway improvements and associated timing necessary for project development to avoid creating unacceptable levels of service.

Response to WNDN-7

The commenter states that CEQA requires a parking study to be performed and that the DEIR does not adequately cover the topic.

Parking is no longer a standard CEQA checklist question. Parking capacity would only be a CEQA issue if the proposed project resulted in the need for parking that resulted in a physical impact to the environment not already addressed in the DEIR under the general assumptions for project build-out. Single-family residences within the project would utilize garages, driveways and on-street parking to accommodate parking demands associated with the predominant land use. Future development of the commercial and multi-family lots will be subject to the City's Site Design and Architectural Review process, whereby the City retains the ability to ensure appropriate architecture and compatible site designs on these lots in the future, including adherence to the minimum parking standards specified by the Chico Municipal Code. No substantial evidence suggests that the proposed project would result in a physical impact from parking which is not addressed by the DEIR.

Response to WNDN-8

The commenter expresses concern about inclusion of projects north of E. 20th Street. The commenter notes that 2010 BCAG model is eight years old. The commenter suggests that the BCAG model is outdated.

The traffic analysis considered full buildout of the 2030 General Plan in its cumulative analysis. At present, the City of Chico is not on pace to reach full buildout of the plan by 2030. The 2010 BCAG model is still an approved traffic model to be used for transportation related analysis, per the City of Chico, Butte County, and BCAG. See Page IV.O-45 of the DEIR for an explanation of how the BCAG travel demand model was tested, validated and updated prior to its use in the DEIR traffic analysis. The commenter does not provide substantial evidence showing that the BCAG model is no longer a reasonable model to be used.

Response to WNDN-9

The commenter suggests that the Skyway crossing of the Butte Creek Diversion Channel is too narrow to accommodate additional bike or pedestrian facilities.

As stated in Section IV.O, Mitigation Measure TRANSPORTATION-3 and TRANSPORTATION-4, "Since the existing Skyway bridge crossing over the Butte Creek Diversion Channel is too narrow to accommodate any additional bicycle or pedestrian facilities, a new bridge crossing will be needed to fulfill this mitigation." Therefore, the DEIR acknowledged the issue identified in this comment, no further response is necessary.

Response to WNDN-10

The commenter notes that a roundabout was analyzed for the E. 20th Street intersection. The commenter suggests that cumulative impacts are not fully analyzed without exploring roundabouts at other intersections.

The roundabout at E. 20th option was a project design feature. It was not required to fulfill any mitigation for the proposed project. All intersections under the cumulative scenario would operate at an acceptable level of service after mitigation. No additional analysis or consideration of different intersection traffic controls is required.

Response to WNDN-11

The commenter claims that the traffic analysis should be redone to address when project impacts and mitigation would be phased into effect.

The project's mitigation would be phased in as the project's impacts occur. Intersection signalization will be done as necessary when different portions of the proposed development are built. The City of Chico Public Works Department will be responsible for monitoring traffic volumes in the area and determining when various signal improvements must be constructed during project build-out once signal warrants are met. Because the pattern and sequence of development within the project and in the surrounding area cannot be reliably predicted at this time, no specific timing for improving an identified intersection can be established. The intent of the traffic mitigation requiring intersection upgrades is to allow development up to the point

where the intersection improvements are warranted, then require those intersection improvements in conjunction with the subsequent phase of subdivision plans such that intersection capacity is added at the time of need.

Response to WNDN-12

The commenter states they do not believe that the extension of Webster Drive is necessary and they do not believe that the traffic analysis reflects the intensity of impacts to their neighborhood.

The traffic analysis in the DEIR does not make the claim that the extension of Webster Drive is necessary, rather it analyzes the anticipated traffic effects from the project, including the proposed extension of Webster Drive. See Master Response 4 for additional response regarding concerns with the proposed extension of Webster Drive.

Response to WNDN-13

The commenter reiterates their disapproval of the traffic analysis and recommends it be recommissioned with alternative traffic plans studied which would not adversely impact quality of life and safety in the Webster-New Dawn Neighborhood.

Please see Master Response 4 for a discussion regarding safety and quality of life concerns associated with the proposed extension of Webster Drive.



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File No. 74396

May 24, 2018

VIA E-MAIL

Michael Sawley
City of Chico Community Development Department
411 Main Street, 2nd Floor
Post Office Box 3420
Chico, CA 95928

Re: Comments on Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone Draft Environmental Impact Report (SCH No. 2016062049)

Dear Mr. Sawley:

On behalf of Bruce Road Associates, L.P. and Epick Homes (collectively, “Epick” or “Applicant”), we thank you for the opportunity to review and provide comments on the Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone Draft Environmental Impact Report (“Draft EIR”) for the Stonegate Project (“Project”).

We believe the Project strikes the right balance between providing additional housing supplies for the City while at the same time protecting the environment. Epick is particularly proud of the fact that it will establish on the Project site what it believes is one of the largest preserves in existence for Butte County Meadowfoam, a listed species under the federal and state Endangered Species Act.

Below are our comments organized by chapter in the Draft EIR. Language quoted from the Draft EIR is shown in italic typeface. We have identified one issue in the Executive Summary that we want to draw your attention to in particular, but please conform the Introduction (Chapter I) and the remainder of the Executive Summary (Chapter II) as necessary based on our comments and suggested modifications.

Executive Summary (Chapter II)

- **Page II-29:** The summary table includes Mitigation Measure BIO-4 to mitigate impacts to federally protected wetlands and waters. The reference to “temporal impacts to 4.51 acres” in this Measure appears to be a typographical because the Project will not result in any temporary impacts and clearly 4.51 acres is in reference

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to indirect impacts throughout the document. Instead, the correct words should be “indirect impacts.” Please fix this error.

Project Description (Chapter III)

- **Page III-11:** Table III-2 identifies “CMU/RCO” as a proposed General Plan designation for APN 002-220-006. This is incorrect. Please modify:

CMU/RCO

- **Page III-19:** Please include in the discussion regarding “Grading, Drainage and Utilities” text explaining that the Project site is within the Southeast Chico Sewer Assessment District.

The City of Chico would provide municipal sewer collection and treatment services, while the California Water Service Company (Cal Water) would provide water service to the proposed project. The Project site is included in the Southeast Chico Sewer Assessment District. Assessment improvement bonds were issued to fund construction of sanitary sewer infrastructure to serve parcels within the District including the Stonegate Project. Sanitary sewer has been installed to the Project and the bonds for the Project site have been repaid. The City is also responsible for maintenance of storm drain facilities ~~drains~~ that stormwater runoff from the proposed project would utilize.

- **Page III-19:** The discussion regarding “Site Access, Circulation, and Parking” states, “A new traffic signal is proposed where Webster Drive connects to Bruce Road.” As discussed in our comments below regarding the Transportation Chapter, Epick would like to discuss with the City fair-share contributions to help finance this roadway network modification

Aesthetics (Chapter IV.B)

- **Page IV.B-21:** Impact IV.B-2 concludes that the Project would not significantly degrade the existing visual character or quality of the site and its surrounding based in part on the fact that the “proposed project would constitute infill development of an expanding area of the City of Chico.”

We concur that the Project constitutes infill development because it is proposed for vacant land located within an area largely surrounded by existing or anticipated development and served by a significant amount of existing public infrastructure. (See City of Chico General Plan at p.A-8 (defining “Infill Development” as “[d]evelopment that occurs on vacant or partially developed land within areas that are largely developed and served by public infrastructure.”).) Consistent with its infill

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character, the Project would include six different densities of housing types, including a mix of multi-family product and five single-family products on a mixture of lot sizes, as well as commercial uses, all of which help to promote a walkable and sustainable community.

In addition to increasing the City's housing supply and its mix of dwelling types, the Project furthers many of the goals, policies, and actions of the City's General Plan regarding infill development, such as the following:

Goal LU-4: Promote compatible infill development.

Policy LU-4.2 (Infill Compatibility): Support infill development, redevelopment, and rehabilitation projects that are compatible with surrounding properties and neighborhoods.

Action LU-4.2.1 (Mix of Dwelling Types): Allow a mix of dwelling types within all residential land use designations consistent with density requirements and applicable design criteria.

Goal CD-5: Support infill and redevelopment compatible with the surrounding neighborhood.

The City's General Plan makes clear that infill development such as the Stonegate Project is a "desired land use pattern" that should be incentivized and encouraged. (See City of Chico General Plan at pp. 3-7 to 3-8.)

Air Quality (Chapter IV.C)

- **Pages IV.C-14 and IV.C-15:** Mitigation Measures AIR-2B and AIR-4 require that "all mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days or 20 hours shall meet, at a minimum, U.S. EPA NOx emissions standards for Tier 4 engines or equivalent." The requirement that all such equipment meet NOx emissions standards for Tier 4 engines or equivalent is impracticable and economically infeasible. Epick asks that the City verify that this language is only in reference to a fleetwide average and not a requirement that all specific equipment be of Tier 4 or greater. Alternatively, Epick requests that this measure be reviewed and possibly eliminated, as shown below, if it does not result in a new significant impact or substantially more severe impact.

~~All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days or 20 hours shall meet, at a minimum, U.S. EPA NOx emissions standards for Tier 4 engines or equivalent.~~

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Biological Resources (Chapter IV.D)

- **Page IV.D-2:** The Doe Mill-Schmidbauer Meadowfoam Preserve is important in the context of the Stonegate Project because it was originally set aside by the current property owner for a previous development project proposed for the Project site. Although the property owner did not finalize that development proposal, the dedication of the Doe Mill-Schmidbauer Meadowfoam Preserve to the City was finalized, and City staff at that time acknowledged that this land dedication was intended to offset impacts to BCM on the Project site and in furtherance of the City's overall goals related to the management of BCM. Put simply, the property owner dedicated land as mitigation for a project that was never developed. Epick requests that the DEIR further elaborate on this history as follows:

A 14.76-acre parcel (APN 018-510-002; hereafter referred to as the "Doe Mill-Schmidbauer Meadowfoam Preserve") is located on the south side of East 20th Street between the Butte Creek Diversion Channel and the Steve Harrison Memorial Bike Path, near the northeasterly corner of the project site. Although not considered part of the proposed project site, the Doe Mill-Schmidbauer Meadowfoam Preserve was dedicated in fee title to the City of Chico in 1989 by the owner of the Stonegate project site in anticipation of mitigation requirements for developing housing on adjacent lands, which comprise the proposed project site. In a letter dated November 21, 1990, from Thomas Lando, the City's Community Services Director, the City acknowledged receipt of the dedication of this land as a BCM preserve, and stated that this "land dedication represents the major required commitment on the Schmidbauer's part to meet their requirements under the Butte County Meadowfoam Management Plan." The City prepared a Land Management Plan for the preserve parcel in 1996, however, no active management efforts have occurred at the site since a control burn was conducted in 1999.

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- **Page IV.D-35:** The discussion of U.S. Fish and Wildlife Service Recovery Plans should clarify that these plans are mere guidance documents, not regulatory documents creating any legal obligations on project proponents:

Although intended by the U.S. Fish and Wildlife Service to provide only guidance and not to impose any mandatory obligations, the recovery criteria identified in the Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (2005) are to protect 100 percent of all known occurrences of the species and to protect 95 percent of suitable habitat within the Chico region.

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- **Page IV.D-35:** The discussion regarding "project applicability" relative to the federal Endangered Species Act should reference the August 31, 1995, Biological Opinion issued by the U.S. Fish and Wildlife Service for a prior development design on the project site, referred to as the Stonegate Residential Development Project:

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On August 31, 1995, the U.S. Fish and Wildlife Service issued a Biological Opinion (File No. 1-1-93-F-54) pursuant to Section 7 of the Endangered Species Act regarding a prior development design on the project referred to as the "Stonegate Residential Development Project." This Biological Opinion evaluated that project's effects on Butte County Meadowfoam, Conservancy fairy shrimp, vernal pool tadpole shrimp, and vernal pool fairy shrimp. The Biological Opinion concluded that the project would not be likely to jeopardize the continued existence of Butte County Meadowfoam, vernal pool tadpole, or vernal pool fairy shrimp, and that although the project occurred within the historical range of the Conservancy fairy shrimp, the project would not be likely to adversely affect the Conservancy fairy shrimp because no Conservancy fairy shrimp were found during surveys and the vernal pools on the project site are too shallow to provide for sufficient ponding.

- **Page IV.D-37:** The discussion regarding correspondence as to ARNIs should be clarified to identify the correct federal agency issuing the letter and the contents of that letter:

In a letter dated December 4, 2000 regarding a previously proposed development at the project site, the U.S. Environmental Protection Agency (USEPA) U.S. Fish and Wildlife Service (USFWS) determined that the proposed project may affect aquatic resources of national importance, and as such recommended to the U.S. Army Corps of Engineers that the Section 404 permit for that prior development proposal be denied unless USEPA's concerns about avoidance and alternative siting were resolved the aquatic features located on the project site constitute ARNIs, thus the proposed project will require a higher level of review within the Department of the Army.

- **Pages IV.D-53 to IV.D-54:** Mitigation Measure BIO-2A requires a number of clarifications:

- Because the project will be developed in phases, the overall timing requirement for this mitigation measure should be clarified. One method to do that is to clarify that the obligations required under MM BIO-2A are only triggered when a particular phase of development will result in impacts to BCM. Thus, we suggest the following modification:

To compensate for project impacts to occupied BCM habitat the Applicant shall, prior to the issuance of a grading permit for any phase of development that will result in direct impacts to BCM:

- With respect to (1) on page IV.D-53, the Draft EIR's reference to the "on-site preserve areas" available for creation and preservation of BCM habitat

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should be clarified to reflect the understanding that these areas refer to both the 108-acre on-site preserve and the 15-acre Doe Mill Schmidbauer Meadowfoam Preserve adjacent to the Project site. Also, this language should clarify that these preserve areas apply to both temporary and permanent impacts.

(1) Preserve and enhance BCM habitat within the 108-acre on-site preserve area and the Doe Mill Schmidbauer Meadow Preserve area ~~areas~~ pursuant to a habitat mitigation and monitoring plan approved by the USFWS and the CDFW at a minimum 1:1 ratio for temporary impacts and at the ratios described below for permanent impacts.

- Epick's biological consultants have reviewed the language regarding the proposed process for creating BCM and the approach of scraping, salvaging, and transplanting topsoil. In their view, these methods do not reflect industry standards, and thus, they would request that the EIR clarify the method used to create BCM habitat:

Creation of BCM habitat will consist of the following: (1) BCM seeds will be collected after the spring blooming period, and topsoil will be removed within areas of known BCM occupancy after seed collection; (2) areas with topography and hydrology suitable for BCM but currently and historically not occupied by BCM will be identified within the on-site preserve; (3) in the event there is insufficient area with suitable topography and hydrology for BCM creation, areas within the on-site preserve that are currently and historically not occupied by BCM will be contoured to produce suitable topographical and hydrological conditions for BCM; (4) BCM seed will be sown in the following fall in those areas identified in (2) above (approximately 50% of collected seed will be held in reserve); and (5) if necessary, topsoil will be distributed within the areas identified in (3) above. ~~seraping~~ topsoil to mimic the soil depth suitable for BCM (~4-6 inch depth of soil over bedrock) adjacent to swale habitat. Topsoil from known locations of BCM in the impact area will be salvaged and transplanted to these created areas and observed for three years. Performance will be met only when density of BCM in created habitat matches reference population density in preserved habitat. The success of the on-site preserve for BCM habitat (enhancement and creation) shall be documented with before and after protocol-level, floristic, rare plant surveys that compare pre-project baseline BCM acreage and stem counts to post-restoration BCM acreage and stem counts. Biological monitoring for the successful establishment of BCM will be conducted for five years or until the success criteria are met for three years without human intervention. Monitoring will include: (1)

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monitoring of general conditions within the BCM establishment area including documentation of vegetation community, vegetative cover, and the presence of any erosion or sedimentation or other conditions that may be detrimental to the long-term viability of BCM populations; (2) the extent of BCM occurrence within the creation area will be recorded, following the methodology used to assess occupied habitat, and adjacent known BCM habitat will also be monitored to provide a reference for BCM populations; (3) the creation will be deemed successful when three years of monitoring of occupied BCM habitat within the creation areas meets or exceeds the creation ratio (i.e., 1.5:1); and (4) reserved BCM seed can be used during the monitoring period to supplement areas where BCM establishment is not meeting success criteria.

- Please clarify that any shortfall in creating BCM habitat would require preservation of only that increment of BCM habitat not created. For example, if the creation ratio is 1.5:1 and Epick successfully creates BCM habitat acreage in an amount equivalent to 1.25:1, then Epick would only be required to preserve BCM habitat acreage in an amount equivalent to the shortfall of 0.25:1 pursuant to (2) in Mitigation Measure BIO-2a on page IV.D-54.
- The security requirement for creation of BCM habitat is too limited, particularly given that the natural resource agencies routinely broaden security requirements beyond performance bonds. The language in this same sentence should clarify the fact that the natural resource agencies ultimately determine the ratio requirements. Finally, other language referring to the security also should clarify that the security must be established “prior to restoration activities,” to be consistent with language used elsewhere. Accordingly, Epick suggests the following modifications:

Because successful creation of the microhabitat required by BCM cannot be guaranteed, a performance bond, letter of credit, or other such form of security acceptable to the City shall be established prior to restoration activities taking place, in an amount equivalent to the costs of purchasing to purchase BCM credits at an approved mitigation bank at ratios subject to the ratio requirements outlined in (2).

The plan shall detail methods, locations, and goals for re-locating soils from impacted areas to the preserve, and include contingency measures that address the potential that creation efforts could fall short of stated goals (including a performance bond, letter of credit, or other such form of security acceptable to the City posted by the Applicant prior to during the restoration activities period matching the funding required to

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purchase credits at an approved mitigation bank at ratios outlined in (2) a 19:1 ratio).

- With respect to (2) on page IV.D-54, preservation of habitat for BCM at a 19:1 ratio is improper under CEQA. As you know, the City's primary regulatory guidance for determining an appropriate mitigation ratio to offset potential impacts to BCM is CEQA. The CEQA Guidelines require that mitigation measures must be consistent with all applicable constitutional requirements, including the requirement that the mitigation measure must be "roughly proportional" to the impacts of the project. (14 Cal. Code Regs. § 15126.4 (*citing Dolan v. City of Tigard* (1994) 512 U.S. 374).) As such, the City may only impose mitigation measures that offset a project's direct, indirect, or cumulative impacts. Any requirement that a project mitigate impacts that are beyond its direct, indirect, or cumulative impacts would not be "roughly proportional," and therefore would be unconstitutional. This fundamental CEQA principle is particularly relevant to the Stonegate Project and the City's determination of potential mitigation ratios for BCM.

We believe that the City is relying on a guidance document prepared by the U.S. Fish and Wildlife Service pursuant to the federal Endangered Species Act known as the *Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon* ("Recovery Plan") for this 19:1 ratio. The Recovery Plan sets an aspirational goal of 95 percent preservation of existing BCM populations in order to achieve recovery of the species to warrants its down-listing or delisting under the Endangered Species Act. Based on a simple mathematical calculation, nineteen out of every twenty "units" of BCM (either individual plants or clumps of plants) would need to be preserved to achieve a 95 percent preservation rate. This reduces mathematically to a 19:1 ratio of preserved BCM to impacted BCM in order to achieve these recovery goals. ***Put simply, a 19:1 mitigation ratio is a recovery ratio or standard, designed to bring the species back to a population status that warrants the USFWS down-listing or delisting the species under the Endangered Species Act.*** In fact, the Recovery Plan itself defines "recovery" as "improvement in the status of listed species to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of the [Endangered Species Act]."

Imposing a 19:1 recovery ratio or standard for BCM, however, is prohibited under CEQA because it violates CEQA's requirement that mitigation measures must be "roughly proportional" to a project's impact. Based on an individualized determination relating to the project, a lead agency must demonstrate that both the nature and extent of the mitigation

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measure are reasonably related to the impact of the proposed project. (See Kostka & Zischke, PRACTICE UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, Section 14:33 (2nd ed. Mar. 2017 update); see also *Dolan v. City of Tigard* (1994) 512 U.S. 374.) As it pertains to the Stonegate Project, a 19:1 recovery standard mitigation ratio for BCM is not reasonably related to the Project's impact because this ratio requires the Applicant to provide mitigation that goes far beyond the Project's actual impacts to BCM. No applicant should be solely responsible for the recovery, or indeed any mitigation, for a listed species. (See, e.g., 16 U.S.C. § 1539(a)(2)(A)(ii) (requiring "the applicant" take steps to minimize its own take, not the take of others).)

In any event, the Recovery Plan acknowledges that it is a voluntary guidance document and that none of its aspirational goals carry any regulatory authority. For example, the Recovery Plan states that recovery plans are not "legally binding documents" or "land use plans," and therefore "cannot restrict activities proposed by other agencies or the public." Putting aside the constitutional issues identified above, because the Recovery Plan essentially provides recommendations and is not a regulatory document, the City is not required under CEQA to implement any of its goals or satisfy any of its objectives. (See, e.g., *California Native Plant Society v. County of El Dorado* (2009) 170 Cal.App.4th 1026, 1034 (quoting a recovery plan that stated "recovery plans are not regulations or laws"); *National Parks and Conservation Ass'n v. County of Riverside* (1999) 71 Cal.App.4th 1341, 1351 n.4 (noting that a recovery plan sets forth "general recommendations" to protect wildlife).)

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There are at least two approaches to resolving this issue, while at the same time ensuring that the Project's impacts to BCM are less than significant.

First, based on an evaluation of other mitigation ratios that would be legally proper and feasible, the Applicant could mitigate for impacts to BCM at a 3:1 ratio and still maintain a less-than-significant conclusion for impacts to BCM. This mitigation ratio is justified from a biological perspective. A 3:1 mitigation ratio is designed to ensure "no net loss" of BCM. As with other special-status plant species, a mitigation ratio slightly higher than 1:1 is justified in order to ensure that preserved, enhanced, or created BCM habitat withstands potential short-term loss of biological values, while still maintaining an overall long-term net gain in biological values. Any ratio above 3:1 is unnecessary for the long-term survival and net gain of BCM habitat, and as discussed above, is legally improper.

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A 3:1 mitigation ratio for impacts to BCM is also justifiable for policy reasons. This ratio reflects the USFWS's approach to establishing mitigation ratios for vernal pool invertebrate species for purposes of the Endangered Species Act. In the case of vernal pool invertebrates, the Recovery Plan identifies an 85 percent goal for protection of suitable habitat for vernal pool fairy shrimp. An 85 percent goal mathematically results in a 6:1 ratio. However, the USFWS typically requires compensation for this species at a 2:1 ratio. The Recovery Plan identifies a 95 percent goal for BCM habitat, which mathematically results in a 19:1 ratio. If one were to scale the 85 percent goal and 2:1 ratio for vernal pool fairy shrimp to the 95 percent goal for BCM plants, the resulting ratio is 2.83:1, or 3:1 after rounding.

In addition, a 3:1 mitigation ratio is consistent with, if not slightly more conservation than, the BCM mitigation ratios identified in the City's *Draft Plan for the Conservation of Butte County Meadowfoam in the City of Chico* ("BCM Conservation Plan"). The BCM Conservation Plan identifies the following mitigation ratio objectives for BCM: enhancement of existing BCM populations to mitigate losses elsewhere at a 1:1 replacement ratio of plants eliminated to plants established; and establishment of a new BCM population to mitigate losses elsewhere at a 2:1 ratio of plants established to plants eliminated at the new site. The Applicant's 3:1 mitigation ratio is generally in this range of mitigation ratios already determined by the City to adequately offset impacts to BCM.

A second approach to resolving this issue, that still ensures the Project's impacts to BCM are less-than-significant, is to eliminate a City-imposed mitigation ratio and instead refer to the regulatory agency approvals required by the Project for impacts to BCM. As you know, Epick is currently processing a Clean Water Act Section 404 permit with the U.S. Army Corps of Engineers, an agency action that requires Section 7 consultation under the Endangered Species Act. Epick also anticipates seeking a Section 2081 incidental take permit from the California Department of Fish and Wildlife pursuant to the California Endangered Species Act. When it is anticipated that a regulatory agency will impose its own mitigation requirements on a project, formulation of the details of mitigation measures identified in an EIR may be deferred if the EIR requires regulatory agency review, identifies methods the agency will consider for mitigating the impact, and indicates the expected outcome. This CEQA principle is amply supported by the case law. (*See Rialto Citizens for Responsible Growth* (2012) 208 Cal.App.4th 899; *Clover Valley Found. v. City of Rocklin* (2011) 197 Cal.App.4th 200, 237; *see also*

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Defend the Bay v. City of Irvine (2004) 119 Cal.App.4th 1261, 1275;
Endangered Habitats League, Inc. v. County of Orange (2005) 131
Cal.App.4th 777, 794; *City of Maywood v. Los Angeles Unified Sch. Dist.*
(2012) 208 Cal.App.4th 362; *North Coast Rivers Alliance v. Marin Mun.*
Water Dist. (2013) 216 Cal.App.4th 614.)

- Please clarify whether the Mitigation Measure gives Epick preservation credit for BCM habitat that will be created and/or preserved within the on-site preserve areas, and whether those acres of created and/or preserved BCM habitat will be counted toward Epick's satisfaction of the amount of mitigation required to off-set impacts to BCM.
- With respect to the second bullet point in (2) on page IV.D-54, the funding and establishment for the on-site preserve should be clarified to describe the approach the Applicant is proposing the natural resource agencies.

This option would require the preparation of a long-term management plan, subject to approval by USFWS and the City, prior to the start of construction. The on-site open space preserve would be dedicated to the City and the management and monitoring of the preserve would be funded by a maintenance district or other kind of funding district to be established by the City, along with an endowment for the long-term management of the property and a USFWS-approved conservation easement to ensure that the population of BCM is protected in perpetuity.

- Epick will not be applying for a "consistency determination" for impacts to listed species under the California Endangered Species Act. Instead, Epick anticipates applying for a Section 2081 Incidental Take Permit under the California Endangered Species Act. Please delete the following language.

~~*Consultation shall also include requesting a consistency determination from CDFW concerning Butte County meadowfoam.*~~

- **Page IV.D-61:** Mitigation Measure BIO-4 states that mitigation is required for both permanent and "temporal" impacts to aquatic resources. "Temporal" appears to be a typographical error because the Project will not result in any "temporal impacts." This sentence should instead refer to "indirect" impacts. Further, the Measure identifies only one mitigation ratio (3:1 ratio) for both kinds of impacts. In our experience, a different and lower mitigation ratio is often applied to indirect impacts, and so long as that ratio ensures "no net loss" of aquatic resources, the impact will remain less-than-significant. Please confirm that a different and lower mitigation ratio will apply to indirect impacts to aquatic resources.

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Greenhouse Gas Emissions (Chapter IV.G)

- **Page IV.G-5:** The Regulatory Setting describing State Regulations should include the California Energy Commission's newly adopted 2020 Residential Energy Standards, which requires among other things residential rooftop solar. Please add this to the State Regulations discussion. In addition, because these new energy standards (rooftop solar, etc.) will be required for residential development constructed after 2020, the DEIR's analysis should take into account reductions in greenhouse gas emissions due to the application of these new standards to the residential component of the Project.

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Recreation (Chapter IV.N)

- **Page IV.N-5:** Impact REC-1 states that the proposed project would generate a demand for 2.9 acres of new neighborhood parkland and 4.8 acres of community parkland, and that the project includes the creation of 3.3 acres of neighborhood parkland to be provided for new residents. Because the project will create 0.4 acre more than the 2.9 acres of new neighborhood parkland, this suggests that Epick would not be required to pay any additional fees related to neighborhood parkland. Please confirm this is accurate.

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Transportation (Chapter IV.O)

- **Page IV.O-1:** The Project Description in this chapter states that the project will include a two-lane roundabout at the East 20th Street/Bruce Road intersection. As this chapter later explains in a footnote to Table IV.O-12, preliminary research for the Bruce Road Widening Project indicates that a roundabout would not be adequate for this intersection. As such, the Draft EIR also evaluates two options for widening the approaches and adding turn lanes. Epick will modify its tentative map when appropriate and in discussion with City staff to reflect the most efficient configuration of this intersection.
- **Page IV.O-1:** The Project Description in this chapter states that the project will include a traffic signal at Bruce Road/Webster Drive intersection with adequate turning lanes. Epick would like to discuss with the City fair-share contributions to help finance this roadway network modification.

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Utilities and Service Systems (Chapter IV.P)

- **Page IV.P-1:** Information should be added to the Environmental Setting regarding wastewater to reflect the fact that the necessary sewer capacity for the Project has been accounted for as part of the City's infrastructure improvements.

Wastewater treatment for the City is provided by the City of Chico Water Pollution

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Control Plant ("WPCP"), located approximately 4.0 miles southwest of the city in the western portion of Butte County. Currently, WPCP has a 12 million gallon per day ("mgd") capacity with plans to expand to 15 mgd in the future. According to the General Plan EIR, as of 2006, the average daily dry weather flow is approximately 7.2 mgd. Table 4.12.5-3 of the General Plan EIR describes the projected wastewater flows through the year 2025, projecting 11.8 mgd for the year 2015, 13.5 mgd for the year 2020, and 15.2 mgd for the year 2025. The WPCP treats wastewater flows to a "secondary" level, making it suitable for the irrigation pasture land, food crops in which the edible portion does not come in contact with the water, and areas of restricted public access. The General Plan EIR acknowledges that additional wastewater treatment and infrastructure capacity improvements would be needed to serve future development. As to the Stonegate project, it was included in the Southeast Chico Sewer Assessment District. Funds from the assessment improvement bonds were used to install sanitary sewer infrastructure to the Stonegate project. The necessary sewer capacity for the project has been accounted for as part of the city's infrastructure improvements.

Alternatives to the Proposed Project (Chapter VI)

- **Pages VII-10 to VII-11:** Please clarify how Tables VII.ALTS-2 and VII.ALTS-3 relate to one another. Our assumption is that the title of VII.ALTS-3 should reference "Indirect Impact Reductions" rather than "Direct Impact Reductions."

* * *

Thank you again for the opportunity to provide comments on Draft EIR. We look forward to working with the City to finalize the environmental review and entitlement process for the Project.

Sincerely,



Scott B. Birkey

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Cox, Castle, and Nicholson, LLP (CCN)*Response to CCN-1*

The commenter expresses gratitude for the ability to comment on the EIR. No response is necessary.

Response to CCN-2

The commenter expresses support for the project. The commenter perceives the project to strike a balance between environmental and housing concerns. No response is necessary.

Response to CCN-3

The commenter introduces the forthcoming comments and their formatting. No response is necessary.

Response to CCN-4

The commenter suggests that a typographical error on page II-29 be corrected.

The typographical error has been corrected and the change is noted in Section 5, Errata.

Response to CCN-5

The commenter notes an incorrect General Plan designation in Table III-2.

The error has been corrected and the change is noted in Section 5, Errata.

Response to CCN-6

The commenter asks that it be noted in the “Grading, Drainage, and Utilities” section that the Project site is within the Southeast Chico Sewer Assessment District.

The additional language has been added to the DEIR and the change is noted in Section 5, Errata.

Response to CCN-7

The commenter expresses desire to work with the city to mutually finance the new Bruce Road/Webster Drive traffic signal. No response is necessary.

Response to CCN-8

The commenter concurs with the EIR’s description of the Project as infill development. The commenter elaborates by describing various characteristics of the Project that they perceive to make it consistent with infill development. No response is necessary.

Response to CCN-9

The commenter cites Goals LU-4 and CD-5, Policy LU-4.2, and Action LU-4.2.1 from the Chico General Plan, stating that the Project is consistent with these goals, policies, and actions. No response is necessary.

Response to CCN-10

The commenter expresses concerns over the language used in Mitigation Measures AIR-2B and AIR-4, stating that as written, they are impracticable and economically infeasible. They ask that the City alter the language to refer to a fleet average instead of individual machines.

Mitigation Measures AIR-2B and AIR-4 have been clarified to show that a fleet average of Tier-4 construction equipment is required and the change is noted in Section 5, Errata.

Response to CCN-11

The commenter points out that the Applicant set aside the Doe Mill-Schmidbauer Meadowfoam Preserve as mitigation for a project that was never completed. They ask that language be added to page IV.D-2 to clarify this history.

The additional language has been added to the DEIR and the change is noted in Section 5, Errata.

Response to CCN-12

The commenter asks that language be added to page IV.D-35 to clarify that U.S. Fish and Wildlife Service Recovery Plans are guidance documents and are not legally binding.

The additional language has been added to the DEIR and the change is noted in Section 5, Errata. Also see Master Response 1 for an expanded discussion regarding the USFWS Recovery Plan and its relationship to the DEIR analysis.

Response to CCN-13

The commenter requests that discussion of project applicability on page IV.D-35 reference a 1995 Biological Opinion for the project site concerning BCM, Conservancy fairy shrimp, vernal pool tadpole shrimp, and vernal pool fairy shrimp.

Relevant conclusions of the biological opinion have been inserted into the text. The change is noted in Section 5, Errata.

Response to CCN-14

The commenter points out that correspondence regarding ARNIs was erroneously attributed to the USFWS on page IV.D-37 and asks that the error be corrected.

The correct agency, USEPA, has been cited and the change is noted in Section 5, Errata.

Response to CCN-15

The commenter notes that they perceive several deficiencies in discussion of Mitigation Measure BIO-2A from page IV.D-53 to IV.D-54. They subsequently ask that the language of Mitigation Measure BIO-2A acknowledge that the Applicant's obligation to mitigate is triggered incrementally as various stages of development impact BCM.

Language to clarify timing requirements for MM BIO-2A has been added to the DEIR and the change is noted in Section 5, Errata.

Response to CCN-16

The commenter asks that page IV.D-53 be modified to clarify that the on-site preserve areas are comprised of the 108-acre on-site preserve and the 15-acre Doe Mill-Schmidbauer Meadowfoam Preserve. The commenter additionally requests clarification that these preserve areas apply for temporary and permanent impacts.

The additional language has been added to the DEIR and the change is noted in Section 5, Errata.

Response to CCN-17

The commenter provides new procedures the Applicant would use to create BCM habitat and asks that the EIR be updated to reflect these procedures in place of the old ones.

Mitigation Measure BIO-2A has been updated to generally refer to the proposed methodology for BCM habitat creation, however, as noted in Master Response 1, MM BIO-2A is intended to be flexible enough in its implementation to enable State and federal trustee agencies to complete their permitting requirements pertaining to BCM and require mitigation consistent with those permits for project impacts to BCM. The revised language has been added to the DEIR and the change is noted in Section 5, Errata.

Response to CCN-18

The commenter asks for the City to clarify that under Mitigation Measure BIO-2A: “any shortfall in creating BCM habitat would require preservation of only that increment of BCM habitat not created. For example, if the creation ratio is 1.5:1 and Epick successfully creates BCM habitat acreage in an amount equivalent to 1.25:1, then Epick would only be required to preserve BCM habitat acreage in an amount equivalent to the shortfall of 0.25:1 pursuant to (2) in Mitigation Measure BIO-2a on page IV.D-54.”

No, the accounting of BCM impacts and mitigation compliance would not follow the example provided in the comment. Because mitigating for BCM impacts via preservation is required at a 19:1 ratio and mitigating via habitat creation is required at a lower 1.5:1 ratio, any shortfall of the creation effort that is made up with preservation would require more acreage to be preserved than the shortfall in creation. Approximately 12.6 times as much preservation would be required as the amount of the shortfall in BCM habitat creation ($19/1.5 = 12.6$).

Response to CCN-19

The commenter suggests additional language to clarify that natural resource agencies determine ratio requirements and that security must be established prior to restoration activities.

The additional language has been added to the DEIR and the change is noted in Section 5, Errata.

Response to CCN-20

The commenter argues that imposing a mitigation ratio of 19:1 for BCM habitat preservation to offset project impacts to BCM is improper under CEQA, stating that the City may only impose mitigation measures that are roughly proportional to the impacts of the project. The commenter identifies that the 19:1 ratio is derived from a USFWS Recovery Plan and argues that this ratio is for species recovery purposes and is disproportionately large for CEQA mitigation purposes. The commenter therefore concludes that this ratio is unconstitutional.

Mitigation Measure BIO-2A is intended to meet the CEQA burden of ensuring that the proposed project does not adversely affect BCM, a state- and federally-listed endangered plant species that only occurs in Butte County near the City of Chico. It is not the intent of the City to require excessive mitigation for project impacts to BCM. As stated in Master Response 1, Mitigation Measure BIO-2A is intended to be flexible enough in its implementation to enable State and federal trustee agencies to complete their permitting requirements pertaining to BCM and require mitigation consistent with those permits for project impacts to BCM. State and federal trustee agencies will have detailed requirements for the Applicant, and the resulting permits may require different mitigation ratios from the Recovery Plan standard used in this EIR.

Mitigation Measure BIO-2A incentivizes a no-net loss of BCM habitat by providing the option of creating BCM habitat at a 1.5:1 ratio (1.5 acres created for every acre impacted by the project), and provides an alternative means of mitigating project impacts to BCM by preserving existing BCM habitat at a 19:1 ratio (19 acres preserved elsewhere for every acre impacted by the project).

Preserving existing BCM habitat at a 19:1 ratio relative to the acreage of BCM habitat destroyed by the project represents an overall five-percent loss of habitat for the species on a cumulative basis.

Such an allowance for reducing the amount of remaining habitat for an endangered species requires a relatively high ratio for preservation elsewhere because species listed as endangered are the most imperiled among sensitive species. Without the Recovery Plan guidance to quantify an acceptable net loss of habitat, it would be uncertain if any amount of off-site preservation of BCM habitat could adequately mitigate loss of BCM habitat at a project site. As noted in the Recovery Plan and reproduced in Master Response 1, the project site is within a Zone 1 core recovery area for 33 sensitive vernal pool species, and BCM is the most narrowly endemic species (it occurs within the smallest geographic area) among the species covered by the Plan. Hence, requiring a seemingly-high ratio for preservation elsewhere to mitigate project impacts to BCM is justified.

Further, the 19:1 mitigation ratio for preserving off-site habitat to compensate for project impacts to BCM has been used for prior local CEQA documents and subsequent USFWS approvals, such as for the State Route 32 Widening Project and the Meriam Park Development.

See Master Response 1 for additional discussion of the reasons for using the 19:1 ratio for BCM preservation. The DEIR recognizes that regulatory agencies will ultimately have the final

authority to determine appropriate mitigation ratios for BCM. Given past precedent for such a ratio and final regulatory approval, the ratio is appropriate for the potentially significant impacts to BCM.

Response to CCN-21

The commenter points out that the USFWS Recovery Plan is a voluntary document, asserting that the City is not obligated to implement its outlined mitigation ratios.

The additional language has been added to the DEIR and the change is noted in Section 5, Errata. Also see Master Response 1 for more discussion of the Recovery Plan as it relates to the DEIR analysis for this project.

Response to CCN-22

The commenter advocates for a 3:1 BCM mitigation ratio. They argue that 3:1 is adequate for no-net-loss of BCM habitat and that no-net-loss is all that is legally required. They additionally argue that this ratio is proper for its consistency with USFWS' mitigation approach for vernal pool invertebrates. Finally, the commenter argues that this ratio is consistent with mitigation ratios outlined in the City's draft BCM Conservation Plan.

Please refer to response CCN-20 and Master Response 1. It is agreed that mitigation which achieves no-net-loss of BCM habitat would be legally adequate to conclude that project impacts to BCM are less than significant with mitigation, however, the comment conflates mitigating via creation/restoration with mitigating via preservation.

While creation or restoration mitigation could potentially lead to a no-net loss of habitat, preserving off-site habitat at 3:1 ratio relative to habitat destroyed by a project represents a net reduction of existing habitat (a 25 percent reduction on a pro-rata basis). No substantial evidence has been identified to support the notion that cumulatively eliminating 25 percent of remaining BCM habitat could result in a less than significant impact to the species.

As noted in response to CCN-20, preserving existing BCM habitat at a 19:1 ratio relative to the acreage of BCM habitat destroyed by the project represents an overall five-percent loss of habitat for the species on a cumulative basis. Concluding that such a five percent reduction in BCM habitat would be a less than significant impact is supported by its consistency with the Recovery Plan's recovery step of protecting 95 percent of remaining habitat to work toward down-listing the species from endangered to threatened or other list of lower concern.

Secondly, this comment relies on a comparison between federally-threatened vernal pool fairy shrimp (VPFS) and state/federally endangered BCM, suggesting that because "the USFWS typically requires compensation for [VPFS] at a 2:1 ratio" the appropriate ratio for BCM would be 3:1 because such a ratio would maintain a similar relationship to the respective Recovery Plan goals for down-listing each of the two species. However, in contrast to the narrowly-endemic BCM, vernal pool fairy shrimp are the most widely distributed species among the 33 sensitive plant and animal species covered by the Recovery Plan. Since vernal pool fairy shrimp are widely distributed throughout California and Southern Oregon and have threatened listing

status, it is not agreed that the same proportional mitigation for habitat preservation can appropriately be applied to the narrowly-endemic, endangered BCM.

Lastly, regarding the City's draft BCM Conservation Plan, that document was prepared in 1989 and reliance on the information contained within it is no longer appropriate due to physical changes that have occurred to the local environment over the intervening 29 years (e.g. continued urbanization, reduction in vernal pool acreage, etc.). Further, the plan was never implemented and therefore the funds for preservation of certain areas were never collected and individual development projects moved forward in some of the identified sites with varying mitigation requirements for BCM. Using an almost-30 year old plan as a basis for determining proper mitigation requirements for BCM would introduce fundamental flaws to the DEIR analysis of project impacts to BCM.

Response to CCN-23

The commenter proposes that the City defer to regulatory agency approvals (i.e., Corps Section 7 consultation) for impacts to BCM instead of establishing its own mitigation ratio. They provide case law that they argue supports this approach.

The City recognizes in Mitigation Measure BIO-2A that final ratios will be determined by the State and federal regulatory agencies. Should the ratios be lower or higher than the City's mitigation ratios, those ratios will override the City's ratios.

Response to CCN-24

The commenter asks for clarification as to whether the Applicant would be awarded preservation credit for on-site preserves per Mitigation Measure BIO-2A. They additionally ask whether these credits would count towards the Applicant's requirement to offset impacts to BCM.

The applicant would receive mitigation credit for on-site preservation. Mitigation Measure BIO-2A requires that the project Applicant create or purchase off-site credits or habitat-containing land for all impacts to acreages beyond those contained within the on-site preserve areas.

Response to CCN-25

The commenter asks that language be added to page IV.D-54 to clarify the funding approach proposed by the Applicant.

The additional language has been added to the DEIR and the change is noted in Section 5, Errata.

Response to CCN-26

The commenter states that the Applicant will not apply for a consistency determination but a Section 2081 Incidental Take Permit per CESA. They ask that language referring to the consistency determination be removed.

The additional language has been added to the DEIR and the change is noted in Section 5, Errata.

Response to CCN-27

The commenter points out a typographical error on page IV.D-61 and asks that it be amended. They further request confirmation as to whether a lower mitigation ratio will apply to indirect impacts to aquatic resources than direct impacts.

The typographical error has been corrected and the changes note in Section 5, Errata.

Response to CCN-28

The commenter points out that the Regulatory Setting for Greenhouse Gas Emissions on Page IV.G-5 is missing discussion of the California Energy Commissions' new 2020 Residential Energy Standards. The commenter asks that the EIR account for reductions in greenhouse gas emissions due to the use of solar energy in the residential components of the Project.

As noted by the commenter, the requirement for rooftop solar will be law for any project following 2020. As such, the proposed project would be required to comply. It is therefore unnecessary to include at this point.

Response to CCN-29

The commenter asserts that the Project would create 0.4 acres of neighborhood parkland in excess projected demand. They believe that this indicates the Applicant would not have to pay additional fees related to neighborhood parkland and request confirmation as to whether this is accurate.

This comment does not raise any concerns with the adequacy of the DEIR, no response is necessary.

Response to CCN-30

The commenter points out that a roundabout was deemed inadequate for the East 20th St/Bruce Road Intersection and that two other alternatives are evaluated in the DEIR. The commenter states that the Applicant will modify its tentative map to reflect the most efficient configuration of this intersection based on discussions with City staff.

Comment is acknowledged and included herein for consideration by the decision makers.

Response to CCN-31

The commenter states that the applicant would like to discuss City fair-share contributions to finance the traffic signal at Bruce Road/Webster Drive.

Comment is acknowledged and included herein for consideration by the decision makers.

Response to CCN-32

The commenter asks that language be added to Page IV.P-1 to show that the City's infrastructure improvements account for the additional sewer capacity needed for the Project.

The additional language has been added to the DEIR and the change is noted in Section 5, Errata.

Response to CCN-33

The commenter would like to know how Tables VII.ALTS-2 and VII.ALTS-3 relate to each other and points out a possible typographical error on Table VII-ALTS-3.

The error has been corrected and the change is noted in Section 5, Errata.

Response to CCN-34

The commenter expresses gratitude for the opportunity to comment on the DEIR. No response is necessary.

IV. RESPONSES TO PLANNING COMMISSION MEETING COMMENTS

A. INTRODUCTION

The City of Chico solicited public comments on the Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone Draft Environmental Impact Report (Draft EIR) (State Clearinghouse No. 2016062049) on Thursday, May 3, 2018 at a Planning Commission Meeting held at 6:30 p.m. in the Chico City Council Chambers, 421 Main Street, Chico, California. Comments were provided in both verbal form and written form; the verbal comments were transcribed by a court reporter, while the written comments are provided herein. These written responses become part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

The City of Chico held a Planning Commission Meeting for the convenience of a variety of audiences. At the meeting, City staff and consultants provided an overview of the environmental review process, a project presentation, and an EIR conclusions presentation. Following the end of the presentations, the City provided audience members the opportunity to comment on the project and EIR.

This section is organized as follows:

- Section IV.A—Introduction: provides an overview of the section.
- Section IV.B—List of Speakers: provides the list of individuals who provided comments at the Planning Commission Meeting.
- Section IV.C—Planning Commission Meeting Minutes
- Section IV.D—Responses to Planning Commission Comments: provides responses to all applicable verbal and written comments received at the Planning Commission Meeting.

B. LIST OF SPEAKERS AND AUTHORS

A list of the speakers who provided verbal comments at the Planning Commission Meeting is presented below in the order that they spoke.

Steve O'Brien	Barbara O'Brien	Russell Thayne
Dr. Mark Stemen	Mark Rodriguez	Stephen Dilg
Les Heringer	Woody Elliot	Chris Nelson
Leanne Thayne	Marcia Tarabini	Matt Rogers
Bryce Goldstein	Elizabeth Devereaux	

C. PLANNING COMMISSION MEETING MINUTES

The minutes reproduced in the following pages are from the Planning Commission Meeting.

**DRAFT EIR COMMENT SESSION
FOR THE STONEGATE PROJECT
CITY OF CHICO PLANNING COMMISSION
REGULAR MEETING OF May 3, 2018**

Verbal Public Comments on the Draft Environmental Impact Report (EIR) for the Stonegate Vesting Tentative Subdivision Map and General Plan Amendment:

Steve O'Brien, a neighbor of the proposed project:

- The extension of Webster Drive will result in more than a minimal impact regarding traffic through his subdivision located west along the existing portion of Webster Drive.
- The added traffic would create a safety concern for those living on Webster Drive and impact the quality of life for existing residents.
- Also concerned about reduced property values on a busier street.
- Freemont Street should be extended instead of Webster Drive.

Barbara O'Brien, a neighbor of proposed project:

- Concerned with increase traffic on Notre Dame Boulevard.
- If Webster Drive goes through as proposed, it will destroy the family-style neighborhood.

Russ Thayne, lives on New Dawn Circle:

- He has delivered a petition with 120 signatures from the 89 properties in the neighborhood.
- Traffic impacts from the Stonegate project will have a deleterious effect on the neighborhood.
- Concerned as well that the proposed transportation plan will adversely affect the neighborhood.
- Read all 10 points from his petition letter (provided separately among Draft EIR comments).

Dr. Mark Stemen, professor at Chico State:

Referenced his letter, provided separately and which outlines these same points:

- The Draft EIR states that greenhouse gas (GHG) emissions from the project would be significant and unavoidable, but they could be avoided. Building codes do a good job on minimizing electricity and natural gas consumption, improvements can be made with regard to transportation and traffic.
- Focus on providing good bus stops, don't punt this issue to BCAG [Butte County Association of Governments], they concentrate on providing route coverage throughout the area.
- Increase transit ridership by providing a welcoming and inviting bus stop, that means a shelter and good pedestrian connections into adjacent uses, like the new CVS on the Esplanade where you can walk right up to the front door and don't have to go around or through landscaping.
- Provide comfortable seating and bike parking at bus stops.
- Require bus pull-outs; they don't just get the bus out of the travel lanes during a stop, they also serve as "Kiss and Rides," where you can pull over, give your loved one a kiss goodbye, and then both of you continue on to separate destinations.

Mark Rodriguez, lives in the project area:

- Asked who approves the EIR?
- The EIR doesn't address vernal pools and the endangered species.
- What about this off-site mitigation bank, how does it proceed?
- Need a bigger park; who decides how much park land is required?
- Would like to see a Plan "C" with how to address these things.

Stephen Dilg, lives on Preservation Oak Drive:

- How can this project use the 80 acres from the Doe-Mill Schmidbauer Preserve, when that area was set aside as conservation easement so that the Schmidbauer Lumber Company could log over

on the coast near Eureka?

- Concerned with meadowfoam, wetlands and vernal pools, two-thirds of which would be lost.
- The main waterway through the site [Butte Creek Diversion Channel] is not natural, it's manmade between Big and Little Chico Creek.
- Flooding is a concern with the ditch that comes down the hill from the east that joins [the Diversion Channel] and has recently caused flooding [on Bancroft Drive], requiring the City to purchase one of those properties and demo the house. This site has similar flooding concerns.
- It's too dense, needs a much bigger park.
- Parks get overgrown after the first couple years, want to make sure the park is maintained.
- Sewer capacity is not well addressed in the EIR.

Les Heringer, manager of the M&T Ranch out west of Chico:

- We've seen higher flows in the creeks in recent years, especially after heavy rainfall events. Wants the City to ensure that the planned storm water facility is designed to be large enough to not add an increase in storm water run-off.

Woody Elliot, a member of the Butte-Lassen Chapter of the Native Plant Society:

- The EIR seems like a substantial, adequately-done document.
- Concerned about the natural impacts of the proposed project. Preserves are often not adequately managed, this one needs a management plan and endowment to ensure adequate funding moving forward.
- Who will be the entity responsible for managing the preserve? The EIR should state.
- Too few alternatives were evaluated. Alternative B would reduce BCM impacts by eliminating the RS-20 Lots, but how about another alternative with no BCM impacts west of Bruce Road?
- There is extensive BCM in the area, why was this site removed from the Butte Regional Conservation Plan? Did the City ask for it to be removed?

Chris Nelson, neighbor to the project:

- Because of the endangered species and this is the recharge area for the Tuscan aquifer, there is no way to mitigate the project impacts. The City should not approved, the No Project Alternative is best.

Leanne Thayne, neighbor near Webster Drive:

- There are 89 homes in my neighborhood, with the only access being from Webster Drive, off Notre Dame [Boulevard]. We know our neighbors. The neighborhood feel will be lost if Webster Drive goes through.
- Speeders will cause loss of life, or loss of enjoyment of life.

Marcia Tarabini, lives on E. 20th Street:

- Look at the big picture, which is not in the EIR; this site is special and once it is developed it will no longer be special.
- It says greenhouse gas emissions are significant and unavoidable; they are avoidable.
- Lots of "Less Than Significant" impacts, but the whole package is significant.
- 20th Street is already too busy, and more signals means more congestion.
- The commercial draw will bring in people from outside the area.
- Vernal pools will be lost.
- The seasonal creek should be designed around.
- The site offers a park-like setting, the City should keep it that way.
- The new bike path is not well planned, it goes behind all the houses.

Matt Rogers, grew up near the site, parents still live there:

- It's good that the BCM mitigation measure in the EIR uses the 19:1 ratio, but it references purchasing credits at a mitigation bank and there are no BCM mitigation banks to buy credits from. This needs clarification because it is infeasible as written.

Jennifer Jewel, lives on Garden Valley Terrace:

- I am against the impacts this project will have on endangered species; there is no mitigation for extinct species.
- It's not just meadowfoam, there's a long list of native plant and animal species that would be impacted. The whole ecosystem is a symphony of life.
- A redesign is needed to fix the density and eliminate the RS-20 lots.

Bryce Goldstein, concerned citizen:

- The greenhouse gas emissions will not create less vehicle miles traveled.
- The EIR says that this project is consistent because it creates cohesive infill development. I do not think this project will create cohesive infill development.

Elizabeth Devereaux, concerned citizen and former Task Force member for the 1994 Chico General Plan:

- I agree with all the comments that favor no project, this is a beautiful area and we should keep it that way.
- This project is growth-inducing toward the foothills as it is contiguous to the Valley's Edge Project.
- More development into the foothills will result in viewshed impacts and light pollution.
- There is no mitigation for extinction.

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D. RESPONSES TO PLANNING COMMISSION MEETING COMMENTS

D.1. – Introduction

Responses to comments made at the Thursday, May 3, 2018 Planning Commission Meeting are provided through both master responses and individual responses. Master responses are included in Section 2 of this document.

D.2. – Responses to Comments

Responses have been prepared for all verbal comments received at the Thursday, May 3, 2018 Chico Planning Commission Meeting that concerned the proposed Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone. In cases where a speaker's verbal comments were similar to his/her written comments, the reader is referred to where the responses to the corresponding written comments can be found. In cases where multiple speakers made a similar or related comment, the response is addressed in a master response provided in Section 2 of this document. In all other cases, an individualized response has been provided.

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Individual Responses**Thursday, May 3, 2018 Planning Commission Meeting Verbal Comments****Steve O'Brien***Summary of Comments*

Mr. O'Brien provided comments on the DEIR's evaluation of traffic. Please note that Mr. O'Brien submitted a letter to the City of Chico that contained similar comments, and, therefore, the written comments will be used as the basis for responding to comments.

Response to Comments

Please refer to Master Response 4 and responses to OBRIEN.S-1 through OBRIEN.S-6.

Barbara O'Brien*Summary of Comments*

Ms. O'Brien provided comments on the DEIR's evaluation of traffic. Please note that Ms. O'Brien submitted a letter to the City of Chico that contained similar comments, and, therefore, the written comments will be used as the basis for responding to comments.

Response to Comments

Please refer to Master Response 4 and responses to OBRIEN.B-1 through OBRIEN.B 1-5.

Russell Thayne*Summary of Comments*

Dr. Stemen provided comments on the DEIR's evaluation of greenhouse gas emissions. Please note that Dr. Stemen submitted a letter to the City of Chico that contained similar comments, and, therefore, the written comments will be used as the basis for responding to comments.

Response to Comments

Please refer to Master Response 4 and responses to WNDN-1 through WNDN-13.

Dr. Mark Stemen*Summary of Comments*

Mr. Stemen, provided comments on the DEIR's evaluation of greenhouse gas emissions. Please note that Mr. Stemen submitted a letter to the City of Chico that contained similar comments, and, therefore, the written comments will be used as the basis for responding to comments.

Response to Comments

Please refer to Master Response 4 and responses to STEMEN-1 through STEMEN--2.

Mark Rodriguez*Summary of Comments*

Mr. Rodriguez provided comments on the DEIR's evaluation of biological resources. Please note that Mr. Rodriguez submitted a letter to the City of Chico that contained similar comments, and, therefore, the written comments will be used as the basis for responding to comments.

The commenter asks questions on how the off-site mitigation bank is formed. The commenter asks questions on how parkland was determined and evaluated.

Response to Comments

Please refer to Master Response 1 and responses to RODRIGUEZ -1 through RODRIGUEZ -- 4. Parkland requirements and analysis are discussed in detailed within Section IV.N.

Stephen Dilg*Summary of Comments*

Commenter questions how the on-site preserve can be used for mitigation as the commenter claims it was used for mitigation in Eureka. The commenter has concerns about impacts to biological resources, specifically BCM. The commenter provides general comments on the following topics: flooding, parks, and sewer capacity.

Response to Comments

The land associated with the project, including on-site preserve areas, has no deed or record of it being utilized as mitigation for a different project. Further, given the different climates, the project site would be 1) outside the service zone for mitigating biological impacts in Eureka, California, and 2) unable to provide similar species credits. Detailed discussion of impacts from the proposed project can be found in section IV.I, IV.N and IV.P.

Les Heringer*Summary of Comments*

Mr. Heringer provided comments on the DEIR's evaluation of hydrology. Please note that Mr. Heringer (M&T Ranch) submitted a letter to the City of Chico that contained similar comments, and, therefore, the written comments will be used as the basis for responding to comments.

Response to Comments

Please refer to responses MTR-1 through MTR-6.

Woody Elliot*Summary of Comments*

Mr. Elliot provided comments on the DEIR's evaluation of biological resources. Please note that Mr. Elliot submitted a letter to the City of Chico that contained similar comments, and, therefore, the written comments will be used as the basis for responding to comments.

Response to Comments

Please refer to Master Response 1, Master Response 5 and responses to ELLIOTT-1 through ELLIOTT-2.

Chris Nelson*Summary of Comments*

The commenter feels that because of endangered species and the site being a recharge area for the Tuscan aquifer, there are no ways to mitigate project impacts

Response to Comments

The commenter does not provide a specific deficiency in the EIR's analysis of these resources. In addition, the commenter does not provide any substantial evidence the EIR's analysis is not adequate. The comment is acknowledged and included herein for consideration by the decision makers.

Leanne Thayne*Summary of Comments*

Ms. Thayne provided comments on the DEIR's evaluation of traffic. Please note that Ms. Thayne submitted a letter to the City of Chico that contained similar comments, and, therefore, the written comments will be used as the basis for responding to comments.

Response to Comments

Please refer to Master Response 4 and responses to THAYNE.L-1 through THAYNE.L 1-4.

Marcia Tarabini*Summary of Comments*

The commenter expressed general concerns about the following topics: vernal pools, traffic, greenhouse gas emissions, and design of the bike path. The commenter further stated that all of the project's impacts add up to a significant impact.

Response to Comments

The commenter does not provide a specific deficiency in the EIR's analysis of these resources. In addition, the commenter does not provide any substantial evidence the EIR's analysis is not adequate. The comment is acknowledged and included herein for consideration by the decision makers.

Matt Rogers*Summary of Comments*

The commenter claims that the BCM mitigation measure is unfeasible because no banks currently offer credits.

Response to Comments

Please refer to Master Response 1.

Jennifer Jewell*Summary of Comments*

Ms. Jewell provided comments on the DEIR's evaluation of biological resources. Please note that Ms. Jewell submitted a letter to the City of Chico that contained similar comments, and, therefore, the written comments will be used as the basis for responding to comments.

Response to Comments

Please refer to Master Response 1 and responses to JEWELL-1 through JEWELL-7.

Bryce Goldstein*Summary of Comments*

Ms. Goldstein provided comments on the DEIR's evaluation of biological resources. Please note that Ms. Goldstein submitted a letter to the City of Chico that contained similar comments, and, therefore, the written comments will be used as the basis for responding to comments.

Response to Comments

Please refer to the response to GOLDSTEIN-1.

Elizabeth Devereaux*Summary of Comments*

The commenter states that they are in favor of no project. The commenter claims the project will be growth-inducing. The commenter ends by saying that there is no mitigation for extinction.

Response to Comments

The commenter does not provide a specific deficiency in the EIR's analysis of these resources. In addition, the commenter does not provide any substantial evidence the EIR's analysis is not adequate. The comment is acknowledged and included herein for consideration by the decision makers.

V. ERRATA

The following are revisions to the Draft EIR for the Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone. These revisions are minor modifications and clarifications to the document, and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

A. CHANGES TO DRAFT EIR TEXT

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LIST OF ACRONYMS AND ABBREVIATIONS

<u>AB</u>	<u>Assembly Bill</u>
ADA	Americans with Disabilities Act
Af/yr	acre-feet per year
<u>ANSI</u>	<u>American National Standards Institute</u>
<u>AP Act</u>	<u>Alquist-Priolo Earthquake Fault Zoning Act</u>
APE	Area of Potential Effect
<u>APN</u>	<u>Assessor Parcel Number</u>
<u>Applicant</u>	<u>Epick Homes</u>
AST	Aboveground Storage Tank
<u>BAC</u>	<u>Bollard Acoustical Consultants, Inc.</u>
BCAG	Butte County Association of Governments
BCAQMD	Butte County Air Quality Management District
Bcf	Billion cubic feet
BCM	Butte County Meadowfoam
<u>BCPHD</u>	<u>Butte County Public Health Department</u>
BMPs	Best Management Practices
BRCP	Butte Regional Conservation Plan
CalARP	California Accidental Release Prevention
<u>CalEEMod</u>	<u>California Emissions Estimator Model</u>
CAL EPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
<u>Cal-IPC</u>	<u>California Invasive Plant Database</u>
Caltrans	California Department of Transportation
Cal Water	California Water Service Company
<u>California OSHA</u>	<u>California Division of Occupational Safety and Health</u>
<u>CARB</u>	<u>California Air Resources Board</u>
CARD	Chico Area Recreation District
CBC	California Building Code
<u>CBIA</u>	<u>California Building Industry Association</u>
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
<u>CFC</u>	<u>Chlorofluorocarbon</u>
<u>CH₄</u>	<u>Methane</u>
CFGC	California Fish and Game Code
<u>CGS</u>	<u>California Geological Survey</u>
<u>CHRIS</u>	<u>California Historical Resources Information System</u>
<u>City</u>	<u>City of Chico</u>
CMC	Chico Municipal Code
CMU	Commercial Mixed Use
CNDDB	California Native Diversity Database
CNPS	California native Plant Society
<u>CO</u>	<u>Carbon Monoxide</u>

<u>CO2</u>	<u>Carbon Dioxide</u>
Corps	Army Corps of Engineers
CPTED	Crime Prevention Through Environmental Design
CRHR	California Register of Historical Resources
CSU	California State University
<u>CUABP</u>	<u>Chico Urban Area Bicycle Plan</u>
CUPA	Certified Uniform Program Agency
CUSD	Chico Unified School District
<u>CVFPB</u>	<u>Central Valley Flood Protection Board</u>
CVWB	Central Valley Water Board
CWA	Clean Water Act
<u>dBA</u>	<u>Decibels</u>
DOF	California Department of Finance
DOT	Department of Transportation
DTSC	Department of Toxic Substances
DWR	California Department of Water Resources
<u>Far Western</u>	<u>Far Western Anthropological Research Group, Inc.</u>
<u>FEMA</u>	<u>Federal Emergency Management Agency</u>
FESA	Federal Endangered Species Act
<u>FHWA</u>	<u>Federal Highway Administration</u>
<u>FICON</u>	<u>Federal Interagency Committee on Noise</u>
<u>EDU</u>	<u>Equivalent dwelling unit</u>
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
<u>ESA</u>	<u>Endangered Species Act</u>
FMMP	Farmland Mapping and Monitoring Program
<u>Foothill</u>	<u>Foothill Associates</u>
<u>GHG</u>	<u>Greenhouse Gas</u>
<u>GWh/y</u>	<u>Gigawatt-hours per year</u>
<u>GWP</u>	<u>Global Warming Program</u>
<u>HCD</u>	<u>California Department of Housing and Community Development</u>
HCP	Habitat Conservation Plan
<u>HEC-RAS</u>	<u>Hydrologic Engineering Center's River Analysis System</u>
<u>HFC</u>	<u>Hydrofluorocarbon</u>
HMMP	Hazardous Materials Management Plans
<u>Hp</u>	<u>Horsepower</u>
<u>Hz</u>	<u>Hertz</u>
<u>ITE</u>	<u>Institute of Traffic Engineers</u>
KOP	Key Observation Points
<u>kWh</u>	<u>Kilowatt hours</u>
<u>LDL</u>	<u>Larson Davis Laboratories</u>
<u>LID</u>	<u>Low Impact Development</u>
<u>LOS</u>	<u>Level of Service</u>
<u>LSA</u>	<u>Lake or Streambed Alteration Agreement</u>
MBTA	Migratory Bird Treaty Act
MHFHSZ	Moderately High Fire Hazard Severity Zone
mgd	Million Gallon Per Day
<u>MMLOS</u>	<u>Multimodal Level of Service</u>
<u>MMI</u>	<u>Modified Mercalli Intensity Scale</u>
<u>MMRP</u>	<u>Mitigation Monitoring and Reporting</u>
<u>Mph</u>	<u>Miles per hour</u>

<u>MTP/SCS</u>	<u>Metropolitan Transportation Plan and Sustainable Communities Strategy</u>
<u>MUTCD</u>	<u>California Manual on Uniform Traffic Control Devices</u>
<u>MXD+</u>	<u>Mixed-Use Trip Generation Model</u>
<u>NAAQS</u>	<u>National Ambient Air Quality Standards</u>
<u>NAHC/Commission</u>	<u>Native American Heritage Commission</u>
<u>NCCP</u>	<u>National Community Conservation Planning</u>
<u>NEHRP</u>	<u>National Earthquake Hazards Reduction Program</u>
<u>NOAA</u>	<u>National Oceanic and Atmospheric Administration</u>
<u>NOC</u>	<u>Notice of Completion</u>
<u>NOP</u>	<u>Notice of Preparation</u>
<u>NPDES</u>	<u>National Pollutant Discharge Elimination System</u>
<u>NPPA</u>	<u>California Native Plant Protection Act</u>
<u>NHPA</u>	<u>National Historic Preservation Act</u>
<u>NOx</u>	<u>Nitrogen oxides</u>
<u>NPDES</u>	<u>National Pollutant Discharge Elimination System</u>
<u>NRHP</u>	<u>National Register of Historic Places</u>
<u>NSVAB</u>	<u>Northern Sacramento Valley Air Basin</u>
<u>NVWM</u>	<u>North Valley Waste Management</u>
<u>OSHA</u>	<u>Division of Occupational Safety and Health</u>
<u>PFC</u>	<u>Perfluorocarbon</u>
<u>PG&E</u>	<u>Pacific Gas & Electric</u>
<u>PL</u>	<u>Public Law</u>
<u>PM10</u>	<u>Respirable particulate matter</u>
<u>PM2.5</u>	<u>Fine particulate matter</u>
<u>Porter-Cologne Act</u>	<u>Porter Cologne Water Quality Control Act</u>
<u>PRC</u>	<u>Public Resources Code</u>
<u>PRMP</u>	<u>Parks and Recreation Master Plan</u>
<u>RCO</u>	<u>Resource Constrain Overlay</u>
<u>RCRA</u>	<u>Resource Conservation and Recovery Act</u>
<u>RHNP</u>	<u>Regional Housing Needs Plan</u>
<u>ROG</u>	<u>Reactive Organic Gases</u>
<u>RTIP</u>	<u>Regional Transportation Improvement Program</u>
<u>RWQCB</u>	<u>Regional Water Quality Control Board</u>
<u>SB</u>	<u>Senate Bill</u>
<u>Sf</u>	<u>Square feet</u>
<u>SF6</u>	<u>Sulfur hexafluoride</u>
<u>SHMA</u>	<u>Seismic Hazards Mapping Act</u>
<u>SHPO</u>	<u>State Historic Preservation Office</u>
<u>SPAOP</u>	<u>Special Planning Area</u>
<u>SPCC</u>	<u>Spill Prevention Control and Countermeasure</u>
<u>SPRR</u>	<u>Southern pacific Railroad</u>
<u>SR</u>	<u>State Route</u>
<u>STP</u>	<u>Shovel Test Probe</u>
<u>SWMP</u>	<u>Storm Water Management Program</u>
<u>SWRCB</u>	<u>State Water Resources Control Board</u>
<u>TAC</u>	<u>Toxic Air Contaminants</u>
<u>TCCR</u>	<u>Transportation Corridor Concept Reports</u>
<u>TMDL</u>	<u>Total Maximum Dailiy Loads</u>
<u>ULSD</u>	<u>Ultra Low-Sulfur Diesel</u>
<u>USFWS</u>	<u>United States Fish and Wildlife Service</u>
<u>USGS</u>	<u>United States Geological Survey</u>

UST	Underground Storage Tank
UWMP	Urban Water Management Plan
VELB	Valley Elderberry Longhorn Beetle
<u>VHD</u>	<u>Vehicle Hours Delayed</u>
<u>VMT</u>	<u>Vehicle Miles Traveled</u>
VPFS	Vernal Pool Fairy Shrimp
VPTS	Vernal Pool Tadpole Shrimp
WDR	Waste Discharge Requirements
WPCP	Water Pollution Control Plant
WPD	Water Permits Division
<u>WRA</u>	<u>WRA, Inc.</u>
<u>ZORI</u>	<u>Zones of Required Investigation</u>

Executive Summary

Page II-6

D. F. SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Table II-1 – Summary of Significant Environmental Impacts and Mitigation Measures**Page II-29, Row 2, Column 2**

Significant Environmental Impact	Mitigation Measures	Level of Impact After Mitigation
Have a Substantial Adverse Effect on Federally Protected Wetlands and Waters	<p><i>Mitigation Measure BIO-4:</i></p> <p>Prior to issuance of any City permits for construction, grading, or other site-disturbing activities, the Applicant shall provide proof to the Chico Community Development Department that all necessary authorizations from the USACE and RWQCB for the discharge of dredged or fill material into the waters of the U.S. identified on the project site have been obtained.</p> <p>Prior to any work affecting the bed or bank of the Butte Creek Diversion Channel, tributaries, or associated riparian areas, the Applicant shall obtain a Lake or Streambed Alteration (LSA) Agreement from the CFW, as required under Section 1602 of the Fish and Game Code. The LSA Agreement shall detail the authorized activities affecting the Butte Creek Diversion Channel, tributaries, and associated riparian areas, and provide specific terms and conditions necessary to protect fish and wildlife resources in the project site. The Applicant shall comply with all requirements of the LSA agreement, including any compensatory mitigation such as replacement of impacted trees. A copy of the fully executed LSA Agreement shall be submitted to the Chico Community Development Department prior to initiation of any work impacting riparian habitats on the project site.</p> <p>To mitigate for the permanent loss of 9.35 acres and temporal <u>indirect</u> impacts to 4.51 acres of aquatic resources resulting from the project, the Applicant shall provide a USACE-approved compensatory mitigation plan for impacts to waters of the U.S. The plan shall provide for replacement of waters of the U.S. at a 3:1 ratio (three acres replaced for every one acre removed), or as required by the USACE. The plan shall describe the specific methods for replacement of impacted waters on site, and provide a monitoring plan, including a reporting schedule and success criteria over a specific amount of time. In the event the USACE determines that compensatory mitigation for impacts to</p>	Less-than-Significant

	waters of the U.S. cannot be fully accomplished on site, the Applicant may purchase credits at a USACE-approved mitigation bank whose service area includes the project site. The type and amount of credits shall be determined in coordination with the USACE. Proof of the purchase of any required mitigation bank credits shall be provided to the Chico Community Development Department prior to initiation of any work impacting waters of the U.S. on the project site.	
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Project Description

Proposed Land Use Development - Open Space

Page III-17, Paragraph 5

The proposed project would include approximately 108 acres of open-space. The open space would include grassland habitat intermixed with a variety of seasonal wetlands, vernal pools, natural drainages, and a segment of the Butte Creek Diversion Channel. The open space would support two large populations of the federal and state endangered BCM, one east and one west of the diversion channel. A street, park, and pedestrian/bike path along the western boundary of the open space would separate this area from adjacent land uses and provide views of the area. The proposed project may include development of a long-term management plan for the open space, including vegetation management practices. The open space would also include a portion of the watershed of Butte Creek, which supports populations of anadromous fish listed under the Endangered Species Act (ESA). The preserve may have educational signage along areas overlooking the open space. The proposed open space would be located immediately south of the City's Doe Mill-Schmidbauer Preserve, a small BCM preserve, connecting the two resources.

Table III-2 – Existing vs. Proposed General Plan Designations and Zoning Districts**Page III-11, Row 5**

Table III-2
Existing vs. Proposed General Plan Designations and Zoning Districts

APN/acres	Existing GP	Proposed GP	Existing Zoning	Proposed Zoning
002-220-006 / 7.75 acres	SOS	SOS CMU/RGO	OS2	OS2 CC

Grading, Drainage, and Utilities**Page III-19, Paragraph 5**

The City of Chico would provide municipal sewer collection and treatment services, while the California Water Service Company (Cal Water) would provide water service to the proposed project. The Project site is included in the Southeast Chico Sewer Assessment District. Assessment improvement bonds were issued to fund construction of sanitary sewer infrastructure to serve parcels within the District including the Stonegate project. Sanitary sewer has been installed to the Project and the bonds for the Project site have been repaid. The City is also responsible for maintenance of storm drains facilities that stormwater runoff from the proposed project would utilize. Natural gas and electricity for the proposed project would be provided by Pacific Gas & Electric (PG&E). Utilities may be extended to the proposed single-family residential lots on APN 018-510-007 within the Skyway right-of-way or from APN 018-510-008. This utility extension could be constructed by open trenching, bore and jack or other method. An extension from APN 018-510-008 would require crossing the diversion channel and construction through the proposed project open space in Parcel D.

Site Access, Circulation, and Parking**Page III-19, Paragraph 2**

Circulation for the proposed project would include improvements to existing roadways as well as the creation of new public roads (Figures III-7 and III-8). Access to the project is proposed via connections to Bruce Road, East 20th Street, Webster Drive, Laredo Way, Niagara Way, and Skyway. The project's internal circulation system would provide access to the proposed uses, as seen in Table III-3. Each street would feature a curb and gutter system with 5-foot sidewalks and 7-foot parkway strips, except for the RS-20 lots where rural street designs are proposed. A new traffic signal is proposed where Webster Drive connects to Bruce Road. A Class 1 bike/pedestrian path is also proposed along the west side of Bruce Road, with a two-foot wide clear area on either side of the path.

Table III-3 – Proposed Circulation**Page III-20, Row 6, Columns 2, 4, 6****Table III-3
Proposed Circulation**

Street Name and Extent	Right-of-Way	# Travel Lanes	Median	Bike Lane/ Parking/ Curb/ Gutter	Parkway/ Sidewalk	Class 1 Path
Webster Drive (from Street Q to Bruce Road)	32' (North/South East/West)	2	7' (North/South East/West)	N/A	12' (North/South East/West)	N/A

Table III-3 – Proposed Circulation**Page III-21, Row 2, Column 1****Table III-3
Proposed Circulation**

Street Name and Extent	Right-of-Way	# Travel Lanes	Median	Bike Lane/ Parking/ Curb/ Gutter	Parkway/ Sidewalk	Class 1 Path
Street ± S (Adjacent to Parcel D)	29' (East) 16' (West)	2	N/A	7' (East)	12' (East)	N/A

Table III-3 – Proposed Circulation**Page III-21, Table III-3, Row 5, Column 1****Table III-3
Proposed Circulation**

Street Name and Extent	Right-of-Way	# Travel Lanes	Median	Bike Lane/ Parking/ Curb/ Gutter	Parkway/ Sidewalk	Class 1 Path
Minor Residential (Streets B through W R and segments of Street A and Laredo Way not listed above)	29' (each direction)	2	N/A	7' (each direction)	12' (each direction)	N/A

Required Permits and Approvals**Page III-22 & 23, Paragraph 9-14**

The federal, state, regional and local agencies that may have jurisdiction over aspects of the proposed project may require certain permits and approvals that include, but are not necessarily limited to the following:

City of Chico

- Vesting Tentative Subdivision Map
- General Plan Amendment
- Rezone
- Boundary Line Modification
- Use Permit
- Development Agreement
- Grading permits
- Building permits

Regional Water Quality Control Board

- Construction Stormwater Permit
- Clean Water Act Section 401 water quality certification and/or Waste Discharge Requirements

State California Department of Fish and Wildlife

- California Fish and Game Code Section 1602 Lake or Streambed Alteration Agreement
- California Fish and Game Code Section 2081 Incidental Take Permit

U.S. Army Corps of Engineers

- Clean Water Act Section 404 Permit, Habitat Mitigation Monitoring Proposal

U.S. Fish and Wildlife Service

- Endangered Species Act Section 7 Biological Opinion
- Incidental take permit under the Federal Endangered Species Act (ESA)

National marine Fisheries Service

- Endangered Species Act Section 7 Consultation

Butte County Air Quality Management District

- Authority to Construct/Permit to Operate

Central Valley Flood Protection Board

- Encroachment Permit

Impacts Found to be Less than Significant

Agricultural and Forestry Resources

Page IV.A-2, Paragraphs 2, 4

The project site includes the following existing and proposed zoning districts: RS-20, R1, R2, R3, CC, OR, OS1, OS2, with RC and PD overlays. Therefore, no conflict with existing or proposed zoning for agriculture would result from project implementation. The project site is not under Williamson Act Contract. No impact would result and no further analysis of this issue is required.

The project site includes the following existing and proposed zoning districts: RS-20, R1, R2, R3, CC, OR, OS1, OS2, with RC and PD overlays. As such, the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. No impact would result and no further analysis of this issue is required.

Air Quality

Page IV.A-2, Paragraph 11

According to the BCAQMD, the types of projects that commonly result in odor impacts include: agricultural and food processing facilities, landfills, composting facilities, and wastewater treatment plants. The proposed project does not include any of these uses and would not create objectionable odors that would affect a substantial number of people. The project site is not affected by existing odor sources that would cause odor complaints from new residents. Construction activities would generate temporary odors, such as those resulting from fuel combustion and painting, however such odors would be short-lived and would move across the project site as various subdivision phases are developed. Therefore, odor impacts are less than significant.

Hazards and Hazardous Materials

Page IV.A-3, Paragraph 11

Construction activities would include the transport, use and disposal of hazardous materials commonly used in construction, such as fuel and paint. Transporting, handling and disposing of such hazardous materials would be done in compliance with state law to ensure that they do not pose a significant hazard to the public. Full implementation of the proposed project would result in the routine handling and use of small quantities of commercially-available hazardous materials, such as household cleaning and landscaping supplies. Additional, commercial uses may routinely use other forms of hazardous materials in the operation businesses. These materials would not be expected to be used in large quantities or contrary to normal uses permitted by law, and therefore would not pose a threat to human health or the environment. Compliance with existing state and federal laws and regulations would reduce potentially significant impacts related to commercial and residential uses to a less than significant impact

on the public or the environment related to the routine transport, use, and handling of hazardous materials, since such activities are not expected. No further analysis is required.

Page IV.A-4, Paragraph 3

The proposed project is the subdivision of 313 acres and the development of infrastructure, as well as the eventual construction of residential and commercial land uses. Therefore, the project is not expected to generate or use high levels of hazardous materials during its operation. In addition, on-site handling and storage of hazardous materials during construction and operation of the project would be done according to all applicable local, state, and federal regulations. No upset or accident conditions resulting in the release of hazardous material into the environment can be reasonably expected to occur during construction or operation of the project and therefore this impact would be less than significant and no further analysis is required.

IV.A-4, Paragraph 5

Children are more susceptible to health effects from exposure to hazardous materials than adults. Hazardous materials use near schools and day care centers must consider potential health effects to these populations. Castles Preschool is located within ¼ mile of the project site. All commercial use would be required to comply with existing state and federal laws and regulations. Hazardous materials required for construction of the project have the potential for accidental release. However, in the event of a hazardous material spill or release, notification and cleanup operations would be performed in compliance with federal and state regulations and, given the quantity of materials involved, would not be expected to affect anything beyond the immediate area where the release occurred. ‡Therefore impacts would be less than significant.

Aesthetics

IV.B-4, Last Paragraph

Figure IV.B-2, Views 3-4, when viewed together, show a ~~panoramic-sweeping~~ view of the western expanse of the site. Both views illustrate the paths present within the confines of the project site, along with rock elements west of the Butte Creek Diversion Channel.

IV.B-5, Paragraphs 1-8

Long-range views of the project site are generally limited to locations situated at higher elevations than the project site that do not have intervening obstructions (i.e., homes, buildings, shopping center, trees and landscaping) between these locations and the project site. Such unobstructed and partially obstructed long-range views of the project site are available from the foothills east of the project site.

Views of the surrounding uses within the vicinity of the project site are variable. Residential uses are located to the west and north of the site as evidenced in Figure IV.B-3, View 1, View 4, and Figure IV.B-4, View 1.

Figure IV.B-3, View 1 shows one of the residential developments located north of the project site. ~~This area is located along East 20th Street. This view is looking north toward a home within the Doe Mill neighborhood north of E. 20th Street.~~ A number of the houses along East 20th street have unobstructed views of the existing project site.

Figure IV.B-3, View 2 shows commercial development abutting the southern end of the project site. This view is looking southeast from Bruce Road.

Figure IV.B-3, View 3 is a medium-range view of looking south along Bruce Road from near the intersection of East 20th and Bruce Road. The street and adjacent vacant land is shown in the foreground and the stretch of road continues in the middle-ground. The vehicles in the photograph would pass the proposed project site. Unobstructed views of the project site would be available from this surrounding area.

Figure IV.B-3, View 4 shows the foreground and middle-ground of the vegetated project site, prior with the homes bordering the site on Roberto Court visible in the background. These homes have a permanent unobstructed view of the project site.

Figure IV.B-4, View 1 depicts ~~residential uses north of the project site.~~ residential uses from East 20th Street, 0.3 miles east of the project site.

Figure IV.B-3, View 2 & IV.B-4, View 4, shows commercial development, including grocery stores, abuts the southern edge of the project site. This area is located on the eastern side of Bruce Road, the same side as the project site. The views of the project site in pre-project condition are visible from this adjacent use, however would be partially obstructed views of the site due to the expanse of parking lot, vacant lot, and vehicular traffic along Bruce Road.

~~Figure IV.B-1, View 3 is a medium-range view of looking north along Bruce Road from the intersection of Raley Boulevard and Bruce Road. The street and adjacent vacant land is shown~~

~~in the foreground and the stretch of road continues in the middle ground. The vehicles in the photograph would pass the proposed project site. Unobstructed views of the project site would be available from this surrounding area.~~

Figure IV.B-4, View 2 shows the vacant land east of the project site along Skyway. This area of land is immediately east of the project site and consists of similar vegetation and aesthetic qualities. This area is immediately prior to the Sierra Nevada foothills and slowly increases in elevation compared to the project site. This area would have permanent and unobstructed views of the project site.

Figure IV.B-4, View 3 shows the area south of the project site where there is an industrial area near the eastern edge of the project boundary. The view is taken from Honey Run Road, approximately 0.5 miles east of the project site. The industrial area is located just east of the southern border of the site, where it would only have a partial view of the project site. Views would also be obstructed from the vehicular traffic along Skyway.

IV.B-4, View 4, shows commercial development, including grocery stores, abuts the southern edge of the project site. This area is located on the eastern side of Bruce Road, the same side as the project site. The views of the project site in pre-project condition are visible from this adjacent use, however would be partially obstructed views of the site due to the expanse of parking lot, vacant lot, and vehicular traffic along Bruce Road.

IV.B-15

Impact IV.B-1: The proposed project would ~~have a substantial~~ adversely effect ~~on a scenic vista.~~

IV.B-20

Impact IV.B-2: The proposed project would ~~significantly~~ degrade the existing visual character or quality of the site and its surroundings.

IV.B-20, Paragraph 5, Project Impacts and Mitigation Measures

The proposed project would preserve 108 acres, approximately 33 percent of the project site, as open space. The open space would include grassland habitat intermixed with a variety of seasonal wetlands, vernal pools known to support high concentrations of BCM, natural drainages, and the Butte Creek Diversion Channel. The proposed open space would be located immediately south of the City's Doe Mill-Schmidbauer Preserve, a 15-acre BCM preserve. Views of the foothills would be available from a street, public park, and a pedestrian/bike path planned along the western boundary of the open space. There would be no substantial change to existing visual resources from the implementation of the open space element of the proposed project.

IV.B-22, Paragraph 3, Level of Significance After Mitigation

*Aesthetics impacts associated with the proposed project would be **less than significant** without mitigation.*

Air Quality

Federal Regulations

IV.C-3, Paragraphs 7, 8, IV.C-4, Paragraphs 1, 2

Pursuant to the federal Clean Air Act of 1970, the EPA also oversees approval of all State Implementation Plans, provides research and guidance for air pollution programs, and sets National Ambient Air Quality Standards (NAAQS, also known as federal standards or national standards). There are national standards for six common air pollutants, called criteria air pollutants. The criteria pollutants are: ozone, particulate matter (PM10 and PM2.5), nitrogen dioxide, carbon monoxide (CO), lead and sulfur dioxide.

The national standards were set to protect public health, including that of sensitive individuals; thus, the standards continue to change as more medical research is available regarding the health effects of the criteria pollutants. Primary national standards are the levels of air quality necessary, with an adequate margin of safety, to protect public health, as discussed in Ambient Air Quality Standards summary prepared by the CARB.

A State Implementation Plan is a document prepared by each state describing existing air quality conditions and measures that will be followed to attain and maintain national standards. The State Implementation Plan for the State of California is administered by the CARB, which has overall responsibility for statewide air quality maintenance and air pollution prevention. The CARB also administers California Ambient Air Quality Standards for the 10 air pollutants designated in the California Clean Air Act. The 10 state air pollutants are the six national standards listed above as well as the following: visibility- reducing particulates, hydrogen sulfide, sulfates, and vinyl chloride.

Attainment Status

IV.C-5, Paragraphs 2-4

Attainment Status

The EPA and the CARB designate air basins where ambient air quality standards are exceeded as “nonattainment” areas. If standards are met, the area is designated as an “attainment” area. If there are inadequate or inconclusive data to make a definitive attainment designation, they are considered unclassified.” National nonattainment areas are further designated as marginal, moderate, serious, severe, or extreme as a function of deviation from standards.

Currently, the Butte County portion of the Sacramento Air Basin is classified as nonattainment with regards to State and federal standards for ozone and fine particulate matter (PM2.5), as well as the State standard for 24-hour respirable particulate matter (PM 10).

Page IV.C-15, Last Paragraph

1. All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days or 20 hours shall meet, at a minimum, a fleet average of U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. The construction contractor could use other measures to minimize construction period DPM emission to reduce the predicted cancer risk below the thresholds. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters¹⁰ or alternatively-fueled equipment (i.e., non-diesel) could meet this requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant;

Page IV.C-14, Paragraph 1

Mitigation Measure AIR-2B:

1. All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days or 20 hours shall meet, at a minimum, a fleet average of U.S. EPA NO_x emissions standards for Tier 4 engines or equivalent.
2. The project sponsor shall require all architectural coatings during construction containing 50 g/L or less.

Page IV.C-15, Last Paragraph

Mitigation Measure AIR-4: Selection of equipment during construction to minimize emissions. Such equipment selection would include the following.

2. All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days or 20 hours shall meet, at a minimum, a fleet average of U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. The construction contractor could use other measures to minimize construction period DPM emission to reduce the predicted cancer risk below the thresholds. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters¹¹ or alternatively-fueled equipment (i.e., non-diesel) could meet this requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant;

¹⁰ See <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>

¹¹ See <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>

Biological Resources

Environmental Setting

Page IV.D-2, Paragraph 2

A 14.76-acre parcel (APN 018-510-002, hereafter referred to as the “Doe Mill-Schmidbauer Meadowfoam Preserve”) is located on the south side of East 20th Street between the Butte Creek Diversion Channel and the Steve Harrison Memorial Bike Path, near the northeasterly corner of the project site. Although not considered part of the proposed project site, the Doe Mill-Schmidbauer Meadowfoam Preserve was dedicated in fee title to the City of Chico in 1989 by the owner of the Stonegate project site in anticipation of mitigation requirements for developing housing on adjacent lands, which comprise the proposed project site. In a letter dated November 21, 1990, Community Services Director Thomas Lando acknowledged receipt of the dedication of this land from the Schmidbauers and identified the site as a BCM preserve”. The City prepared a Land Management Plan for the preserve parcel in 1996, however, no active management efforts have occurred at the site since a control burn was conducted in 1999.

Page IV.D-4,

Table IV.D-1. Summary of Biological Communities in the Study Area

Community Type	Study Area (acres) / Linear Feet
Non-Sensitive	
Developed land	26.00
Non-Native Annual grassland	269.18
Sensitive	
Depressional seasonal wetland	4.02
Perennial marsh	1.24
Vernal pool	3.83
Riverine seasonal wetland (vernal swale)	4.73 4.74 / 24,247
Ephemeral drainage	0.30 / 1,164
Intermittent drainage	0.54 0.48 / 1,776
Perennial drainage	5.12 / 6,212
Ditch/Canal	0.40 0.39 / 2,332
Excavated pit	0.07
Riparian oak woodland	0.56
Mixed riparian woodland	1.10
Study Area	317.03

Page IV.D-20, Paragraph 1

Forty special-status plant species have been documented in the vicinity of the project site. The potential for each of these species to occur in the project site is summarized in Appendix D-1 (Biological Resources Assessment). Figure IV.D-3 displays CNDDDB occurrences of special-status plant species that have been documented within a 5-mile radius of the project site (CDFW 2017). Twelve plant species were determined to have a moderate or high potential to occur onsite. Two rare plant species were observed in the project site study area during the site assessments: Butte County meadowfoam (*Limnanthus floccosa* ssp. *californica*) and Shield-bracted monkeyflower (*Mimulus glaucescens*).

Page IV.D-23, Final Paragraph

This species is known from six USGS 7.5-minute quadrangles in Butte county CNPS (2016b). This species was documented in vernally mesic areas in the project site during the April 2016 survey and has previously been documented on the property (CDFW 2017). Approximately 5.14 acres (16,542 individuals) of Butte County meadowfoam were observed in annual grasslands and along the fringes of a few vernal pool and swale features in the project site. Figure IV.D-4 displays occurrences of Butte County meadowfoam documented during the multiple rare plant surveys used in this analysis (Appendix D-3 2). Species associated with Butte County meadowfoam observed in the project site include narrow leaved onion, barley, Italian ryegrass, narrow boisduvalia (*Epilobium torreyi*), low brodiaea (*Brodiaea minor*), California plantain (*Plantago erecta*), Sierra mock stonecrop (*Sedella pumila*), Padre's shooting star (*Primula clevelandii*), vernal pool goldfields, and rose clover.

Page IV.D-35, Last Paragraph

Project Applicability: A federally endangered plant, Butte County meadowfoam, occurs on the project site and is protected by the FESA. Although intended by the U.S. Fish and Wildlife Service to provide only guidance and not impose any mandatory obligations, ~~the~~ the recovery criteria identified in the Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (2005) are to protect 100 percent of all known occurrences of the species and to protect 95 percent of suitable habitat within the Chico region. With regard to critical habitat, the project site was not included in the areas designated critical habitat for Butte County meadowfoam, last updated in 2008. The project includes creation of an on-site preserve (approximately 108 acres), that would maintain the occurrence of Butte County meadowfoam at the site, however the proposed development would result in take of this species and loss of suitable habitat.

Page IV.D-36, Paragraph 2

On August 31, 1995, the U.S. Fish and Wildlife Service issued a Biological Opinion (File No. 1-1-93-F-54) pursuant to Section 7 of the FESA regarding a prior development design on the project referred to as the "Stonegate Residential Development Project". This Biological Opinion evaluated the project's effects on Butte County Meadowfoam, Conservancy fairy shrimp, vernal pool tadpole shrimp, and vernal pool fairy shrimp. The Biological Opinion concluded that the project would not be likely to jeopardize the continued existence of Butte County Meadowfoam, vernal pool tadpole, or vernal pool fairy shrimp. The Biological Opinion additionally concluded that although the project occurred within the historical range of the Conservancy fairy shrimp, the project would not be likely to adversely affect the Conservancy fairy shrimp because no Conservancy fairy shrimp were found during surveys and the vernal pools on the project site are too shallow to provide for sufficient ponding.

Page IV.D-37, Paragraph 3

Project Applicability: The project site contains approximately 20.25 acres of Waters of the U.S. subject to the jurisdiction of the Corps pursuant to Section 404 of the CWA. In a letter dated December 4, 2000 regarding a previously proposed development at the project site, the U.S. Fish and Wildlife Service (USFWS) Environmental Protection Agency (EPA) determined that the proposed project may affect aquatic resources of national importance, and as such recommended to the U.S. Army Corps of Engineers that the Section 404 permit for that prior development proposal be denied unless USEPA's concerns about avoidance and alternative siting were resolved the aquatic features located on the project site constitute ARNIs, thus the proposed project will require a higher level of review within the Department of Army. An additional 1.66 acres (for a total of 21.91 acres) are potential Waters of the State subject to the jurisdiction of the RWQCB pursuant to Section 401 of the CWA and the Porter Cologne Act. These areas are based on a wetland delineation conducted by WRA in May of 2016 and a jurisdictional determination made by the Corps in July of 2017. Any impacts to Waters of the U.S. and State will require Corps and RWQCB authorization.

Page IV.D-38

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), amended in 1996, authorizes the USEPA to register or license pesticides (including herbicides) for use in the United States. Pesticides must be registered both with the USEPA and the state before distribution. Pesticides used in the project area must comply with applicable federal requirements. Under the FIFRA, the California Department of Pesticide Regulation (CDPR) is vested with primary responsibility to enforce pesticide laws and regulations in California. Pesticide rules are found in different sections of California codes and regulations, including: the Food and Agriculture Code, Business and Professions Code, Health and Safety Code, and the Labor Code. In general, the CDPR regulates pesticide sales and use statewide, while local use is enforced through the County Agricultural Commissioners. Many agricultural pesticides require a permit from the County Agricultural Commissioner before they may be purchased or used. The Agricultural

Commissioner also enforces regulations to protect both ground and surface water from pesticide contamination. In Butte County, the Agricultural Commissioner monitors pesticide applications to ensure they are performed in a safe and effective manner and that worker safety requirements are followed; inspects application equipment, pesticide storage sites, employee training documents, and business pesticide use records; and investigates complaints and pesticide-related illnesses.

Project Applicability: The project would be required to follow all applicable regulations per FIFRA. The Butte County Agricultural Commissioner would permit any use of a regulated pesticide.

Page IV.D-39, Final Paragraph

Project Applicability: Forty plant species listed by the CNPS have been documented in the vicinity of the project site; however, the majority of these species are unlikely to occur within the project site. Of the forty species, ~~one~~ two species ~~is~~ are present within the ~~project-site~~ study area (Butte County meadowfoam and Shield-bracketed monkeyflower) and eleven species have a moderate or high potential to occur onsite.

Mitigation Measure BIO-2A

Page IV.D-53-55

Prior to the issuance of a grading permit, the Applicant shall consult with both the USFWS and the CDFW to obtain authorization for project implementation and develop appropriate type and amount of compensatory mitigation for project impacts to Butte County meadowfoam (BCM) occupied habitat.

To compensate for project impacts to occupied BCM habitat the Applicant shall, prior to the issuance of a grading permit for each phase of development that will result in direct impacts to BCM:

- (1) Preserve and enhance BCM habitat within the 108-acre on-site preserve area and the Doe Mill-Schmidbauer Meadowfoam Preserve areas pursuant to a Habitat Mitigation and Monitoring Plan approved by the USFWS and the CDFW at a minimum 1:1 ratio for temporary impacts (1.0 acres enhanced over pre-project conditions for every one acre of temporarily impacted habitat) and at the ratios described below for permanent impacts. Enhancement activities will be detailed in the Habitat Mitigation and Monitoring Plan and will include vegetation management for non-native, annual grasses. In addition, in areas not previously documented to support BCM, but which consist of the same mapped soils association, BCM habitat will be created ~~through a site-specific restoration plan to mitigate~~ at a 1.5:1 ratio for permanent impacts (1.5 acres created over pre-project conditions for every one acre of permanently impacted habitat). Because successful creation of the microhabitat required by BCM cannot be guaranteed, a performance bond, annual letter of credit, or other such form of security acceptable to the City shall be established ~~prior to restoration activities taking place, to purchase BCM credits at an approved mitigation bank at ratios~~ in an amount equivalent to the costs of purchasing BCM credits or purchasing

property shown to support sufficient BCM habitat meeting the ratio requirements outlined in Section (2) of this mitigation, below. The option to purchase the requisite credits or BCM habitat shall be secured by the applicant prior to approval of grading or other work resulting in impacts to BCM for which mitigation is not already in place. Creation of BCM habitat will likely consist of seed collection, contouring areas within the onsite preserve that are currently and historically not occupied by BCM to produce suitable topographical and hydrological conditions for BCM, sowing approximately 50 percent of the collected seed stock (holding the other 50 percent in reserve), and, if necessary, distributing topsoil from impacted BCM areas to the BCM habitat creation area.~~scraping topsoil to mimic the soil depth suitable for BCM (~4-6 inch depth of soil over bedrock) adjacent to swale habitat. Topsoil from known locations of BCM in the impact area will be salvaged and transplanted to these created areas and observed for three years. Performance will be met only when density of BCM in created habitat matches reference population density in preserved habitat. The success of the on-site preserve for BCM habitat (enhancement and creation) shall be documented with before-and-after protocol-level, floristic, rare plant surveys that compare pre-project baseline BCM acreage and stem counts to post-restoration BCM acreage and stem counts. Biological monitoring for the successful establishment of BCM will be conducted for five years or until the success criteria are met for three years without human intervention. Monitoring will include: (a) monitoring of general conditions within the BCM establishment area including documentation of vegetation community, vegetative cover, and the presence of any erosion or sedimentation or other conditions that may be detrimental to the long-term viability of BCM populations; (b) the extent of BCM occurrence within the creation area will be recorded, following the methodology used to assess occupied habitat, and adjacent known BCM habitat will also be monitored to provide a reference for BCM populations; (c) the creation will be deemed successful when three years of monitoring of occupied BCM habitat within the creation areas meets or exceeds the creation ratio (i.e., 1.5:1); and (d) reserved BCM seed can be used during the monitoring period to supplement areas where BCM establishment is not meeting success criteria. The Habitat Mitigation and Monitoring Plan shall detail methods, locations, and goals for re-~~locating soils from impacted areas to the preserve~~BCM habitat creation efforts, and include contingency measures that address the potential that creation efforts could fall short of stated goals (including security provisions for acquiring off-site BCM habitat as noted above a performance bond posted by the Applicant during the restoration period matching the funding required to purchase credits at a 19:1 ratio); or,~~

- (2) Preserve habitat for BCM at a 19:1 ratio (19 acres of preservation for every one acre impacted) for direct impacts and at a 5:1 ratio (five acres of preservation for every one acre impacted) for indirect impacts. However, final habitat acreages, mitigation ratios, and other project-specific compensatory requirements for direct and indirect impacts shall be finalized during consultation between USFWS and the Corps as part of the Section 404 permitting process and during consultation with the CDFW. This compensatory mitigation may include one or a combination of the following options:

- Purchase BCM credits from an approved mitigation bank within the service area. The actual fee paid shall be that in effect at the time of payment.
- Preserve, as described in the Habitat Mitigation and Monitoring Plan, ~~and enhance~~ BCM habitat at an existing site where long-term protections encumbering the property are currently not in place. This would likely include habitat within the 108 acre on-site, open space preserve as well as the adjacent 14.76 acre Doe Mill-Schmidbauer Preserve (APN 018-510-002), which was dedicated to the City by the owner of the Stonegate project in 1989 in anticipation of mitigation requirements for a previous project that did not move forward at that time. This option may also include purchasing property off-site that contains existing occupied BCM habitat. In either case, this option would require the preparation of a long-term management plan, subject to approval by USFWS and the City, prior to the start of construction, ~~along with an endowment for the long-term management of the property and a USFWS-approved conservation easement~~ to ensure that the population of BCM is protected in perpetuity.

Table IV.D-4**Page IV.D-58, Row 6, Column 2****Table IV.D-4. Indirect Impacts to Biological Communities within the Study Area**

Resources	Total (acres)
Developed	3.88
Mixed Riparian Woodland	1.08
Non-native Annual Grassland	36.22
Riparian Oak Woodland	0.56
Wetlands and Waters	4.51
Study Area & Addenda Areas	42.52 46.25

Table IV.D-5

Page IV.D-59, Row 13, Column 3

Table IV.D-5. Direct Impacts to Aquatic Resources

Resources	Impacted (acres)	Preserved (acres)	Total (acres)
Depressional Wetlands			
Seasonal Wetland	3.07	0.64	3.71
Perennial Marsh	0	0.36	0.36
Vernal Pool	2.93	0.50	3.43
Riverine Wetlands			
Seasonal Wetland	2.96	0.55	3.51
Other Aquatic Resources			
Ephemeral Drainage	0	0.30	0.30
Intermittent Drainage	0.01	0.05	0.06
Perennial Drainage	0.01	3.98	3.99
Ditch/Canal	0.30	<0.01	0.31
Excavated Pit	0.07	0	0.07
Study Area	9.35	10.84 6.39	15.74

Mitigation Measure BIO-4

Page IV.D-61, Paragraph 3,

To mitigate for the permanent loss of 9.35 acres and ~~temporal~~ potential indirect impacts to 4.51 acres of aquatic resources resulting from the project, the Applicant shall provide a USACE-approved compensatory mitigation plan for impacts to waters of the U.S. The plan shall provide for replacement of waters of the U.S. at a 3:1 ratio (three acres replaced for every one acre removed), or as required by the USACE. Indirect impacts would require a ratio of 2:1, or as required by the USACE. The plan shall describe the specific methods for replacement of impacted waters on site, and provide a monitoring plan, including a reporting schedule and success criteria over a specific amount of time. In the event the USACE determines that compensatory mitigation for impacts to waters of the U.S. cannot be fully accomplished on site, the Applicant may purchase credits at a USACE-approved mitigation bank whose service area includes the project site. The type and amount of credits shall be determined in coordination with the USACE. Proof of the purchase of any required mitigation bank credits shall be provided to the Chico Community Development Department prior to initiation of any work impacting waters of the U.S. on the project site.

Cultural Resources

Page IV.E-2, Paragraph 1

Six previous studies have been conducted within the APE, approximately 50% of which had been previously surveyed. Thirteen additional studies were identified within the one-quarter mile records search buffer zone, and one regional study was identified which encompasses the entire APE and records search area. A letter was also sent on July 26, 2016 to the Butte County Historical Society, requesting information on the project area. A follow-up telephone message with the same information was left on March 8, ~~2016~~ 2017. As of March 2017 no response has been received.

Previously Recorded Resources

Page IV.E-14, Paragraph 6

Based on historical mapping, Westwood and Fuerstenberg (2017) concluded that it is possible that the site is associated with Bruce or Lucas, but this association is insufficient under Criterion 2/B. Similarly, there is no evidence that the site is associated with events important to history and the foundation lacks extant architecture and therefore cannot be eligible under Criterion 3/C. Finally, insufficient archaeological materials were recovered during excavation to conclude that the site has any research potential and it is not eligible under Criterion 4/D. Overall, the site was recommended as ineligible for listing on the California and National Registers and no further action was recommended. Accordingly, for CEQA purposes, CA-BUT-2207H does not meet the criteria to be considered an historic resource and no further impact analysis is required.

Newly Identified Resources – Crouch Ditch

Page IV.E-16, Paragraph 6

Westwood and Fuerstenberg (2017) conducted further archival research and determined that the ditch was constructed between 1895 and 1912, prior to its association with Crouch, who took ownership at a later date. While archival research suggests that it is associated with agriculture in Butte County, there is nothing to suggest that it was the earliest ditch or played an important role in the history of the county. Since the original builders of the ditch could not be determined and since Crouch was not important to local history, the site is also not significant under Criterion 2/B. The ditch is typical of irrigation ditches and does not embody characteristics of a type, period, or method of manufacture and is not eligible under Criterion 3/C. Finally, there is no information potential that may be gained from further study of the ditch and it is not eligible under Criterion 4/D. The site is recommended as not eligible for listing on the California and National Registers and no further management actions are recommended. Accordingly, for CEQA purposes, Crouch Ditch (CA-BUT-4209H) does not meet the criteria to be considered an historic resource and no further impact analysis is required.

Newly Identified Resources –Mine Tailings, Possible Privy, and Associated Artifacts**Page IV.E-16**

CA-BUT-4204H~~4210H~~ Mine Tailings, Possible Privy, and Associated Artifacts

**Newly Identified Resources - Mine Tailings, Possible Privy, and Associated Artifacts;
Page IV.E-16, Paragraph 4**

Because of the likelihood of additional artifacts and the possibility of structural remains, the presence of numerous discrete features reflecting small placer mining landscape and its association with a known household, the site may be eligible for the California and/or the National Register; however, it could not be formally evaluated at the survey level. For the sake of the project the site will be assumed eligible under the California Register under Criterion 4 and a data recovery plan will be developed and implemented prior to construction to realize the data potential of the site.

Westwood and Fuerstenberg carried out fieldwork on July 21, 2017. This included metal detection and subsurface archaeological testing. Five STPs were excavated based on visual inspection of the surface and metal detection results. The five units ranged in depth from 10–27 cmbs. Excavation resulted in the recovery of a modern beer can, several nail fragments, pieces of aqua, clear, and brown glass, and various ceramic and metal artifact fragments. Westwood and Fuerstenberg (2017) concluded that the 70 artifacts recovered represent a mixture of domestic and industrial activities with some evidence of trash burning and perhaps more recent looting or prospecting. They concluded that the placer tailings were consistent with shallow placer mining using hand-screening techniques—this type of mining was common throughout the second half of the nineteenth century in California.

Although the property was owned by Potter, Bruce, and Lucas during the period of mining, there is no evidence that they, themselves were the miners. As a result, the site is not associated with people important to the past (Criterion 2/B). Similarly, there is no evidence that the site was associated with gold discovery or even fruitful mining and therefore is not associated with events important to the past (Criterion 1/A). Lacking architecture, the site does not embody characteristics of a type, period, or method of manufacture and is not eligible under Criterion 3/C. Finally, fieldwork in 2017 did not yield sufficient artifacts to answer regional research questions associated with regional history and the site lacks eligibility under Criterion 4/D. Taken together, the site is recommended not eligible for listing on the California and National Registers and no further management actions are recommended.

Newly Identified Resources - Pre-Historic Isolate**Page IV.E-16, Last Paragraph, Page IV.E-17, Paragraph 1**

A single isolated flake of dark grey cryptocrystalline silicate material was also recorded during the pedestrian survey. No additional evidence of prehistoric occupation was observed despite more intensive survey and removal of ground cover in the immediate area of the isolate. Isolates are, by definition, ineligible for listing on the National and California Registers. No further management of this isolate is recommended.

~~Westwood and Fuerstenberg carried out fieldwork on July 21, 2017. This included metal detection and subsurface archaeological testing. Five STPs were excavated based on visual inspection of the surface and metal detection results. The five units ranged in depth from 10–27 embs. Excavation resulted in the recovery of a modern beer can, several nail fragments, pieces of aqua, clear, and brown glass, and various ceramic and metal artifact fragments. Westwood and Fuerstenberg (2017) concluded that the 70 artifacts recovered represent a mixture of domestic and industrial activities with some evidence of trash burning and perhaps more recent looting or prospecting. They concluded that the placer tailings were consistent with shallow placer mining using hand-screening techniques—this type of mining was common throughout the second half of the nineteenth century in California.~~

~~Although the property was owned by Potter, Bruce, and Lucas during the period of mining, there is no evidence that they, themselves were the miners. As a result, the site is not associated with people important to the past (Criterion 2/B). Similarly, there is no evidence that the site was associated with gold discovery or even fruitful mining and therefore is not associated with events important to the past (Criterion 1/A). Lacking architecture, the site does not embody characteristics of a type, period, or method of manufacture and is not eligible under Criterion 3/C. Finally, fieldwork in 2017 did not yield sufficient artifacts to answer regional research questions associated with regional history and the site lacks eligibility under Criterion 4/D. Taken together, the site is recommended not eligible for listing on the California and National Registers and no further management actions are recommended.~~

Greenhouse Gas Emissions**Page IV.G-2, Header****Table IV.G-1. Project Environmental Commitments**

BCAQMD's Standard Mitigation Measures	Applicability to Project	Quantification of Mitigation Measure
Provide a pedestrian-friendly and interconnected streetscape to make walking more convenient, comfortable and safe (including appropriate signalization and signage);	The project includes 5-foot wide sidewalks along all new and enhanced street frontages.	No emissions reductions were taken.
Provide good access to/from the development for pedestrians, bicyclists, and transit users	The project design supports multiple modes of travel by including bike paths, sidewalks, and bus stops as required by <i>Mitigation Measure TRANSPORTATION-5</i>	No emissions reductions were taken.
Pave and maintain the roads and parking areas;	All roads and parking areas will be paved as required by the City's Municipal Code.	No emissions reductions were taken.
Driveway design standards (e.g., speed bumps, curved driveway) for self-enforcing of reduced speed limits for unpaved driveways;	The project has been designed to meet City's Municipal Code, which includes streets designed for low speeds.	No emissions reductions were taken.
Development is within 1/4 mile of transit centers and transit corridors;	The project will create the ability for new bus lines, as required in <i>Mitigation Measure TRANSPORTATION-5</i> .	No emissions reductions were taken.
Design and build compact communities in the urban core to prevent sprawl;	The project is located adjacent to existing residential and commercial uses and would connect these uses to create cohesive infill development.	No emissions reductions were taken.
Increase density within the urban core and urban reserve lines;	The project is located adjacent to existing residential and commercial uses and would connect these uses to create cohesive infill development.	No emissions reductions were taken.
For projects adjacent to high-volume roadways, plant vegetation between receptor and roadway;	The project includes a masonry wall and landscaping buffer that separates roadways from receptors.	No emissions reductions were taken.
No residential wood burning appliances;	The local air district prohibits wood burning appliances in new development.	No emissions reductions were taken.
Incorporate traffic calming modifications to project roads, such as narrower streets, speed platforms, bulb-outs and intersection designs that reduce vehicles speeds and encourage pedestrian and bicycle travel;	The project has been designed to meet City's Municipal Code, which includes narrow street width and low design speeds for local roads.	No emissions reductions were taken.
Increase number of connected bicycle routes/lanes in the vicinity	The project has been designed to meet City's Municipal Code, which	No emissions reductions

BCAQMD's Standard Mitigation Measures	Applicability to Project	Quantification of Mitigation Measure
of the project;	includes provisions for bicycle lanes along new and existing streets.	were taken.
Provide easements or land dedications and construct bikeways and pedestrian walkways;	The project has been designed to include the dedication and construction of bike paths and pedestrian walkways.	No emissions reductions were taken.
Link cul-de-sacs and dead-end streets to encourage pedestrian and bicycle travel to adjacent land uses;	The project has been designed to connect existing dead-end streets and minimizes creation of cul-de-sacs and dead-end streets.	No emissions reductions were taken.
Develop recreational facility (e.g., parks, gym, pool, etc.) within one-quarter of a mile from site;	The project includes a park and large public open space with viewing points.	No emissions reductions were taken.
If the project is located on an established transit route, provide improved public transit amenities (i.e., covered transit turnouts, direct pedestrian access, covered bench, smart signage, route information displays, lighting etc.);	<i>Mitigation Measure</i> <i>TRANSPORTATION-6</i> requires that the project applicant consult with BCAG to provide new transit route options. A future transit route is anticipated along Bruce Road.	No emissions reductions were taken.
Provide storage space in garage for bicycle and bicycle trailers, or covered racks / lockers to serve the residential units; and	Homes associated with the project would include the ability to securely store bicycles and bicycle trailers within their garages.	No emissions reductions were taken.
Develop core commercial areas within 1/4 to 1/2 miles of residential housing or industrial areas	The project includes commercial uses with its boundaries. Additional commercial areas are located with 1/2 mile of portions of the project site.	No emissions reductions were taken.

Operational Emissions

Page IV.G-12, Last Paragraph, Page IV.G-13, Paragraph 1

In 2035, as shown in Table IV.G-2, annual emissions resulting from operation of the proposed project are predicted to be 5.2 MT of CO₂e service population per capita, which would exceed the significance threshold of 4.6 MT of CO₂e service population per capita per year. Project GHG emissions would be considered **significant**. Implementation of *Mitigation Measure GHG-1/AIR-2C* would reduce project GHG emissions (see Table IV.G-3), but not a level a level of less than significant. Construction emissions for the year 2035 are anticipated to add approximately 1,335 MT CO₂e to the emission levels shown in Tables IV.G-2 and IV.G-3, below. Therefore, this impact would remain **significant and unavoidable**.

Table IV.G-2

Page IV.G-13, Row 10, Column 2

Table IV.G-2. Annual Project GHG Emissions (CO₂e) in Metric Tons

Source Category	Proposed Project 2035
Area	216
Energy Consumption	2,314
Mobile	9,485
Solid Waste Generation	1,459
Water Usage	206
Total	13,680
Threshold	1,100 MT of CO₂e/per year
Cumulatively Considerable?	Yes
Service Population Capita Emissions ¹	5.2
Threshold	4.6 MT of CO₂e/capita <u>service population/year</u>
Significant?	Yes

¹ Based on an estimated service population 1,734 Residents + 890 Employees, Total 2,624

Table IV.G-3**Page IV.G-14, Row 10, Column 2****Table IV.G-3. Mitigated Annual Project GHG Emissions (CO₂e) in Metric Tons**

Source Category	Proposed Project 2035
Area	216
Energy Consumption	2,300
Mobile	9,485
Solid Waste Generation	1,459
Water Usage	206
Mitigated Total	13,666
Threshold	1,100 MT of CO₂e/per year
Cumulatively Considerable?	Yes
Service Population Capita Emissions ¹	5.2
Threshold	4.6 MT of CO₂e/capita <u>service population/year</u>
Significant?	Yes

¹ Based on an estimated service population 1,734 Residents + 890 Employees, Total 2,624

Hazards and Hazardous Materials

Project Impacts and Mitigation Measures – Impact HAZ-1

Page IV.H-8, Last Paragraph

~~While Section IV.L (Population and Housing) of this DEIR utilizes BCAG regional growth projections to analyze impacts of the proposed project on population, The Emergency Management Response Plan adopted by the City of Chico utilizes existing streets shown on the General Plan's population growth projections Roadway System Map to prepare support adequate emergency management strategies and evacuation routes. Full buildout of the proposed project is fully covered under the buildout scenario of the General Plan, which utilizes a higher growth rate than the BCAG projections. Finally, t~~The proposed project does not propose any off-site modifications to roadways in a manner that would impair or interfere with emergency response or evacuation (permanent road closures, lane narrowing, one-way street conversions, etc.), and street improvements will be required to offset traffic impacts caused by the project to maintain acceptable levels of service on affected streets. Impacts would be less than significant.

Hydrology and Water Quality

Page IV.I-1, Paragraph 3

The project site is located within the Butte Creek Watershed, which receives approximately 20 to 50 inches of rain annually.¹² The project site is generally undeveloped grassland and, therefore, most rainfall on the project site infiltrates to the subsurface, unless rainfall rates exceed the infiltration capacity of the soils. Streams on the project site follow the general topography that gradually slopes down to the southwest from an elevation of about 270 feet to 225 feet (NAVD 88).¹³ However, a 5- to 12-foot tall levee constructed for the Butte Creek Diversion Channel traverses from north to south across the middle of the project site and creates a divide in the site drainage (Figure IV.I-1). The levee for the Butte Creek Diversion Channel was built in 1957 to limit and divert excess floods flows from Little Chico Creek, located north of the project site, to Butte Creek, located south of the project site.¹⁴

¹² Sacramento River Watershed Program, 2010. *The Sacramento River Basin; A Roadmap to Watershed Management*. Butte Creek Watershed, Pages 125-130. October.

¹³ USGS, 2015. *Chico Quadrangle, California-Butte Ca., 7.5-Minute Series*,

¹⁴ California Department of Water Resources, 2014. *Mid and Upper Sacramento Regional Flood Management Plan*. November 10.

Page IV.I-3, Paragraphs 1 and 2

an irrigation canal for agriculture. Some water from the Crouch Ditch drains into the Butte Creek Diversion Channel, and the remainder appears to pool onsite (Figure IV.I-1).

On the west and northwest side of the project site, ~~there~~ there are vernal pools and a series of braided streams ~~on the west and northwest side of the project site~~ that intermittently flow to the southwest through several culverts under Bruce Road and into a surface ditch located on the neighboring Chico Unified School District property that drains southwest into a City culvert near Fremont Street (Figure IV.I-1). From there, the City's existing storm drain system conveys water to Comanche Creek located about 1.0 mile southwest of the project site. Butte Creek flows into the Sacramento River about 45 miles south-southeast of the project site.

Page IV.I-4, Paragraphs 1 and 2

The water levels in the Butte Creek Diversion Channel rise rapidly during a storm event and generally flow high for a limited duration. However, a prolonged storm event could potentially exceed the capacity of the levee structure and channel.¹⁵ Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, portions of the project site along the Butte Creek Diversion Channel are mapped within a 100-year flood zone. Portions of the project site along the Crouch Ditch and unnamed streams on the northwest and southeast side of the project site are also mapped within a 100-year flood zone (Figure IV.I-1).¹⁶

In accordance with Senate Bill 1278, the California Department of Water Resources (DWR) has developed floodplain maps for 200-year flood events within the Sacramento-San Joaquin Valley watersheds. Based on available DWR mapping, portions of the project site along the Butte Creek Diversion Channel and Crouch Ditch are mapped within a 200-year flood zone (Figure IV.I-1).¹⁷

Page IV.I-18, Final Paragraph

Existing FEMA mapping shows flooding occurring on the northwest portion of the project site due to overflow from the Butte Creek Diversion Channel north of East 20th Street (Figure IV.I-1). However, the overflow area to the north was recently developed for residential purposes, and the terrain was elevated at least 1 foot above the FEMA 100-year base flood elevation. Therefore, the pathway for flooding on the ~~northwest~~ northeast portion of the project site no longer exists and development within this area would have no effect on existing flood conditions.

¹⁵ California Department of Water Resources, 2014. *Mid and Upper Sacramento Regional Flood Management Plan*. November 10.

¹⁶ Federal Emergency Management Agency (FEMA), 2011. *Flood Insurance Rate Map, Butte County, California and Incorporated Areas, 06007C0506E and 06007C0510E*. Revised January 6.

¹⁷ California Department of Water Resources (DWR), 2013. *FloodSAFE California; Senate Bill 1278/Assembly Bill 1965 Urban Level of Flood Protection Informational Map with Water Surface Elevation Contours. Sacramento River Basin Chico Study Area Chico USGS Quadrangle*. Page 6. June 24.

Page IV.I-20, Paragraphs 3 & 4

As discussed under Impact HYDRO-4, portions of the project site are located within the FEMA100-year and DWR 200-year flood zones (Figure IV.I-1). According to the project design, all housing would be placed at least 1 foot above the FEMA 100-year base flood elevation and no more than 3 feet below the DWR 200-year base flood elevation. Furthermore, the City of Chico's floodplain management standards set forth in Chapter 16R.37 of the Municipal Code require that housing within a mapped FEMA 100-year flood zone be properly anchored, elevated, and constructed to minimize flood damage. As a result, impacts associated with placing housing within a FEMA 100-year flood zone or DWR 200-year flood zone would be less-than-significant.

Impact HYDRO-7: Placing Structures within a 100-year Flood Hazard Area which would Impede or Redirect Flood Flows

As discussed under Impact HYDRO-4, portions of the project site are located within the FEMA-100 year flood zones (Figure IV.I-1). Based on the terrain, the placement of structures west of the levee would not be expected to impede or redirect the flow of channel floodwater. However, the placement of structures east of the levee associated with the RS-20 lots could potentially influence channel flow and cause a redirection and/or impediment of flood flows. Implementation of *Mitigation Measures HYDRO-1* and *HYRDO-2* would reduce potentially significant impacts related to the impediment or redirection of flood flows from the placement of structures in the FEMA 100-year flood zones to a less-than-significant level.

Land Use and Planning**City of Chico 2030 General Plan Policy Consistency Analysis – Policy LU-2.5****Page IV.J-9, Table IV.J-1, Row 8, Column 2**

Policy	Comments
Land Use Chapter 3	
Policy LU-2.5 (Open Space and Resource Conservation)- Protect areas with known sensitive resources.	The project would include over 100 acres of open space, including a large preserve containing sensitive biological resources. The open space preserve would include grassland habitat intermixed with a variety of seasonal wetlands, vernal pools, natural drainages, and a segment of the Butte Creek Diversion Channel. The open space preserve would support two large populations of federal and State endangered BCM, one east and one west of the diversion channel.

City of Chico 2030 General Plan Policy Consistency Analysis – Policy OS-2.4**Page IV.J-18, Row 5, Column 2**

Policy	Comments
Open Space and Environment Chapter 10	
Policy OS-2.4 (Foothill Viewshed) – Preserve the foothills as a natural backdrop to the urban form.	<p><u>As discussed in Chapter IV.B, the project site is located immediately west of the Sierra Nevada foothills. The proposed project would establish development below the foothill area (generally above 270 feet in elevation above mean sea level), and would not conflict with this policy directing preservation of the foothills.</u></p> <p>Approximately 108-acres of open space would be preserved adjacent to Butte Creek. One of the objectives of the project is to maintain and protect the integrity of the Butte Creek Diversion Channel and riparian habitat</p>

Noise**Impacts and Mitigation – Impact NOISE 5****Page IV.K-26, Paragraph 1**

Policy N-1-6 of the City of Chico General Plan references maintaining special standards in the Municipal Code applicable to temporary construction activities. Specifically, Section 9.38.060 of the Municipal Code (Categorical Exemptions) states that construction-related activities that occur between the hours of 10:00 a.m. and 6:00 p.m. on Sunday and holidays, and 7:00 a.m. and 9:00 p.m. on weekday (or 6:00a.m. and 9:00 p.m. on weekdays between June 15 and September 15), shall comply with the following limitations:

- a. No individual device or piece of equipment shall produce a noise level exceeding 83 dBA at a distance of 25 feet from the source. If the device or equipment is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close as possible to 25 feet from the equipment.
- b. The noise level at any point outside of the property plane of the project shall not exceed 86 dBA.

Public Services

Pages M-1 through M-6

Section number added to page numbers (i.e. Page IV.M-1)

Page IV.M-2, Paragraph 1

Public Education Services near the project site are provided by the Chico Unified School District (“CUSD”). CUSD provides education for the City of Chico as well as the adjacent unincorporated areas of Butte County. CUSD provides preschool to high school public education to approximately 13,000 students according to the General Plan. Within the CUSD there are three preschools, twelve elementary schools, 3 junior high schools, 4 high schools, a Community Day School, a K-8 Independent Study School and a Special Services School. The closest school to the project site is ~~Castles Preschool~~ Little Chico Creek Elementary School, which is approximately ~~0.36~~ 1.4 miles away.

Transportation and Traffic

Local Regulations – City of Chico General Plan

Page IV.O-22, Paragraph 9

The City of Chico General Plan (~~Chico~~ City of Chico, 2011) provides long-range direction and policies for the use of land within Chico. The Circulation Element of the General Plan provides the framework for achieving the City’s transportation system goals. The Circulation Element outlines the goals and policies necessary for the City to achieve its vision of a multimodal transportation network that accommodates vehicles, transit, bicycles, and pedestrians. For the purposes of this EIR, the goals and policies of this document were used in developing the impact significance criteria.

Utilities and Service Systems

Environmental Setting - Wastewater

IV.P-1, Paragraph 3

Wastewater treatment for the City is provided by the City of Chico Water Pollution Control Plant (“WPCP”), located approximately 4.0 miles southwest of the city in the western portion of Butte County. Currently, WPCP has a 12 million gallon per day (“mgd”) capacity with plans to expand to 15 mgd in the future. According to the General Plan EIR, as of 2006, the average daily dry weather flow is approximately 7.2 mgd. Table 4.12.5-3 of the General Plan EIR described the project wastewater flows through the year 2025, projecting 11.8 mgd for the year 2015, 13.5 mgd for the year 2020, and 15.2 mgd for the year 2025. The WPCP treats wastewater flows to a “secondary” level, making it suitable for the irrigation pasture land, food crops in which the edible portion does not come in contact with the water, and areas of restricted public access. The General Plan EIR acknowledges that additional wastewater treatment and infrastructure capacity improvements would be needed to serve future development. As to the Stonegate project, it was included in the Southeast Chico Sewer Assessment District. Funds from the

assessment improvement bond were used to install sanitary sewer infrastructure to the Stonegate project. The necessary sewer capacity for the project has been accounted for as part of the City's infrastructure improvements.

IV.P-10, Paragraph 1

~~The Chico treatment plant has a capacity to treat 9.0 mgd but currently receives 7.0 mgd from Cal Water's Chico service area. The net increase of 0.2099 mgd attributable to the proposed project represents a little more than three (3) percent of flows received from the Cal Water service area (7.0 mgd), and would not exceed the capacity of the treatment plant.~~

As noted above the Stonegate project, was included in the Southeast Chico Sewer Assessment District. Funds from the assessment improvement bond were used to install sanitary sewer infrastructure to the Stonegate project. The necessary sewer capacity for the project has already been accounted for as part of the City's infrastructure improvements. Therefore, this is a less than significant impact.

General Impact Categories

Title Bar

V. VI. GENERAL IMPACT CATEGORIES

VI.1, Paragraph 3

Based on the analysis contained in this Draft EIR and the Initial Study included in Appendix A, implementation of the proposed project would ~~result~~ not result in significant unavoidable environmental impacts for the majority of impact areas.

Alternatives

VII-11, Title Block

Table VII.ALTS-3: ~~Direct~~ Indirect Impact Reductions within the Study Area

Appendix D-2

Appendix D-2, pg-1, Final Paragraph

In total, 177 plant species were identified in the Study Area. ~~One Two~~ state and federally listed plant species, Butte County meadowfoam (*Limnanthes floccosa* ssp. *californica*), was observed within the Study Area. Approximately ~~4,656~~ 16,542 individuals of Butte County meadowfoam were observed during the ~~April~~ various surveys. Approximately 67 shield-bracted monkeyflower individuals were observed during surveys by Foothill Associates in March, April and July of 2016. No other rare plant species were identified in the Study Area.

Appendix D-2, pg-14, Paragraph 1

January). A detailed WETS analysis for the ~~2015-2016~~ 2014-2015 water year is provided in Table 1. Table 1. WETS Analysis for ~~2015-2016~~ 2014-2015 Water Year Prior to the Survey Dates.

Based on a review of literature and site assessments, the Study Area is potentially suitable for 13 rare plant species. Protocol-level surveys were conducted in April of 2016 (WRA) and March, April, and July of 2016 (Foothill) during the peak bloom periods for the majority of the thirteen plant species with potential to occur in the Study Area. The entire site was traversed on April 23 and 24, 2016 . Foothill Associates conducted surveys on February 15 and 23, March 3, 17, 18, and 30, April 30, and May 3, 2016 and March 28 and April 21, 2017. WRA conducted additional rare plant surveys on and March 26 and 27, 2018. An additional supplemental survey was conducted on July 12, 2016 in potentially suitable habitat for the remaining late-blooming species that may not have been identifiable during the April survey. A total of 177 plant species were observed by WRA in the Study Area during the 2016 & 2018 survey, including populations of one rare species: an estimated 4,656 16,542 individuals of Butte County meadowfoam. Approximately 67 shield-bracted monkeyflower individuals were observed during surveys by Foothill Associates in March, April and July of 2016. The remaining 11 species are considered absent from the Study Area. In addition to Butte County meadowfoam, seven sensitive natural communities were observed: vernal pools, vernal swales, freshwater marsh, intermittent stream, drainage ditch, riparian oak woodland, and mixed riparian woodland.

Appendix D-2, pg-A-5

Hoover's spurge <i>Euphorbia hooveri</i>	FT, Rank 1B.2	Vernal pools. Elevation ranges from 80 to 820 feet (25 to 250 meters). Blooms July to September (occasionally October).	Moderate Potential. Vernal pools in the Study Area could provide suitable habitat for this species.	Not Present. <u>This species was not observed during protocol-level, floristic rare plant surveys. No further actions are recommended for this species.</u>
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Appendix D-2, pg-A-9

California beaked-rush <i>Rhynchospora californica</i>	Rank 1B.1	Bogs and fens, lower montane coniferous forest, meadows and seeps (seeps), marshes and swamps (freshwater). Elevation ranges from 150 to 3310 feet (45 to 1010 meters). Blooms May to July.	Moderate Potential. Seasonal wetland habitat in the southern portion of the Study Area may provide suitable habitat.	Not Present. <u>This species was not observed during protocol-level, floristic rare plant surveys. No further actions are recommended for this species.</u>
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Appendix D-2, pg-A-10

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE**	CONCLUSIONS/ RECOMMENDATIONS
brownish beaked-rush <i>Rhynchospora capitellata</i>	Rank 2B.2	Lower montane coniferous forest, meadows and seeps, marshes and swamps, upper montane coniferous forest/mesic. Elevation ranges from 150 to 6560 feet (45 to 2000 meters). Blooms July to August.	Moderate Potential. Seasonal wetland habitat in the southern portion of the Study Area may provide suitable habitat.	Not Present. <u>This species was not observed during protocol-level, floristic rare plant surveys. No further actions are recommended for this species.</u>

DEIR Figures

Figure III-3 through Figure III-6 and IV.B-1 through IV.B-4 have been updated with new references to locations of the photographs.

Figure IV.D-4. BCM MapRare Plant Survey has been updated to be consistent with the rare plant survey.

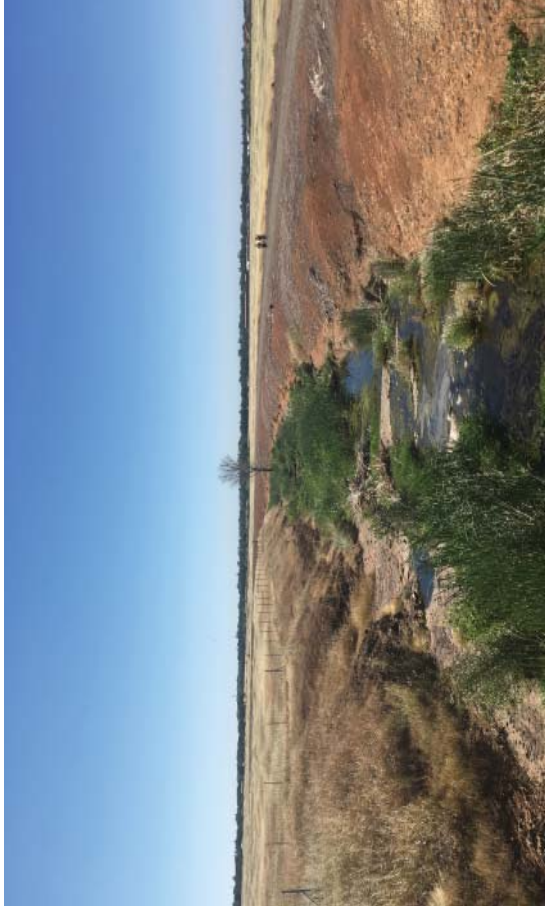
Figure IV.-2 is a new figure that shows the project site's watershed.

Figure IV.K-1 has been updated to remove a reference to a gas station.

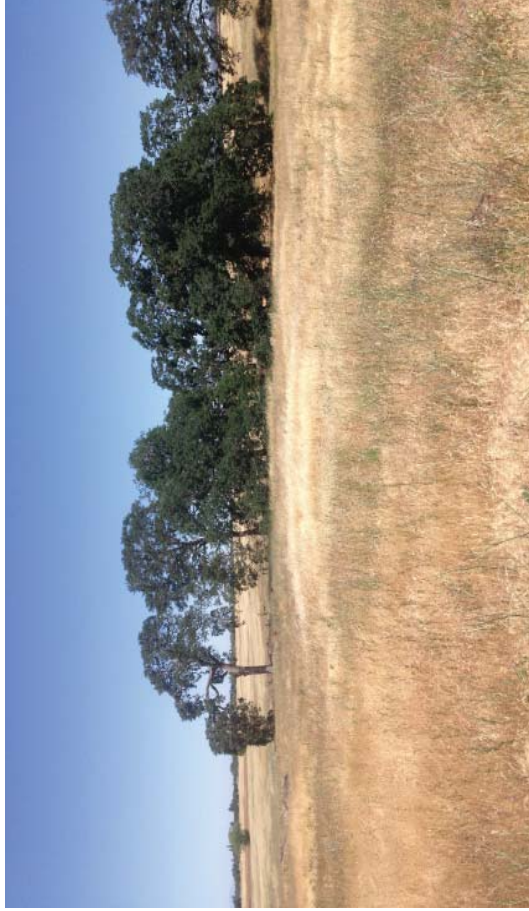
Figure IV.O-1 through Figure IV.O-15 have been updated fix a typographical error in the title bar.



View 1. View of the project site looking southwest from E. 20th Street.



View 2. View of the project site looking south from E. 20th Street.



View 3. View of the project site looking north from Skyway.



View 4. View of the project site looking east from Skyway.

Figure III-3. Views of the Project Site

Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone
City of Chico, California



View 1. View of the project site looking north along the Butte Creek Diversion Channel.



View 2. View of the project site looking east from E. 20th Street.



View 3. View of the project site looking south from the gravel road adjacent to the Butte Creek Diversion Channel.



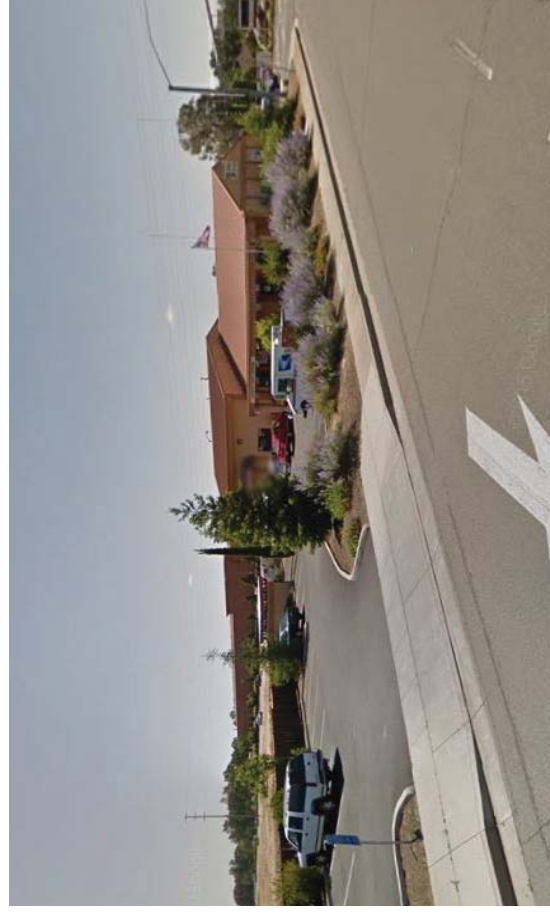
View 4. View of the project site looking west from the Butte Creek Diversion Channel.

Figure III-4. Views of the Project Site

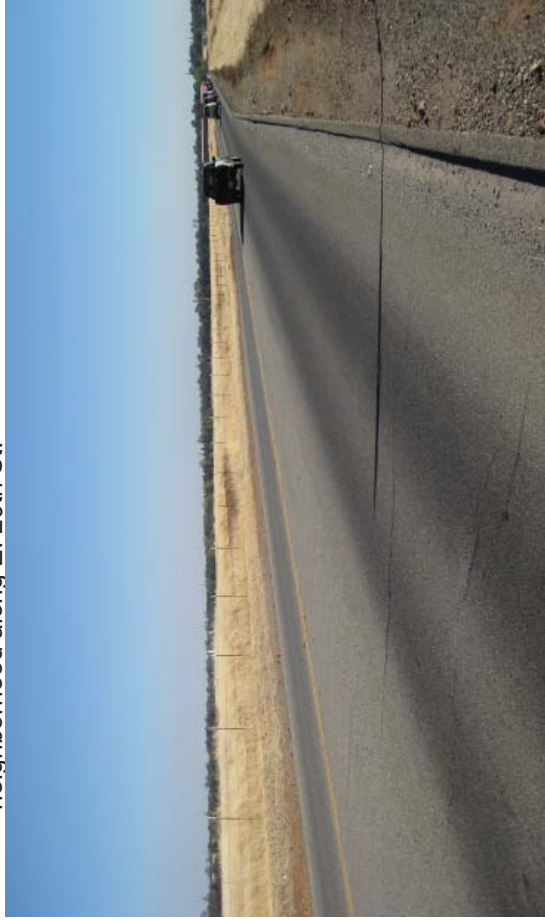
Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone
City of Chico, California



View 1. View looking south towards the project site from homes within neighborhood along E. 20th St.



View 2. View looking east from Bruce Road of commercial development abutting the southern end of the project site.



View 3. View looking south from of near the intersection of East 20th St. and Bruce Road.



View 4. View looking west from the project site towards homes on Roberto Court.

Figure III-5. Views of Surrounding Land Uses

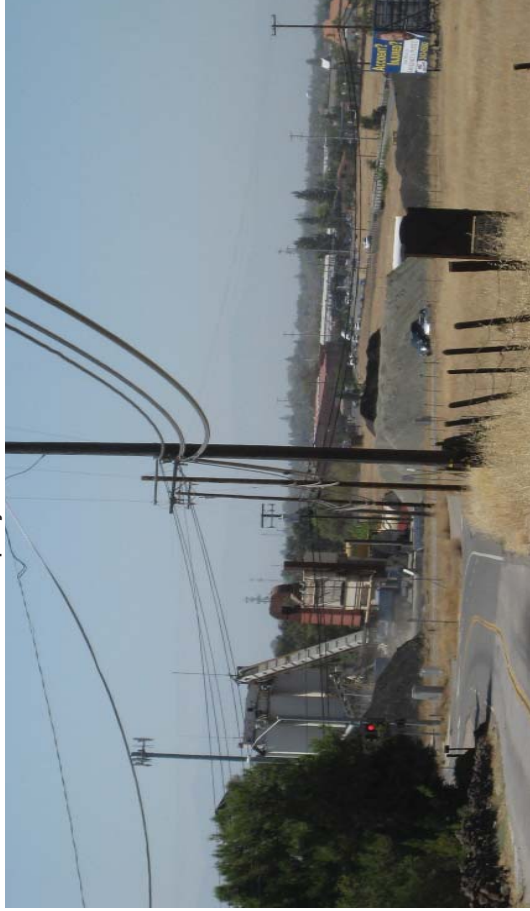
Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone
City of Chico, California



View 1. View from looking north towards a residential from East 20th Street, 0.3 miles east of the project site.



View 2. View of vacant land east of the project site from Skyway.



View 3. View looking southeast from Honey Mill Road at industrial area south of the project site.



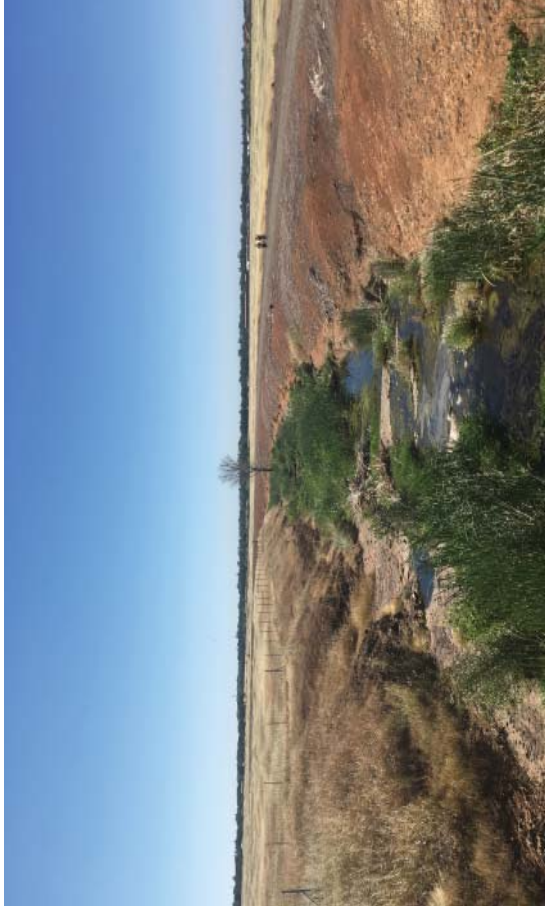
View 4. View of commercial uses south of the project site.

Figure III-6. Views of Surrounding Land Uses

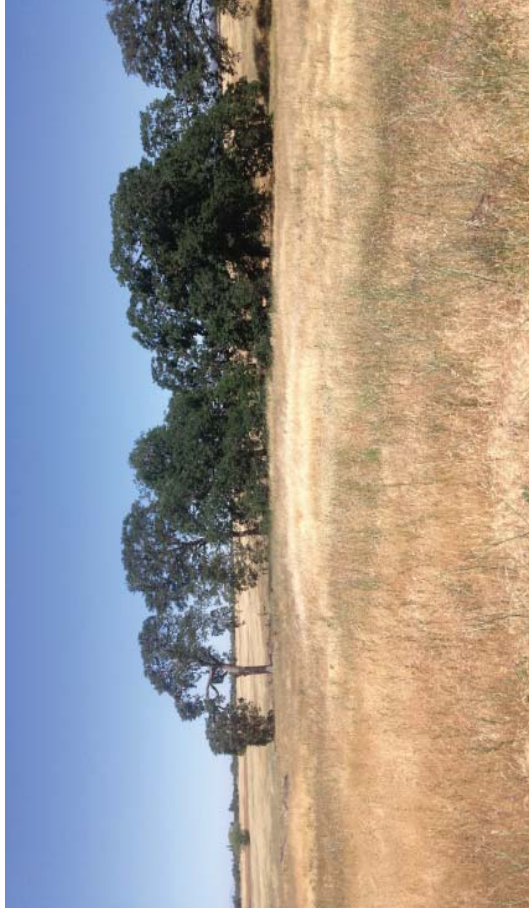
Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone
City of Chico, California



View 1. View of the project site looking southwest from E. 20th Street.



View 2. View of the project site looking south from E. 20th Street.



View 3. View of the project site looking north from Skyway.



View 4. View of the project site looking east from Skyway.

Figure IV.B-1. Views of the Project Site

Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone
City of Chico, California



View 1. View of the project site looking north along the Butte Creek Diversion Channel.



View 2. View of the project site looking east from E. 20th Street.



View 3. View of the project site looking south from the gravel road adjacent to the Butte Creek Diversion Channel.



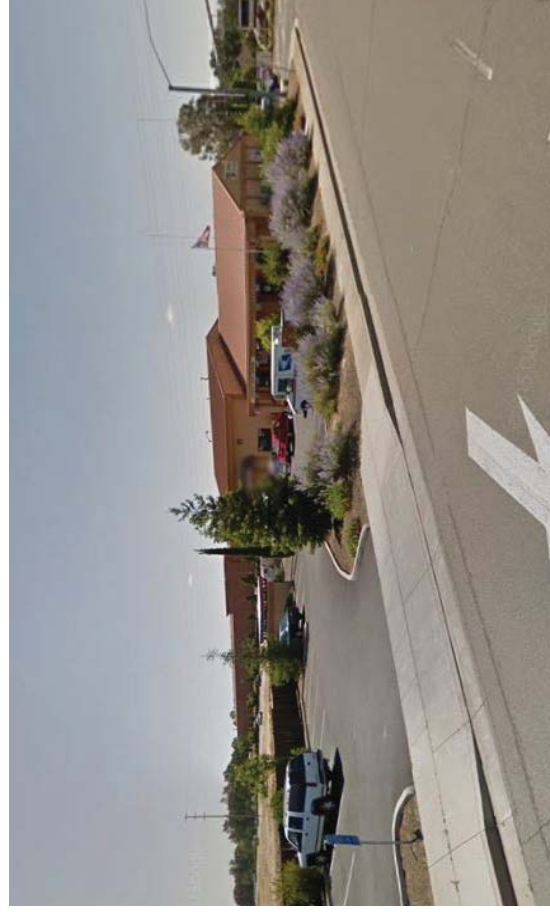
View 4. View of the project site looking west from the Butte Creek Diversion Channel.

Figure IV.B-2 Views of the Project Site

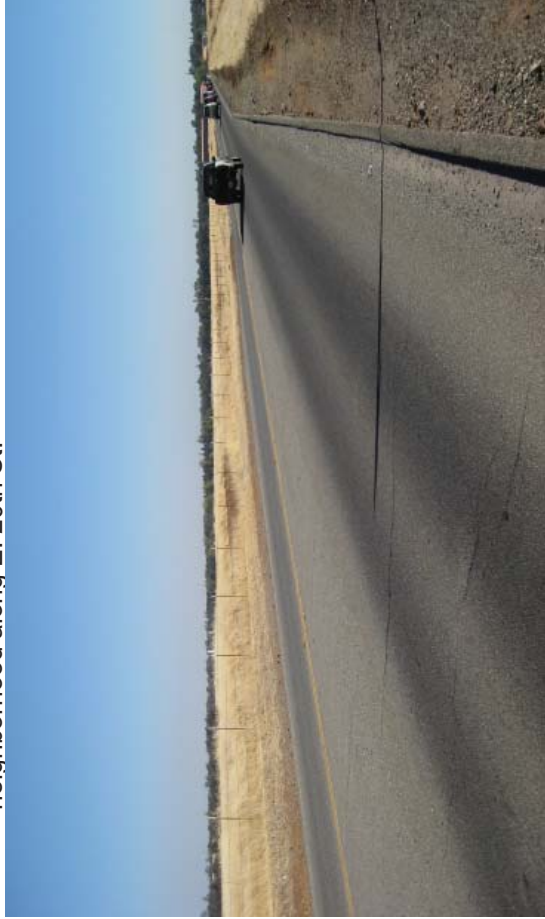
Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone
City of Chico, California



View 1. View looking south towards the project site from homes within neighborhood along E. 20th St.



View 2. View looking east from Bruce Road of commercial development abutting the southern end of the project site.



View 3. View looking south from of near the intersection of East 20th St. and Bruce Road.



View 4. View looking west from the project site towards homes on Roberto Court.

Figure IV.B-3. Views of Surrounding Uses

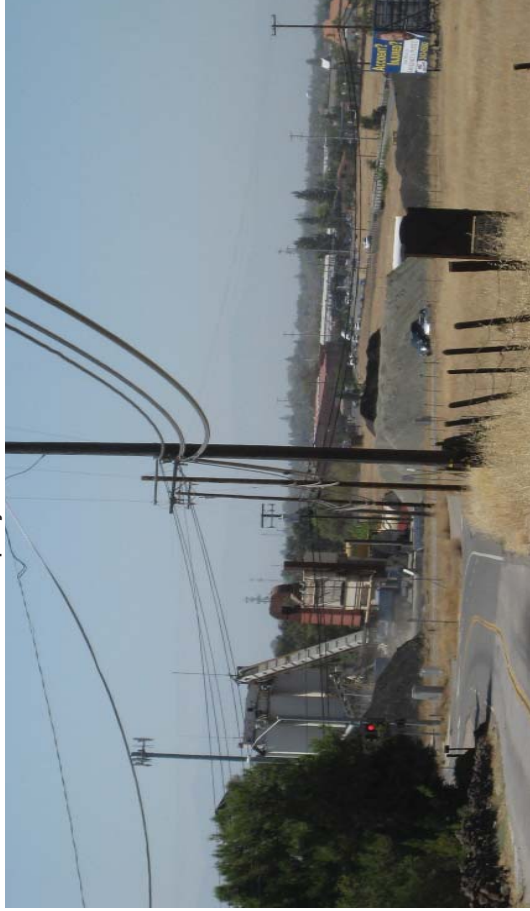
Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone
City of Chico, California



View 1. View from looking north towards a residential from East 20th Street, 0.3 miles east of the project site.



View 2. View of vacant land east of the project site from Skyway.



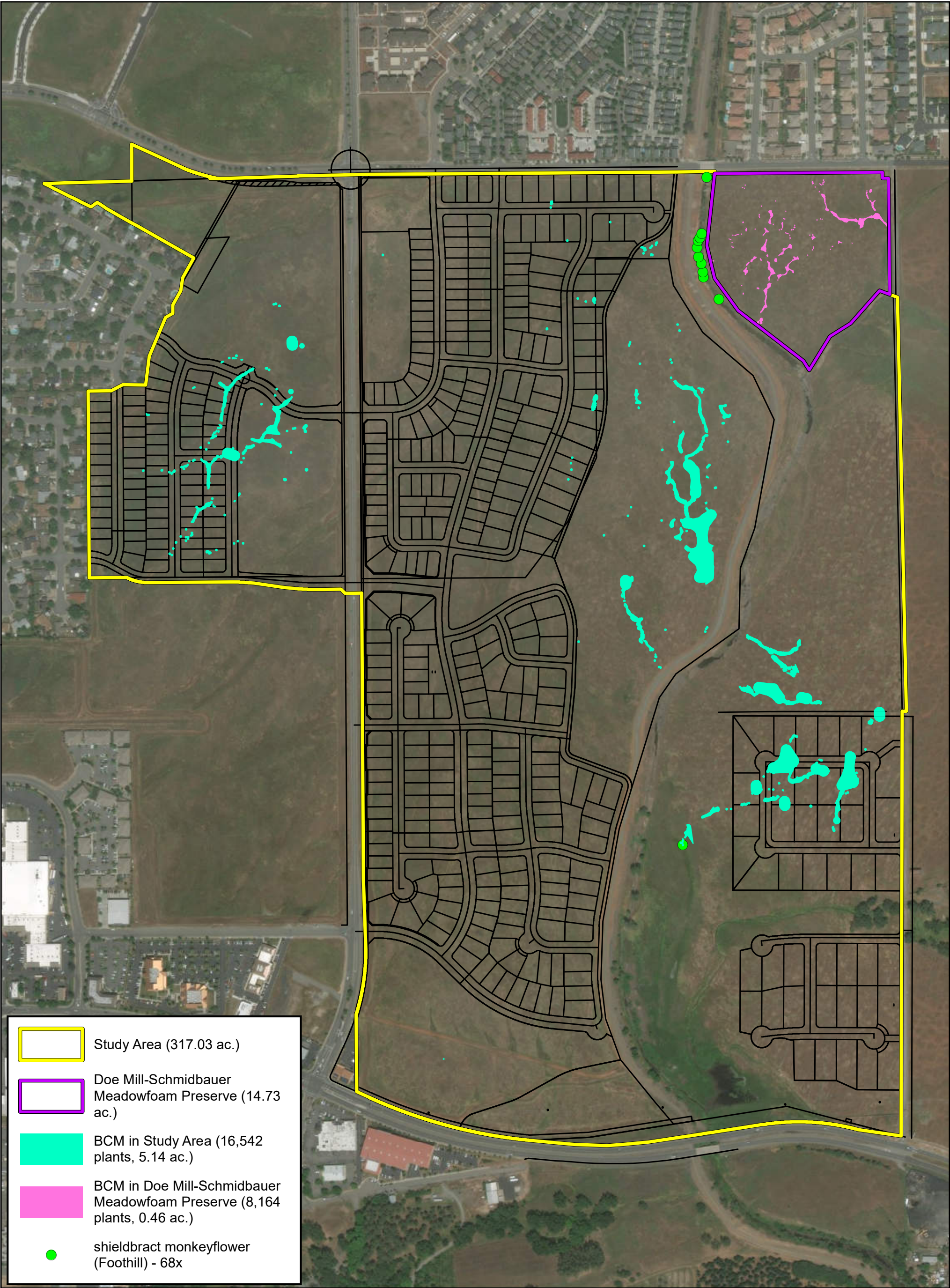
View 3. View looking southeast from Honey Mill Road at industrial area south of the project site.

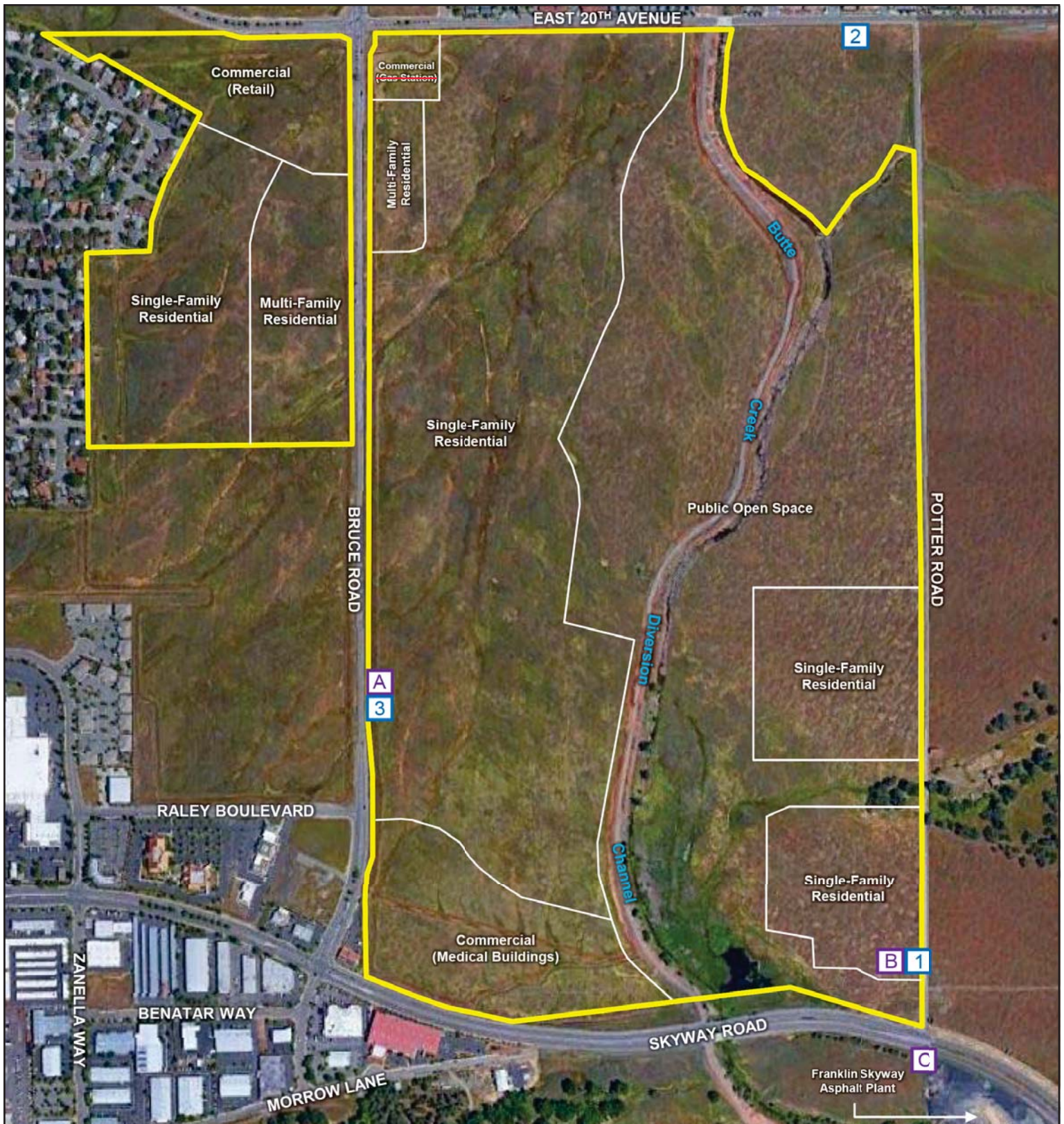


View 4. View of commercial uses south of the project site.

Figure IV.B-4. Views of Surrounding Uses

Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone
City of Chico, California





Legend

- # Long-Term Noise Measurement Sites
- A Short-Term Noise Measurement Sites
- Project Area



Figure IV.K-1. Noise Measurement Locations

Stonegate Vesting Tenative Subdivision
Map and GPA/Rezone
City of Chico, California



Data Source: Bollard Acoustical Consultants

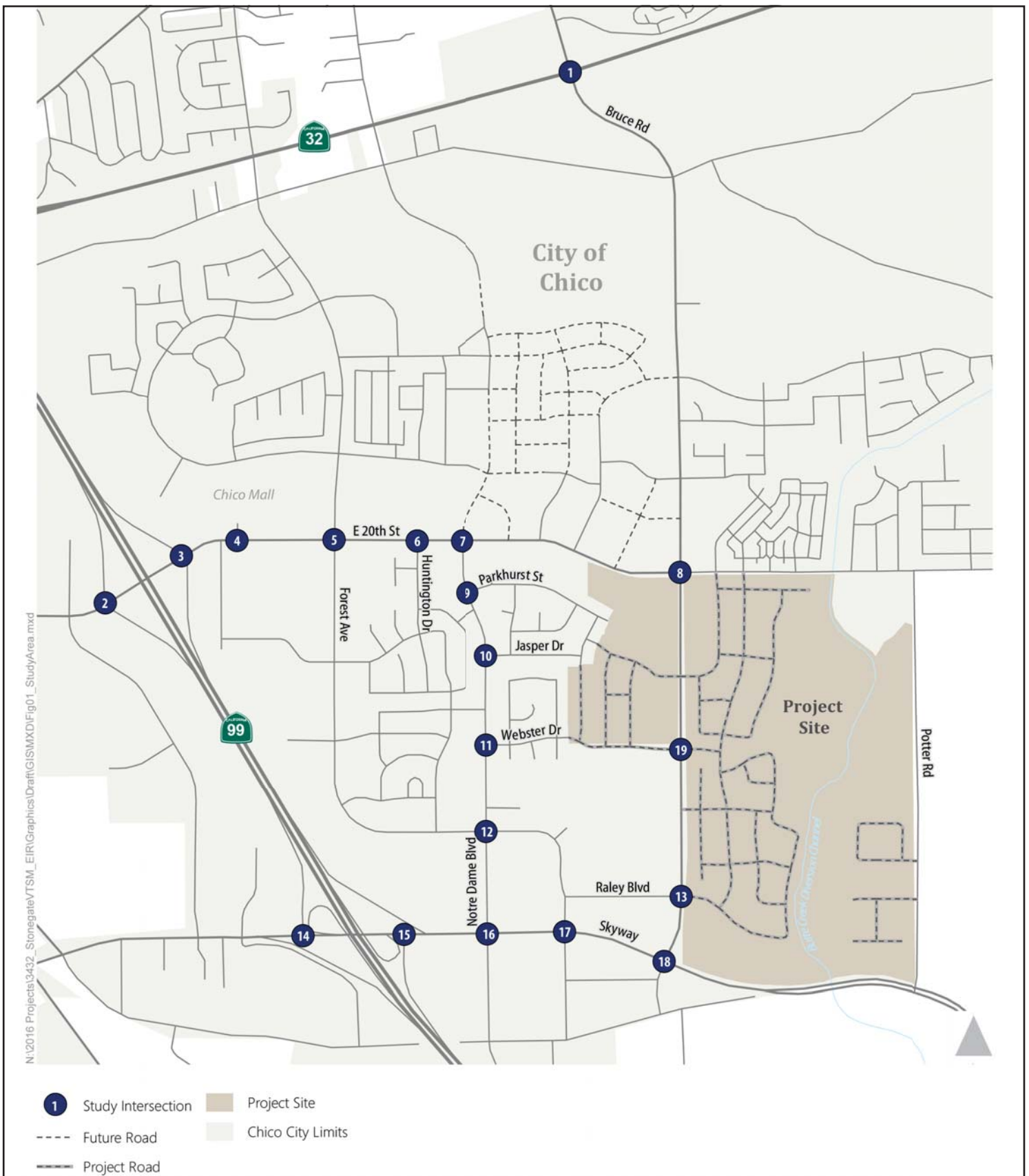


Figure IV.O-1 Study Area

Stonegate Vesting Tentative
Subdivision Map and GPA/Rezone
City of Chico, California



Date: 3/28/18
Source: Fehr & Peers

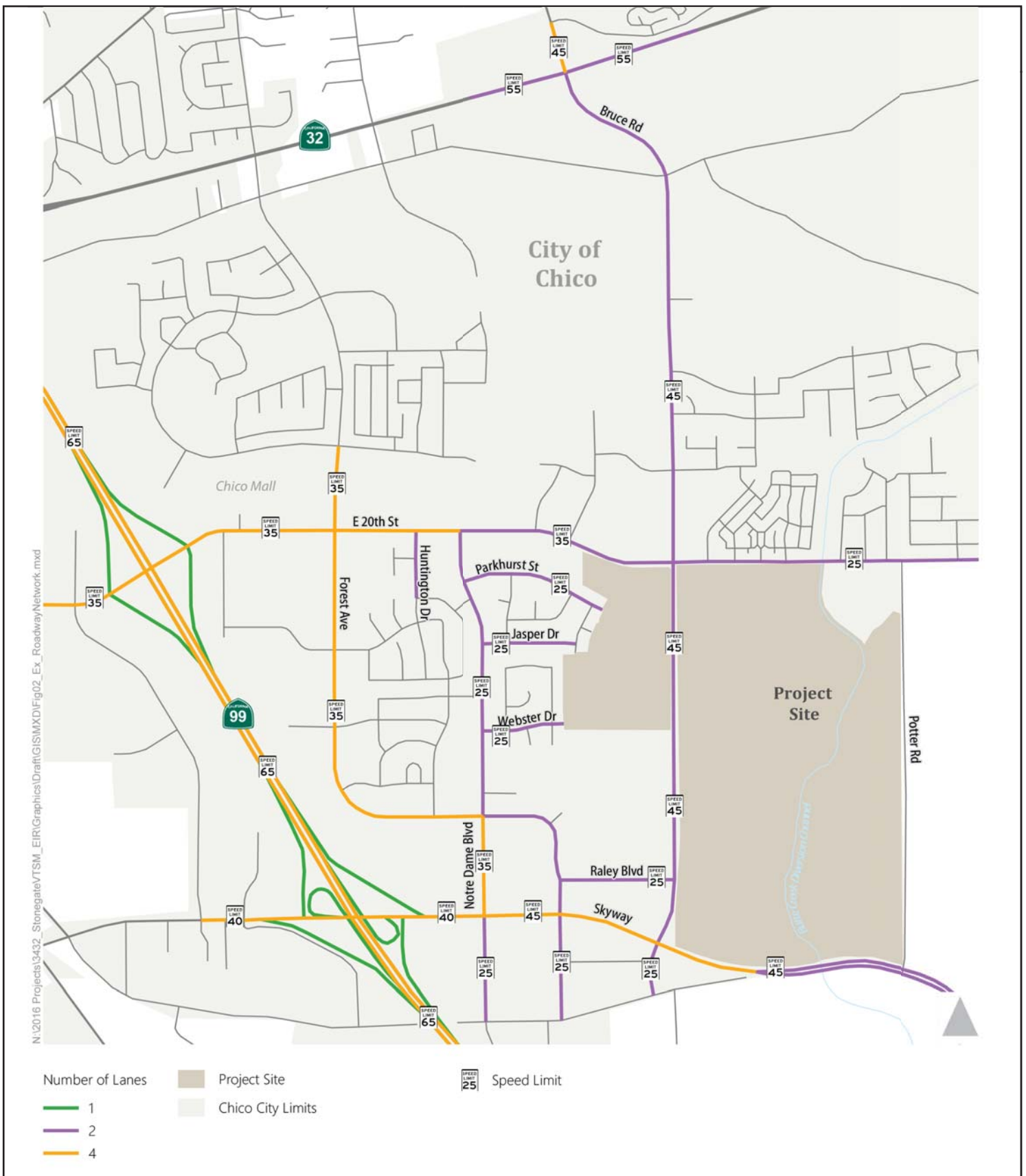
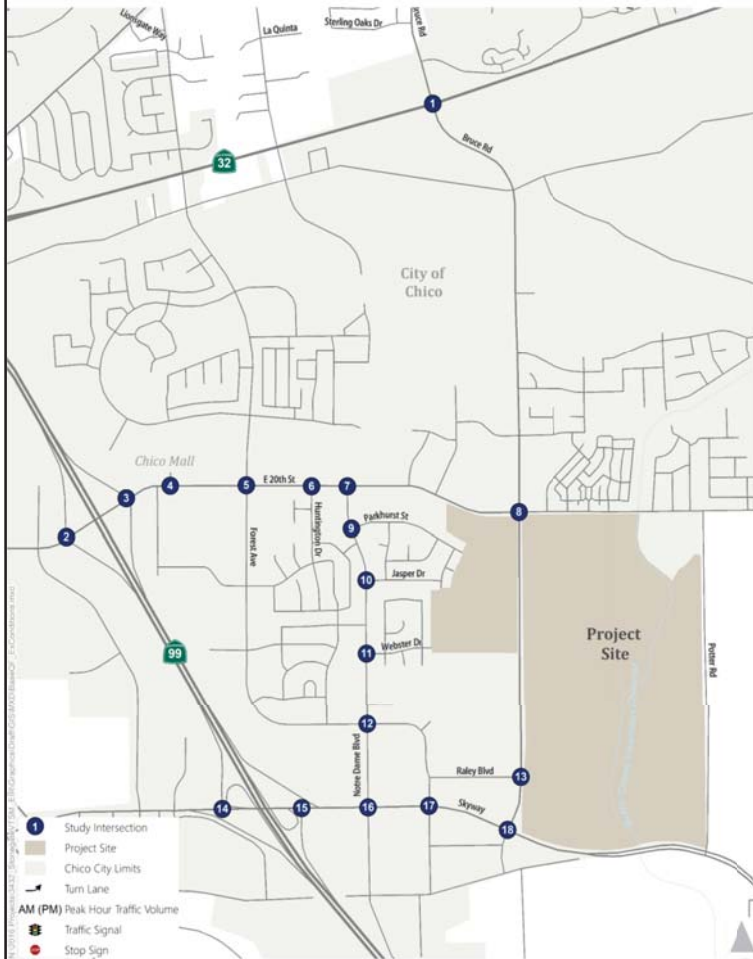


Figure IV.O-2 Existing Roadway Network

Stonegate Vesting Tentative
Subdivision Map and GPA/Rezone
City of Chico, California



Date: 3/28/18
Source: Fehr & Peers



1. Bruce Rd/SR 32 	2. SR 99 SB Ramps/E 20th St 	3. SR 99 NB Ramps/E 20th St 	4. Chico Mall/E 20th St 	5. Forest Ave/E 20th St
6. Huntington Dr/E 20th St 	7. Notre Dame Blvd/E 20th St 	8. Bruce Rd/E 20th St 	9. Notre Dame Blvd/Parkhurst St 	10. Notre Dame Blvd/Jasper Dr
11. Notre Dame Blvd/Webster Dr 	12. Notre Dame Blvd/Forest Ave 	13. Bruce Rd/Raley Blvd 	14. SR 99 SB Ramps/Skyway 	15. SR 99 NB Ramps/Skyway
16. Notre Dame Blvd/Skyway 	17. Forest Ave/Skyway 	18. Bruce Rd/Skyway 		

Figure IV.O-3 Peak Hour Traffic Volumes and Lane Configurations - Existing Conditions

Stonegate Vesting Tentative
Subdivision Map and GPA/Rezone
City of Chico, California



Date: 3/28/18
Source: Fehr & Peers



Figure IV.O-4 Existing Freeway Volumes

Stonegate Vesting Tentative
Subdivision Map and GPA/Rezone
City of Chico, California



Date: 3/28/18
Source: Fehr & Peers

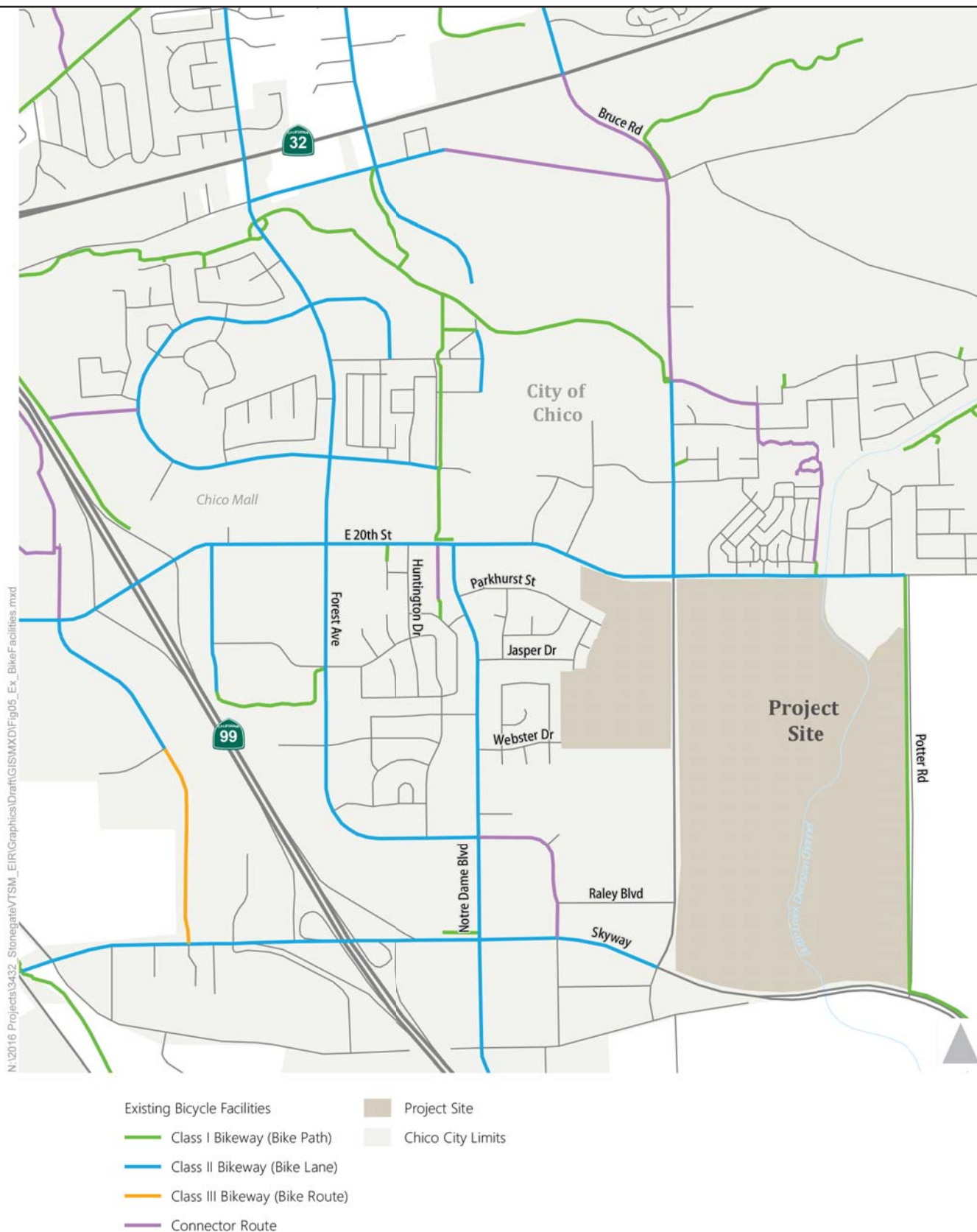


Figure 5

Figure IV.O-5 Existing Bicycle Facilities

Stonegate Vesting Tentative
Subdivision Map and GPA/Rezone
City of Chico, California



Date: 3/28/18
Source: Fehr & Peers

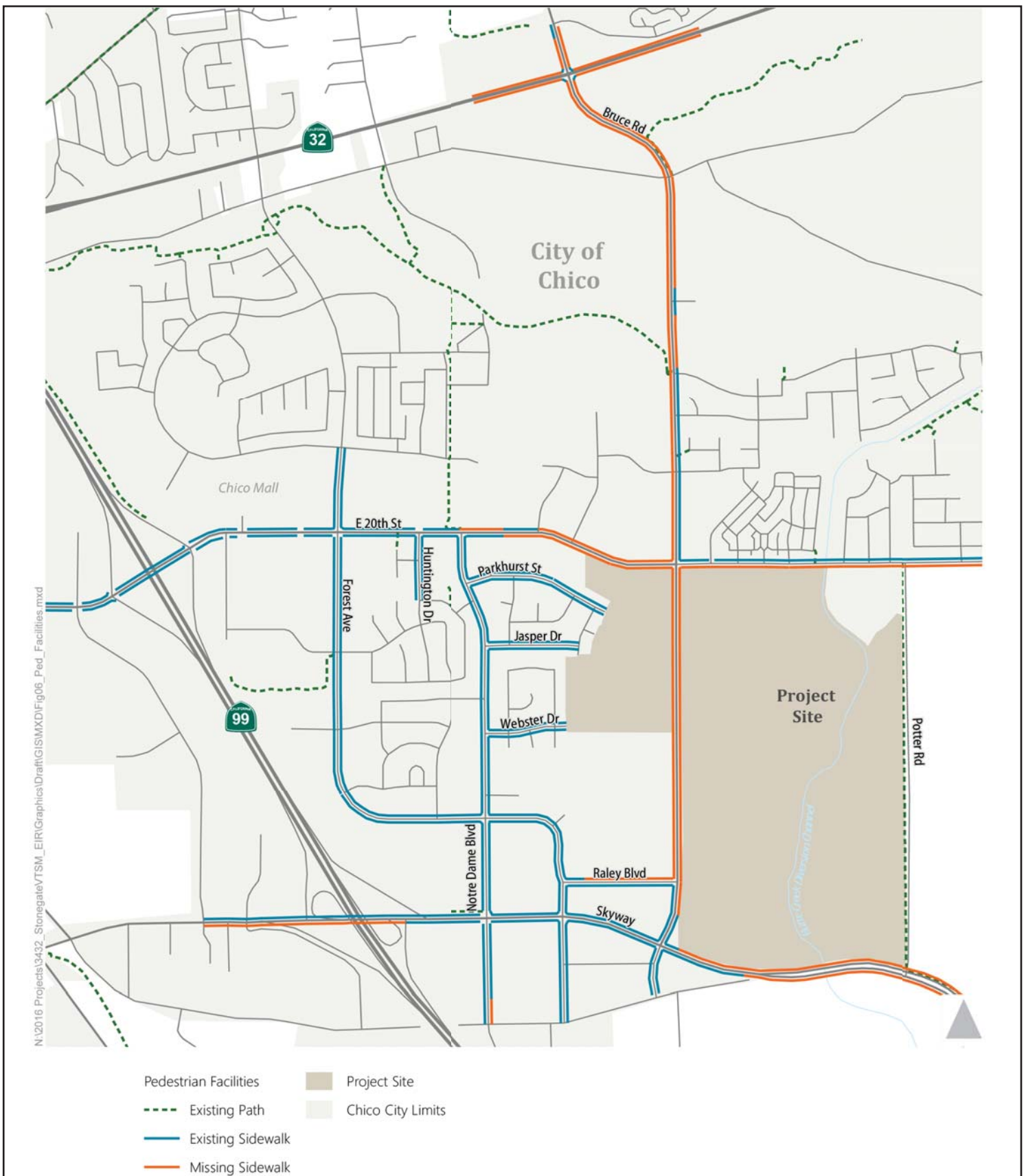


Figure IV.O-6 Existing Pedestrian Facilities

Stonegate Vesting Tentative
Subdivision Map and GPA/Rezone
City of Chico, California



Date: 3/28/18
Source: Fehr & Peers

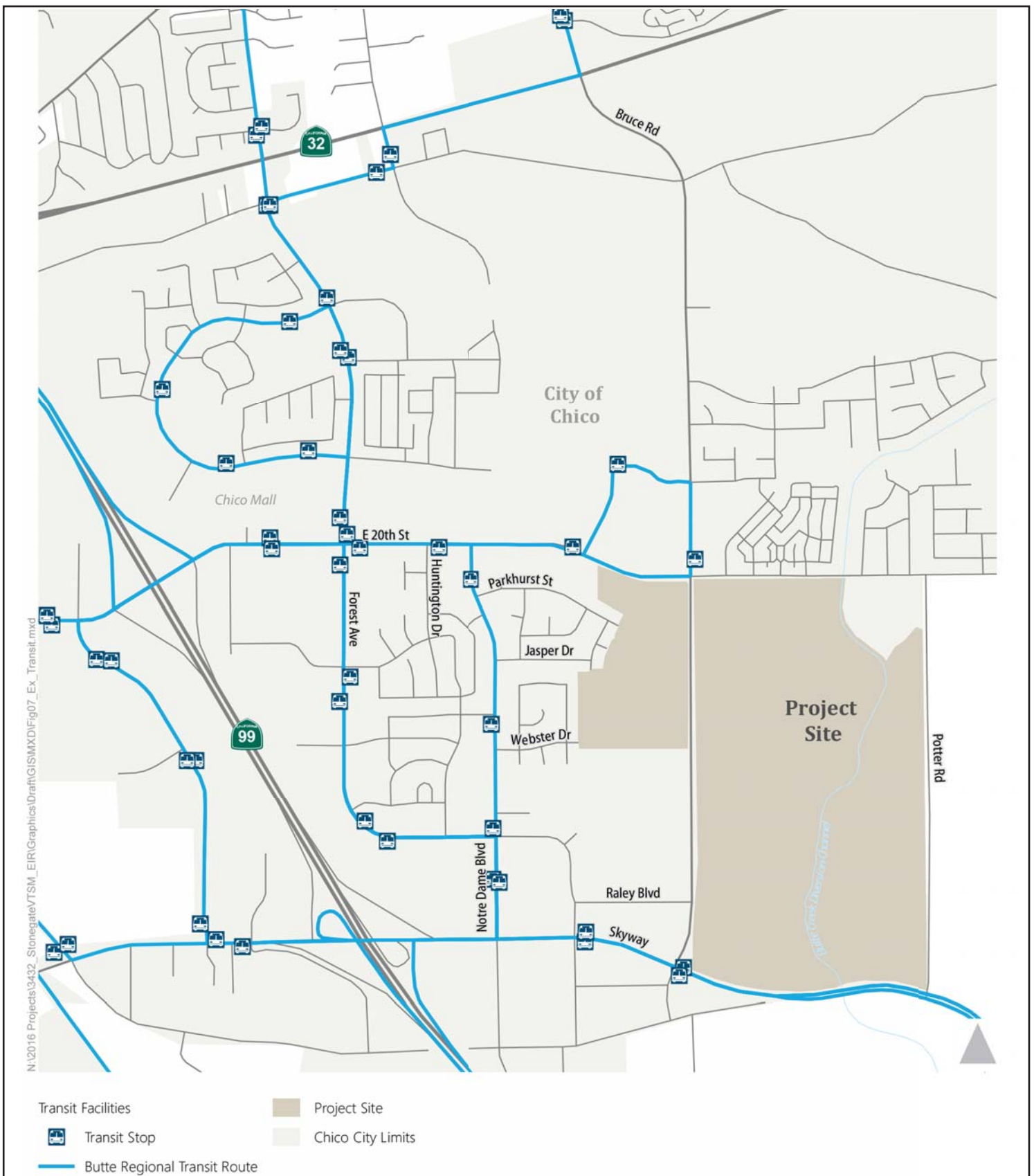


Figure IV.O-7 Existing Transit Facilities

Stonegate Vesting Tentative
Subdivision Map and GPA/Rezone
City of Chico, California



Date: 3/28/18
Source: Fehr & Peers

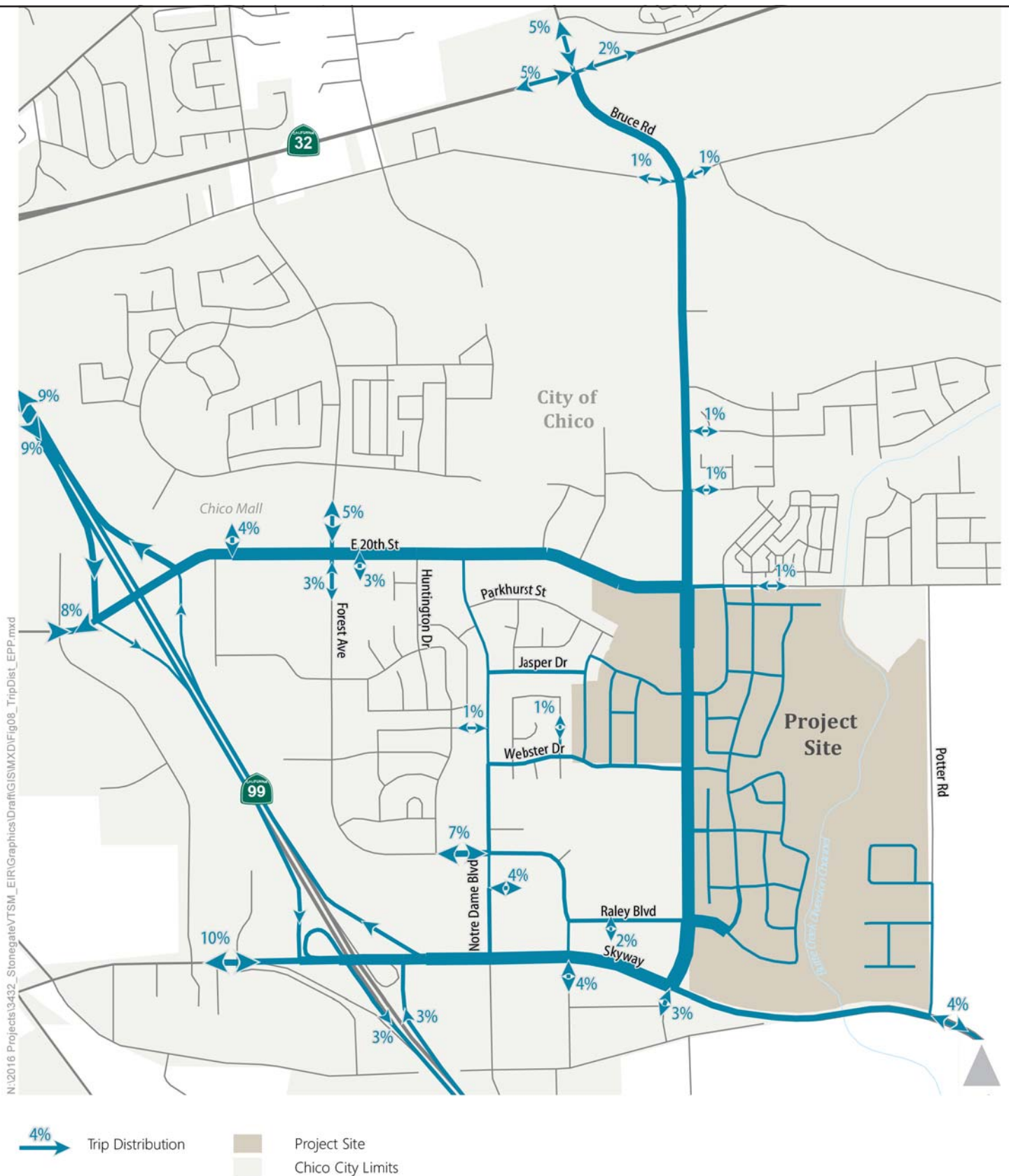
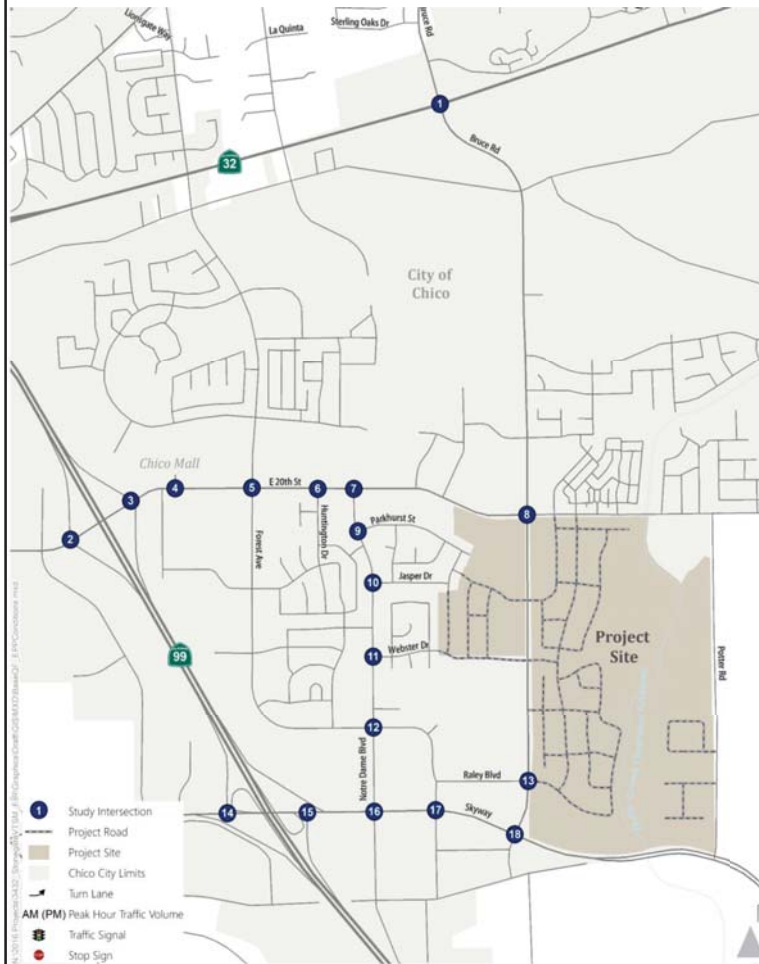


Figure IV.O-8 Project Trip Distribution - Existing Plus Project

Stonegate Vesting Tentative
Subdivision Map and GPA/Rezone
City of Chico, California



Date: 3/28/18
Source: Fehr & Peers



1. Bruce Rd/SR 32 	2. SR 99 SB Ramps/E 20th St 	3. SR 99 NB Ramps/E 20th St 	4. Chico Mall/E 20th St 	5. Forest Ave/E 20th St
6. Huntington Dr/E 20th St 	7. Notre Dame Blvd/E 20th St 	8. Bruce Rd/E 20th St 	9. Notre Dame Blvd/Parkhurst St 	10. Notre Dame Blvd/Jasper Dr
11. Notre Dame Blvd/Webster Dr 	12. Notre Dame Blvd/Forest Ave 	13. Bruce Rd/Raley Blvd 	14. SR 99 SB Ramps/Skyway 	15. SR 99 NB Ramps/Skyway
16. Notre Dame Blvd/Skyway 	17. Forest Ave/Skyway 	18. Bruce Rd/Skyway 	19. Bruce Rd/Webster Dr/Street G 	

Figure IV.O-9 Peak Hour Traffic Volumes and Lane Configurations - Existing Plus Project

Stonegate Vesting Tentative
Subdivision Map and GPA/Rezone
City of Chico, California



Date: 3/28/18
Source: Fehr & Peers

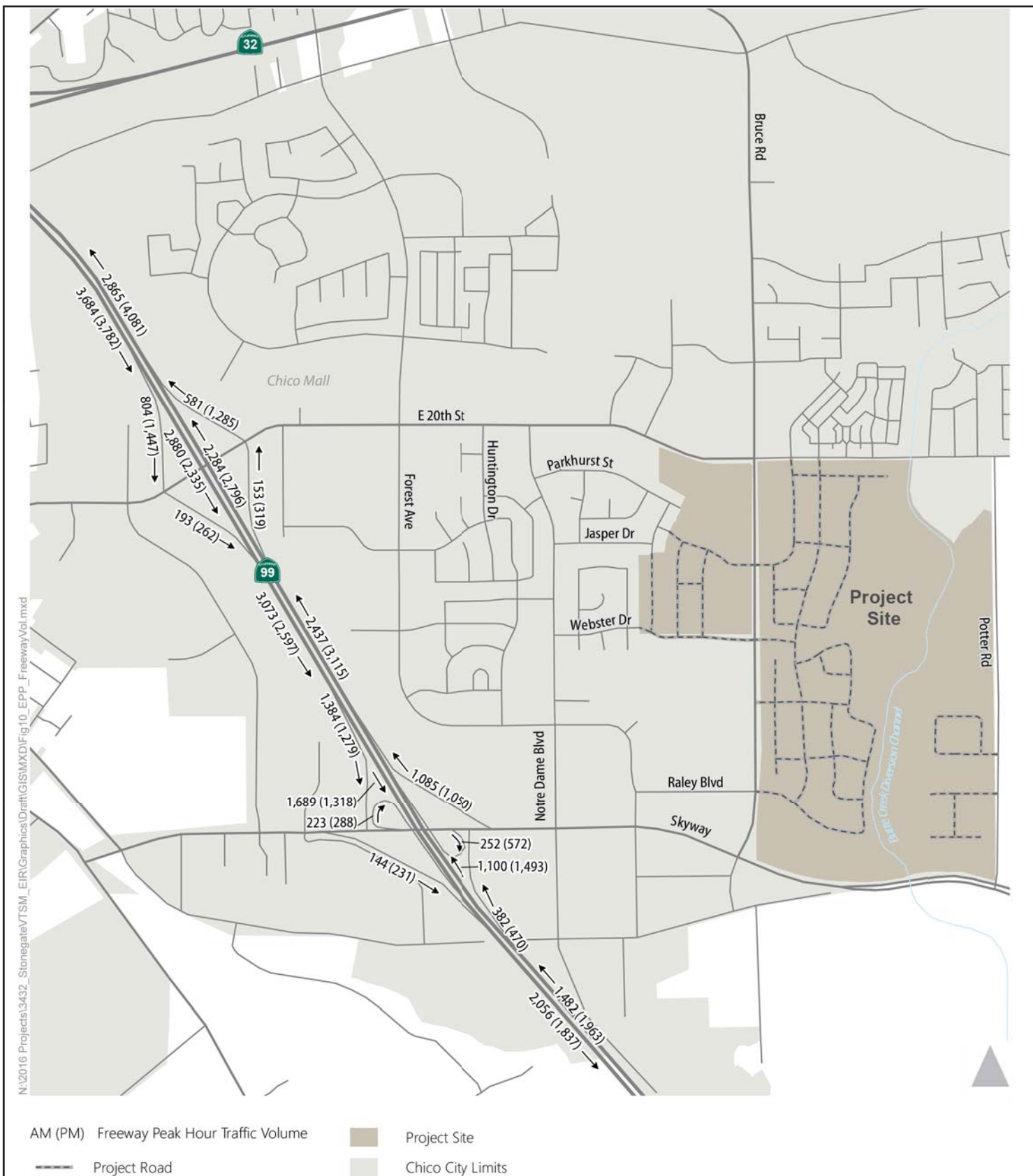


Figure IV.O-10 Existing Plus Project Freeway Volumes

Stonegate Vesting Tentative
Subdivision Map and GPA/Rezone
City of Chico, California



Date: 3/28/18
Source: Fehr & Peers

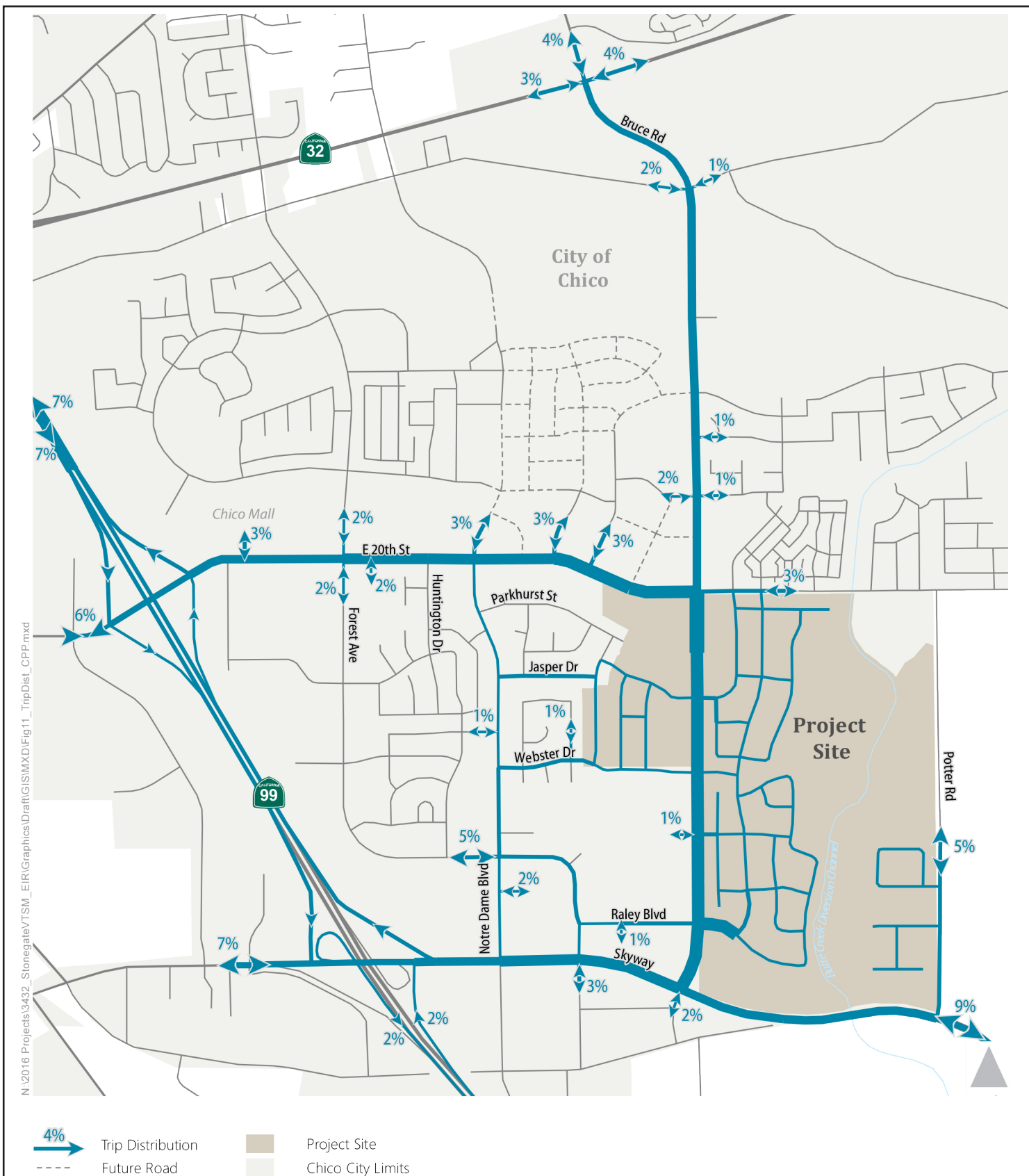


Figure IV.O-11 Project Trip Distribution - Cumulative Plus Project

Stonegate Vesting Tentative Subdivision
Map and GPA/Rezone
City of Chico, California



Date: 3/28/18
Source: Fehr & Peers



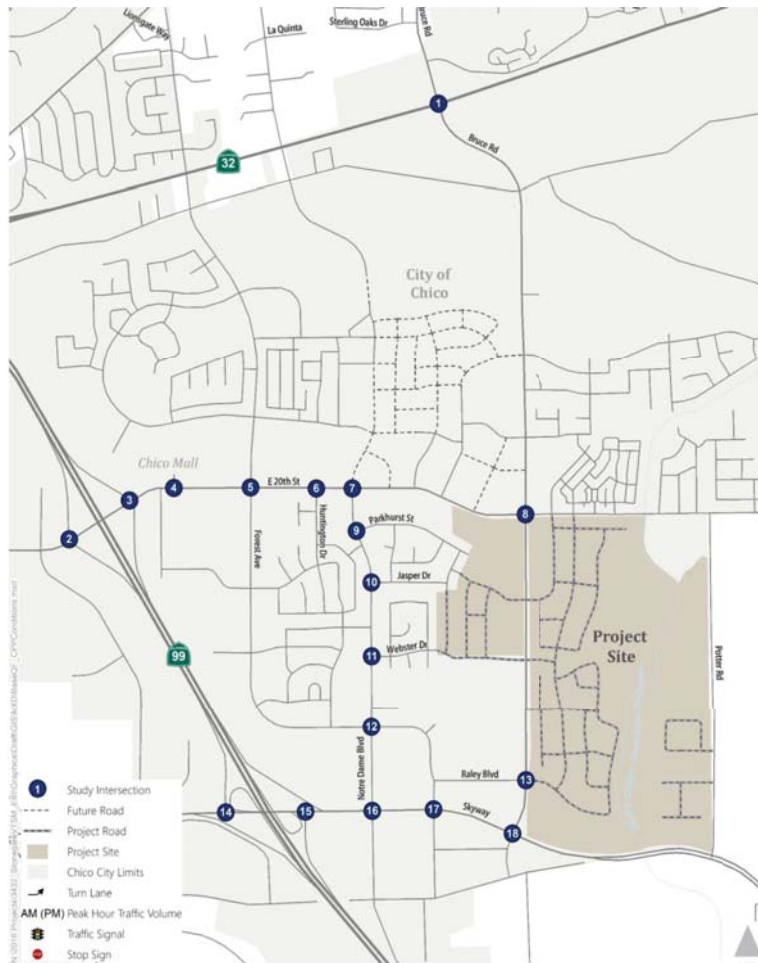
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6. Huntington Dr/E 20th St 	7. Notre Dame Blvd/E 20th St 	8. Bruce Rd/E 20th St 	9. Notre Dame Blvd/Parkhurst St 	10. Notre Dame Blvd/Jasper Dr
11. Notre Dame Blvd/Webster Dr 	12. Notre Dame Blvd/Forest Ave 	13. Bruce Rd/Raley Blvd 	14. SR 99 SB Ramps/Skyway 	15. SR 99 NB Ramps/Skyway
16. Notre Dame Blvd/Skyway 	17. Forest Ave/Skyway 	18. Bruce Rd/Skyway 		

Figure IV.O-12 Peak Hour Traffic Volumes and Lane Configurations - Cumulative No Project

Stonegate Vesting Tentative Subdivision
Map and GPA/Rezone
City of Chico, California



Date: 3/28/18
Source: Fehr & Peers



1. Bruce Rd/SR 32 	2. SR 99 SB Ramps/E 20th St 	3. SR 99 NB Ramps/E 20th St 	4. Chico Mall/E 20th St 	5. Forest Ave/E 20th St
6. Huntington Dr/E 20th St 	7. Notre Dame Blvd/E 20th St 	8. Bruce Rd/E 20th St 	9. Notre Dame Blvd/Parkhurst St 	10. Notre Dame Blvd/Jasper Dr
11. Notre Dame Blvd/Webster Dr 	12. Notre Dame Blvd/Forest Ave 	13. Bruce Rd/Raley Blvd 	14. SR 99 SB Ramps/Skyway 	15. SR 99 NB Ramps/Skyway
16. Notre Dame Blvd/Skyway 	17. Forest Ave/Skyway 	18. Bruce Rd/Skyway 	19. Bruce Rd/Webster Dr/Street G 	

Figure IV.O-13 Peak Hour Traffic Volumes and Lane Configurations - Cumulative Plus Project

Stonegate Vesting Tentative
Subdivision Map and GPA/Rezone
City of Chico, California



Date: 3/28/18
Source: Fehr & Peers

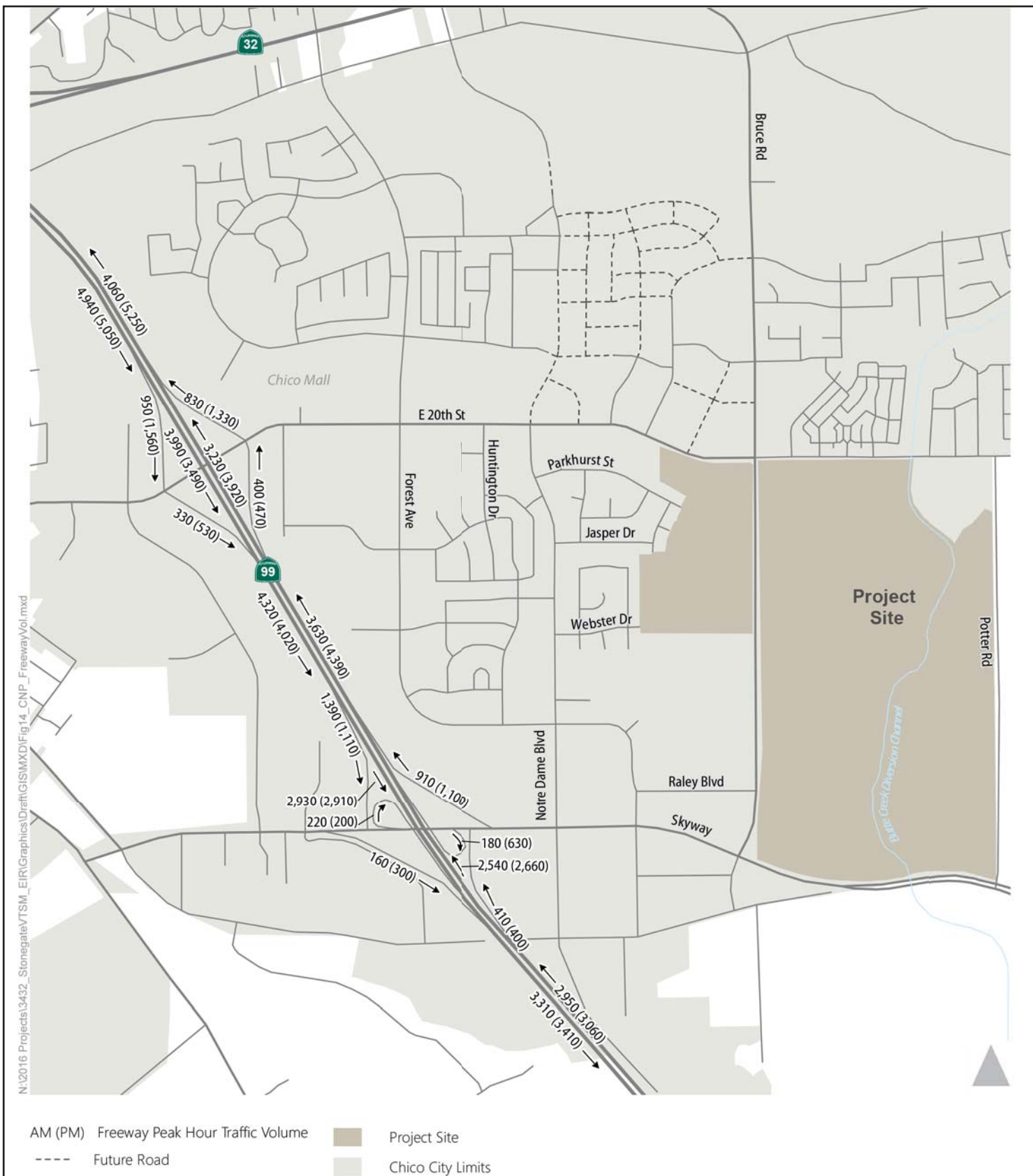


Figure IV.O-14 Cumulative No Project Freeway Volumes

Stonegate Vesting Tentative Subdivision
Map and GPA/Rezone
City of Chico, California



Date: 3/28/18
Source: Fehr & Peers

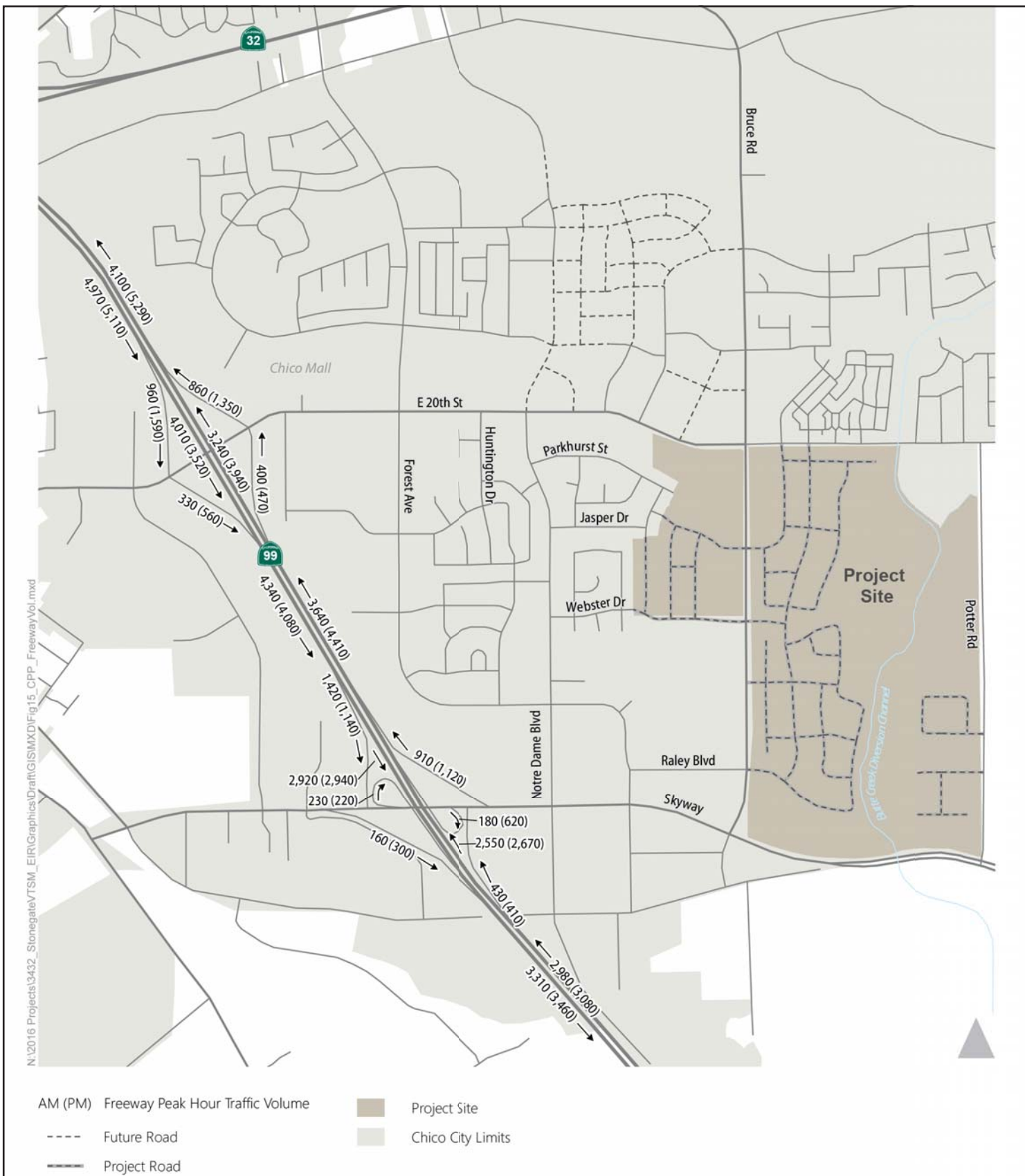


Figure IV.O-15 Cumulative Plus Project Freeway Volumes

Stonegate Vesting Tentative Subdivision
Map and GPA/Rezone
City of Chico, California



Date: 3/28/18
Source: Fehr & Peers