SCH # 2019089041

VALLEY'S EDGE SPECIFIC PLAN FINAL EIR

CITY OF CHICO

October 2022

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Valley's Edge Specific Plan
Final Environmental Impact Report
SCH No. 2019089041

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1 Introduction

1.0 Introduction

This Final Environmental Impact Report (Final EIR) contains the public and agency comments received during the public review comment period for the Valley's Edge Specific Plan Project Draft EIR.

The EIR is an informational document intended to disclose to the Lead Agency, the City of Chico (City), and the public the environmental consequences of approving and implementing the Valley's Edge Specific Plan Project (proposed project) or one of the alternatives to the project described in the Draft EIR. All written comments received during the public review period (October 29 through December 15, 2021) and during the public hearing on November 18, 2021, on the Draft EIR are addressed in this Final EIR. During the public review period, the City received a total of 52 comment letters from public agencies, organizations, and individuals.

The responses in this Final EIR clarify, correct, and/or amplify text in the Draft EIR, as appropriate. Also included are text changes made at the initiative of the Lead Agency. These changes (summarized in Chapter 2) do not alter the conclusions of the Draft EIR.

1.1 Background

In accordance with CEQA, the City released a Notice of Preparation (NOP) on August 14, 2019, for the required 30-day review period. The purpose of the NOP was to provide notification that an EIR for the project was being prepared and to solicit guidance on the scope and content of the document. The City held a public scoping meeting to take oral comments on August 29, 2019. The Draft EIR was circulated for public review and comment for a period of 45 days from October 29 through December 15, 2021. The City held a public hearing to take oral comments on the Draft EIR on November 18, 2021.

The comments and responses that make up the Final EIR, in combination with the Draft EIR, as amended by the text changes, constitute the EIR that will be considered for certification by the City Planning Commission and City Council.

1.2 CEQA Requirements

The contents of a Final EIR are specified in Section 15132 of the CEQA Guidelines, which states that the Final EIR shall consist of:

a) The Draft EIR or a revision of the Draft.

b) Comments and recommendations received on the Draft EIR either verbatim or in summary.

c) A list of persons, organizations, and public agencies commenting on the Draft EIR.

d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.

e) Any other information added by the Lead Agency.

The Lead Agency must provide each agency that commented on the Draft EIR with a copy of the Lead Agency's response to their comments a minimum of 10-days before certifying the Final EIR.

1.3 Use of the Final EIR

The Final EIR serves as the environmental document to inform the Lead Agency's consideration of approval of the proposed project, either in whole or in part, or one of the alternatives to the project discussed in the Draft EIR.

As required by Section 15090 (a) (1)-(3) of the CEQA Guidelines, a Lead Agency, in certifying a Final EIR, must make the following three determinations:

1. The Final EIR has been completed in compliance with CEQA.
2. The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
3. The Final EIR reflects the Lead Agency's independent judgment and analysis.

As required by Section 15091 of the CEQA Guidelines, no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding supported by substantial evidence in the record. The possible findings are:

1. Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Additionally, pursuant to Section 15093(b) of the CEQA Guidelines, when a Lead Agency approves a project that would result in significant unavoidable impacts that are disclosed in the Final EIR, the agency must state in writing the reasons supporting the action. The Statement of Overriding Considerations shall be supported by substantial evidence in the Lead Agency's administrative record.

1.4 Project Under Review

The proposed project would develop a mixed-use community with a range of housing types, commercial uses, parks, trails and recreation and open space areas on an approximately 1,448-acre site located in unincorporated Butte County within the City of Chico's Sphere of Influence. The residential component would consist of approximately 1,392 family housing residential units and 1,385 age-restricted (55+) residential units. The commercial portion includes approximately 56 acres designated for a mix of professional and

medical offices, neighborhood retail shops and services, multi-family apartments, day care, and hospitality uses. Approximately 672 acres would be designated as parks, trails, open space and preservation, including a large regional park, a community park, neighborhood parks, mini parks and tot lots, and an active adult park.

A detailed project description is contained in the Draft EIR in Chapter 2, Project Description. The environmental impact analysis is included in Chapter 3 of the Draft EIR.

1.5 Summary of Text Changes

Chapter 3 in this Final EIR, Changes to the Draft EIR, identifies all changes made to the document by section. These text changes provide additional clarity in response to comments received on the Draft EIR, but do not change the significance of the conclusions presented in the Draft EIR.

1.6 Responses to Comments

A list of public agencies and individuals commenting on the Draft EIR is included in Chapter 2 in this Final EIR. During the public comment period, the City received 52 letters from agencies, organizations, individuals, and legal offices. Responses to comments received appear in Chapter 4 of this Final EIR. Each comment letter is numbered and presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial with the number of the comment letter appearing first, followed by the comment number. For example, comments in Letter 1 are numbered 1-1, 1-2, 1-3, and so on. Immediately following the letter are responses, each with binomials that correspond to the bracketed comments.

1.7 Mitigation Monitoring and Reporting Program

The Mitigation Monitoring and Reporting Program (MMRP) for the proposed project includes all of the mitigation measures required of the project included in the Draft EIR, as revised in Chapter 3 of this Final EIR. A copy of the MMRP is provided as a separate document.

If the City chooses to approve the proposed project or one of the alternatives described in the Draft EIR, then the City Council will adopt the MMRP at the same time it adopts its CEQA Findings of Fact, as required by Section 21081.6 of the Public Resources Code.

1.8 Overview of the Public Participation and Review Process

The City notified all responsible and trustee agencies and all known interested groups, organizations, tribes, and individuals that the Draft EIR was available for review. The following list of actions took place during the preparation, distribution, and review of the Draft EIR:

- A Notice of Completion (NOC) was filed with the State Clearinghouse on August 14, 2019 along with copies of the NOP (stating the City's intention to prepare an EIR for the proposed project with the State Clearinghouse for the required 30-day public review period, filed on August 14, 2019).

- A Notice of Availability (NOA) and copies of the Draft EIR were filed with the State Clearinghouse on October 29, 2021 to start the required 45-day public review period. The City posted a legal notice in the Enterprise Record on October 30, 2021 and sent an email with the NOA attached noticing interested groups, organizations, and individuals regarding the availability of the Draft EIR. Posters were affixed to entry gates at the subject site on East 20th Street and Honey Run Road to provide further public notice of Draft EIR availability. The public review comment period ended on December 15, 2021.
- Copies of the Draft EIR were available for review on the City website (https://chico.ca.us/valleys-edge-specific-plan); the City of Chico Community Development Department, 411 Main Street, 2nd Floor; and the Chico Branch of the Butte County Library, 1108 Sherman Avenue.

2 List of Agencies/Persons Commenting

The 45-day public comment period for the Draft Environmental Impact Report (Draft EIR) was held from October 29 through December 15, 2021. During that period, the City of Chico (City) received 52 public comment letters from agencies, organizations, and individuals. A complete list of all comment letters received is provided in Table 2-1 below.

2.0 Federal and State Agencies

The City received two comment letters from state agencies during the public comment period and no comment letters from federal agencies. State agencies that commented on the Draft EIR include the California Department of Toxic Substances Control and the California Department of Fish and Wildlife.

2.1 Local Agencies

The City received four comment letters from local agencies and public service providers during the comment review period. The local agencies and public service providers that commented on the Draft EIR include Butte County Department of Development Services, Butte Local Agency Formation Commission, Butte County Air Quality Management District, and Pacific Gas and Electric Company.

2.2 Organizations

The City received five comment letters from organizations during the comment review period. These organizations include the Altacal Audubon Society, Sierra Club, Butte Environmental Council, Center for Biological Diversity and AquAlliance, and Friends of Butte Creek.

2.3 Tribes

There were no comments received from tribes by the close of the comment review period.

2.4 Individuals

The City received 41 individual comment letters from 37 members of the public during the comment review period.

Comments received from agencies, organizations, and individuals are provided in Table 2-1 below. In some instances, the same commenter provided more than one comment. To differentiate between the comments, they are listed in the order they were received. The number of each commenter reflects the order in which responses are provided in Chapter 4.

Table 2-1. List of Commenters on the Draft EIR

Letter Number	Commenter
Public Agencies	
1	Pacific Gas and Electric Company (Plan Review Team, Land Management)
2	California Department of Toxic Substances Control (Gavin McCreary, Project Manager, Site Evaluation and Remediation Unit)
3	Butte County Department of Development Services (Tristan Weems, AICP, Associate Planner)
4	Butte County Local Agency Formation Commission (Shannon Costa, Local Government Planning Analyst)
5	Butte County Air Quality Management District (Jason Mandly, Senior Air Quality Planner)
6	California Department of Fish and Wildlife (Kevin Thomas, Regional Manager)
Organizations	
7	Altacal Audubon Society (Mary Muchowski, Executive Director)
8	Sierra Club (Grace M. Marvin, Yahi Group Conservation Chair Motherlode Chapter Sierra Club)
9	Butte Environmental Council (Caitlin Dalby, Executive Director)
10	Center for Biological Diversity (Ross Middlemiss, Staff Attorney) and AquAlliance (Barbara Vlamis, Executive Director)
11	Friends of Butte Creek (Allen Harthorn, Executive Director)
Individuals	
12	Eric M. Veith
13	Kathy Ferguson
14	Terry and Jona O'Shea
15	Mary Kay Benson
16	Addison Winslow – 1
17	Addison Winslow – 2
18	Heidi R. Musick
19	Joshua Pierce
20	Susan Tchudi – 1
21	Susan Tchudi – 2
22	Susan Tchudi – 3
23	David Welch
24	April Wilson
25	Karen Laslo
26	Annette Faurote
27	Jane Coleman and David McKinney – 1
28	Jane Coleman and David McKinney – 2
29	Patricia Puterbaugh
30	Suzette Welch
31	Nancy Wirtz
32	Julian Zener
33	Tom Barrett

Table 2-1. List of Commenters on the Draft EIR

Letter Number	Commenter
34	Elizabeth Devereaux
35	Tony Frayji
36	Kevin Sevier
37	Jesica Giannola
38	Bryce Goldstein, City Planning Commissioner
39	Todd J. Greene
40	Don L. Hankins
41	Jennifer Jewell
42	John Merz
43	Chris Mueller
44	Chris Nelson
45	Ann Ponzio
46	Mike Trolinder
47	Wayne Shijo, KD Anderson & Associates
48	RRM Design Group
49	Paul and Kathy Coots
50	George T. Kammerer, Attorney at Law (on behalf of the Drake Revocable Trust of 2001, Virginia Drake, Trustee)
51	Richard L. Harriman, Law Offices of Richard L. Harriman (on behalf of Northern California Environmental Defense Center)
52	Jason R. Flanders and Austin J. Sutta, Aqua Terra Aeris Law Group (on behalf of Sierra Club Mother Lode Chapter)

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3 Changes to the Draft EIR

3.0 Introduction

This chapter presents minor corrections, additions, and revisions made to the Draft EIR initiated by the Lead Agency (City), reviewing agencies, the public, and/or consultants based on their review. New text is indicated in underline and text to be deleted is reflected by strike through, unless otherwise noted in the introduction preceding the text change. Text changes are presented in the section and page order in which they appear in the Draft EIR.

The changes represent minor clarifications/amplifications of the analysis contained in the Draft EIR and do not constitute significant new information that, in accordance with CEQA Guidelines Section 15088.5, would trigger the need to recirculate portions or all of the Draft EIR.

3.1 Updates to the Project Description

Since completion of the Draft EIR and the draft Valley's Edge Specific plan (VESP), the City discussed the merits of various concerns raised by the commenters as they pertain to the overall design of the VESP, and the project applicant agreed to refine the project design to incorporate several of these suggestions. The updates to the VESP do not change the total number of units proposed. The proposed changes include (1) the elimination of the 46-acre Equestrian Ridge planning area (PA-19) designated as Very Low Density Residential (VLDR) located in the southeast portion of the site and redesignating approximately 20 acres as Valley Open Space; (2) the elimination of four planning areas along Comanche Creek (PA-13, PA-14, PA-15, and PA-16) and redesignating those areas Regional Open Space; (3) up-zoning planning area PA-22 from Low Density Residential (LDR) to Medium Density Residential (MDR); and (4) down-zoning two planning areas (PA-17 and PA-30) from LDR to VLDR. The amount of open space is increased by 60 acres for a total of 733 acres and the overall density of the project increased from 4.1 to 4.63 dwelling units/acre.

The specific changes to the project description are provided below under Section 3.2.

3.2 Changes to the Draft EIR

Title Page

The typographical error on the title page is corrected to read:[1]

City of Chi~~n~~co

Executive Summary

The following revisions are made to Table ES-1, Impacts and Mitigation Measures starting on page ES-3.

[1] The City corrected the spelling error on the title page in the electronic version of the EIR posted on the City's website on November 5, 2021.

The minor typographical error in mitigation measure AQ-2 on page ES-4 is corrected to read:

Environmental Impact	Level of Significance Prior to Mitigation	Mitigation Measure	Level of Significance After Mitigation
4.2-2: The proposed project could result in a cumulatively considerable net increase in criteria pollutants.	Significant	**AQ-2: Idling Restriction.** For commercial land uses that include truck idling, idling for periods of greater than five (5) minutes shall be prohibited. Signage shall be posted at truck parking spots, entrances, and truck bays advising that idling time shall not exceed five (5) minutes per idling location. To the extent feasible, the tenant shall restrict idling emission from trucks by using auxiliary power units and electrification. Electrical power connections shall be installed at loading ~~ducks~~ docks so that TRUs (Transport Refrigerated Units) can be plugged in when stationary.	Less than Significant

The following revisions are made to mitigation measures BIO-1 through BIO-7.

Environmental Impact	Level of Significance Prior to Mitigation	Mitigation Measure	Level of Significance After Mitigation
4.3-1: The proposed project could have a substantial adverse effect on a candidate, sensitive, or special-status species.	Potentially Significant	**BIO-1: On-Site Preserves.** The developer shall prepare an Operations Management Plan ~~Habitat Mitigation and Monitoring Plan~~, record easements, establish funding, and complete other requirements, as necessary, to establish the two ~~Butte County~~ meadowfoam preserves and the other preserve on the VESP project site in compliance with all applicable state and federal resource agency permits prior to City issuance of grading permits. The Butte County meadowfoam and woolly meadowfoam occurrences ~~preserves~~ as well as preserved vernal pool wetlands shall be separated from any development by a minimum of 250 feet unless site-specific hydrological analysis accepted by the U.S. Fish and Wildlife Service (USFWS) and/or the City in consultation with CDFW (if no USFWS consultation is required) demonstrates that a reduced or increased separation would ~~still~~	Less than Significant

Environmental Impact	Level of Significance Prior to Mitigation	Mitigation Measure	Level of Significance After Mitigation
		prevent ~~direct or~~ indirect effects to Butte County meadowfoam and preserved vernal pools within the preserve. The VESP Operations Management Plan ~~Habitat Mitigation and Monitoring Plan~~ shall be approved by the USFWS and/or the City in consultation with the California Department of Fish and Wildlife (if no USFWS consultation is required) and include at a minimum: (a) monitoring of general conditions within the preserves including documentation of vegetation community, vegetative cover, evidence of public access impacts, and the presence of any erosion or sedimentation or other conditions that may be detrimental to the long-term viability of BCM populations; (b) monitoring methods and frequencies (annual at a minimum) to detect changes in Butte County Meadowfoam and allow for adaptive management; (c) use of nearby preserves (e.g., Stonegate, Doe Mill-Schmidbauer Meadowfoam Preserve) as annual reference sites to determine the condition of the on-site BCM populations; (d) management techniques to be used on the preserves and triggers for management actions; and (e) a funding strategy such as a non-wasting endowment or property assessment to ensure that prescribed monitoring and management would be implemented in perpetuity to ensure efficacy of the preserves. Management methods shall include but not be limited to controls on introduction and spread of invasive plant species, remediation of erosion and sedimentation, and requirements for fencing to control public access and pet entry into preserves. Monitoring and management of the preserves shall ensure no net loss of meadowfoam extent averaged over a five-year period, to account for interannual variation and climatic variation. If meadowfoam extent is shown to have decreased on average over a five-year period, remedial measures shall be implemented including but not limited to seed collection and planting, transplanting from other established populations with agency approval, increased invasive	

Environmental Impact	Level of Significance Prior to Mitigation	Mitigation Measure	Level of Significance After Mitigation
		plant management, restoration of impacted hydrology, or other measures to restore population extent. Further, the developer shall avoid or minimize impacts to the greatest extent feasible to areas of the project site where shield-bracted monkeyflower and Bidwell's knotweed occur. The developer shall maintain protective elements such as fencing, open space or conservation easements, and/or buffer zones around suitable habitat where these species occur prior to construction activities and throughout construction activities and/or; if the developer cannot completely avoid impacts to these two species, then the CDFW must be notified and given a reasonable opportunity to harvest plants or seeds prior to impacts. ~~No development shall be approved by the City within 500 feet of the avoidance area until the preserves are established.~~ BIO-2: **Nesting Bird Surveys (including and not limited to Loggerhead Shrike, White-Tailed Kite, Northern Harrier, and Yellow Warbler)**. Nesting bird surveys shall be conducted by the project developer or construction contractor(s) prior to commencing any construction activities, on-site and for off-site infrastructure, including site clearing and tree removal and tree removal for installation of required off-site utilities. (Note: BIO-2 is consistent with AMM2, 3, 5, and 8 in the BRCP (Butte County 2019)). Preconstruction surveys for these species may be completed at the same time as other required preconstruction surveys, provided the individual requirements of each preconstruction survey are met. (a) A qualified biologist shall conduct a preconstruction survey for nesting birds no more than seven ~~approximately two~~ days prior to vegetation or tree removal or ground-disturbing activities during the nesting season (~~March~~ February through August). The survey shall cover the limits of construction and suitable nesting habitat	

Environmental Impact	Level of Significance Prior to Mitigation	Mitigation Measure	Level of Significance After Mitigation
		within 500 feet for raptors and 100 feet for other nesting birds, as feasible. (b) If any active nests are observed during surveys, a qualified biologist shall establish a suitable avoidance buffer from the active nest. The standard buffer distance ~~will~~ shall be 250 feet for passerines and 500 feet for raptors. ~~typically range from 50 to 300 feet, and~~ Buffer distances may be increased or reduced from these standard distances ~~shall be determined~~ based on factors such as the species of bird, topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule as determined by the qualified biologist. Limits of construction to avoid active nests shall be established in the field with flagging, fencing, or other appropriate barriers and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. If construction continues within three times the buffer distance provided to an active nest, The qualified biologist shall be hired by the developer to regularly monitor the nest (minimum frequency of weekly) and shall have stop work authority if construction activities are having an adverse impact on the nest. CDFW shall be consulted if active nests are observed during the pre-construction phase. (c) If vegetation removal activities are delayed, additional nest surveys shall be conducted such that no more than 7 days elapse between the survey and vegetation removal activities. It is recommended that disturbing potential nesting habitat (i.e., trimming and/or vegetation removal) be performed outside of the nesting season (September through February) to avoid impacts to nesting birds. (d) If an active nest is identified in or adjacent to the construction zone after construction has started, work in the vicinity of the nest shall be halted until the qualified biologist can provide appropriate	

Environmental Impact	Level of Significance Prior to Mitigation	Mitigation Measure	Level of Significance After Mitigation
		avoidance and minimization measures to ensure that the nest is not disturbed by construction. Appropriate measures may include a no-disturbance buffer until the birds have fledged and/or full-time monitoring by a qualified biologist during construction activities conducted in close proximity to the nest. **BIO-3: Burrowing Owl**. Burrowing owl surveys shall be conducted by a qualified biologist hired by the project developer or construction contractor(s) prior to commencing any construction activities, including on-site and off-site (infrastructure) clearing and tree removal. (Note: BIO-3 is consistent with AMM2, 3, 5, 8, and 19 in the BRCP (Butte County 2019)). Preconstruction surveys for this species may be completed at the same time as other required preconstruction surveys, provided the individual requirements of each preconstruction survey are met. (a) Within 14 days prior to the anticipated start of construction, a qualified biologist shall conduct preconstruction surveys within the project site to identify burrowing owls or their nesting areas. This survey shall follow survey protocols as developed by the Burrowing Owl Consortium (CDFW 2012). If no active burrows or burrowing owls are observed, no further mitigation is required. If a lapse in construction of 15 days or longer occurs during the nesting season, additional preconstruction surveys shall be repeated before work may resume. (b) If burrowing owls or active burrows are identified within the project site during the preconstruction surveys, the following measures shall be implemented: • During the non-breeding season for burrowing owls (September 1 through January 31), exclusion zones shall be established around any active burrows identified during the preconstruction survey. The exclusion zone shall be no less than 160 feet in radius centered on the active burrow. With approval from the City after consultation with California Department of Fish and Wildlife (CDFW) and a qualified biologist, burrowing owls shall be	

Environmental Impact	Level of Significance Prior to Mitigation	Mitigation Measure	Level of Significance After Mitigation
		passively evicted and relocated from the burrows using one-way doors. The one-way doors shall be left in place for a minimum of 48 hours and shall be monitored daily by the biologist to ensure proper function. Upon the end of the 48-hour period, the burrows shall be excavated by the biologist with the use of hand tools and refilled to discourage reoccupation. • During the breeding season (February 1 through August 31), a qualified biologist familiar with the biology and behavior of this species shall establish exclusion zones of at least 250 feet in radius centered on any active burrow identified during the preconstruction survey. No construction activities shall occur within the exclusion zone as long as the burrow is active and young are present. Once the breeding season is over and young have fledged, <u>as determined by a qualified biologist</u>, passive relocation of active burrows may proceed as described in measure BIO-3(b), above. • The buffer widths may be reduced with the following measures: o A site-specific analysis, reviewed and approved by City after consultation with CDFW, shall be prepared by a qualified biologist that documents and describes how the nesting or wintering owls would not be adversely affected by construction activities; o Monitoring shall occur by a qualified biologist for a minimum of 10 consecutive days following initiation of construction indicating that the owls do not exhibit adverse reactions to construction activities; o Burrows are not in danger of collapse due to equipment traffic; and o Monitoring is continued by a qualified biologist at least once a week through the nesting/wintering cycle at the site and no change in behavior by owls is observed; biological monitoring reports shall be submitted to CDFW.	

Environmental Impact	Level of Significance Prior to Mitigation	Mitigation Measure	Level of Significance After Mitigation
		BIO-4: Swainson's Hawk. Swainson's hawk surveys shall be conducted by the project developer or construction contractor(s) prior to commencing any construction activities, including on-site and off-site (infrastructure) clearing and tree removal. (Note: BIO-4 is consistent with AMM2, 3, and 8 in the BRCP (Butte County 2019)). Preconstruction surveys for this species may be completed at the same time as other required preconstruction surveys, provided the individual requirements of each preconstruction survey are met. (a) If construction (including site clearing and grading) occurs during the nesting season for Swainson's hawk (March 1 through August 31), a qualified biologist shall conduct preconstruction surveys no more than 15 days prior to construction to identify nesting Swainson's hawk within 0.25 mile of the project site. If a lapse in project-related construction activities of 15 days or longer occurs or if the new project-related activities are located more than 0.25 mile from where work has occurred in the previous 15 days, additional preconstruction surveys shall be conducted prior to reinitiating or initiating work. (b) If an active Swainson's hawk nest is identified within 0.25 mile of the project site, an exclusion buffer of 0.25 mile shall be established in consultation with the biologist and California Department of Fish and Wildlife (CDFW). Reductions in buffer distance from the standard 0.25 mile may be accommodated based on site-specific conditions with specific approval from CDFW. No construction work such as grading, earthmoving, or any operation of construction equipment shall occur within the buffer zone unless in consultation with and approved by CDFW and/or as described below. An approved biologist experienced with Swainson's hawk behavior shall be retained by the project developer to monitor the nest throughout the nesting season at weekly or biweekly intervals and to determine when the young have fledged. Construction may commence normally in the buffer zone if the nest becomes inactive (e.g., the young have fully fledged), as determined by the qualified biologist.	

Environmental Impact	Level of Significance Prior to Mitigation	Mitigation Measure	Level of Significance After Mitigation
		(c) Work within the temporary nest disturbance buffer can occur with the written permission of the City and CDFW. The approved biologist shall be on site daily while construction-related activities are taking place within the buffer. If nesting Swainson's hawks begin to exhibit agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, the approved biologist shall have the authority to shut down construction activities. If agitated behavior is exhibited, the biologist, the project developer, and CDFW shall meet to determine the best course of action to avoid nest abandonment or take of individuals. The approved biologist shall also train construction personnel on the required avoidance procedures, buffer zones, and protocols in the event that a Swainson's hawk flies into an active construction zone (i.e., outside the buffer zone). BIO-5: **Bats (including Pallid Bat and Western Red Bat).** Bat surveys shall be conducted by the project developer or construction contractor(s) prior to commencing any construction activities, including site clearing and tree removal on the project site and associated with construction of off-site wastewater utilities. (Note: BIO-5 is consistent with AMM2 and 3 in the BRCP (Butte County 2019)). Preconstruction surveys for these species may be completed at the same time as other required preconstruction surveys, provided the individual requirements of each preconstruction survey are met. A qualified biologist shall conduct a preconstruction survey for bat roosts within 14 days prior to project construction activities (including site clearing and grading). The survey shall include a visual inspection of potential roosting features (bats need not be present) and presence of guano in the construction footprint and within 50 feet. Potential roosting features found during the survey shall be flagged or marked. If bats (individuals or colonies) are detected, the California Department of Fish and Wildlife (CDFW) shall be notified immediately. If a bat roosting or maternity colony cannot be completely avoided, a qualified biologist shall prepare a bat mitigation and monitoring plan for CDFW review and approval. ~~Potential measures to be included in the plan are~~	

Environmental Impact	Level of Significance Prior to Mitigation	Mitigation Measure	Level of Significance After Mitigation
		~~restrictions of timing of activities, placement of exclusion barriers when bats are foraging away from the roost, and replacement of roosting structures.~~ The plan shall include details of the following measures: 1) For work activities outside the bat maternity roosting season (work conducted between August 1 and February 28), a qualified biologist shall implement passive exclusion measures to prevent bats from re-entering the tree cavities. After sufficient time to allow bats to escape and a follow-up survey to determine that bats have vacated the roost, construction activities may continue and impacts to special-status bat species would be avoided. 2) 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-disturbance buffer shall be 100 feet unless determined to be different by the qualified bat biologist with concurrence from CDFW. 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. BIO-6: **Western Pond Turtle (Off-site Utilities only).** Prior to initiating any site clearing associated with construction of the off-site wastewater utility segment between Cramer Lane and Entler Avenue in the portion within western pond turtle habitat along Comanche Creek, the project developer shall retain a qualified biologist to conduct a western pond turtle pre-construction survey. If western pond turtles are identified in an area where they could be impacted by construction activities, then a biologist trained in relocating western pond turtles shall relocate the turtles outside of the work area or create a species protection buffer (minimum 50 feet, greater if determined by the biologist to be	

Environmental Impact	Level of Significance Prior to Mitigation	Mitigation Measure	Level of Significance After Mitigation
		necessary) until the turtles have left the work area. If a western pond turtle nest is found, a species protection buffer (minimum 30 feet, greater if determined by the biologist to be necessary) shall be established and avoided until the young have hatched or the eggs proven non-viable, as determined by the biologist. If a western pond turtle nest is found, a qualified biologist shall be present during construction activities to ensure that the nest is not impacted. **BIO-7: VELB (Off-site Utilities Only)**. Per the Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (USFWS 2017), avoidance of elderberry shrubs during construction associated with the off-site wastewater utility lines, specifically shall be achieved by implementing a core avoidance area of 20 feet from the drip-line of each elderberry shrub measuring 1 inch or greater in diameter at ground level. The following avoidance and minimization measures shall be implemented by the project developer or construction contractor(s) prior to and during construction activities: (a) *Fencing*. All areas to be avoided during construction activities shall be fenced and/or flagged as close to construction limits as feasible. (b) *Avoidance area*. Activities that may damage or kill an elderberry shrub (e.g., trenching, paving, etc.) ~~may need~~ shall establish an avoidance area of at least 6 meters (20 feet) from the dripline, depending on the type of activity and based on the direction of a qualified biologist. (c) *Worker education*. A qualified biologist shall provide training for all contractors, work crews, and any on-site personnel on the status of the VELB, its host plant and habitat, the need to avoid damaging the elderberry shrubs, and the possible penalties for noncompliance. (d) *Construction monitoring*. A qualified biologist shall monitor the work area at appropriate intervals to assure that all avoidance and minimization measures are implemented. The amount and duration of monitoring shall depend on the construction specifics but shall be at a minimum frequency of weekly for the duration of	

Environmental Impact	Level of Significance Prior to Mitigation	Mitigation Measure	Level of Significance After Mitigation
		ground-disturbing activities. ~~and, if required,~~ T~~t~~he biologist shall consult with the U.S. Fish and Wildlife Service before modifying the schedule for construction monitoring. (e) *Timing*. To the extent feasible, all activities that could occur within 50 meters (165 feet) of an elderberry shrub, shall be conducted outside of the flight season of the VELB (March - July). (f) *Trimming/Mowing*. No trimming of the elderberry shrubs shall occur and no mowing or mechanical weed removal within the drip-line of the elderberry shrub shall be allowed between the months of March through July, when the adult VELB are active.	

The minor typographical error in mitigation measure CUL-2 is corrected to read:

Environmental Impact	Level of Significance Prior to Mitigation	Mitigation Measure	Level of Significance After Mitigation
4.4-2: The proposed project could cause a substantial adverse change in the significance of an archaeological resource.	Potentially Significant	**CUL-2: Archaeological and Native American Monitoring.** As outlined under the Management and Discovery Plan required by Mitigation Measure CUL-1, prior to any ground disturbance the project developer shall ensure tha~~n~~t a Secretary of the Interior qualified archaeologist is present to monitor earthmoving activities within archaeological monitoring zones, at the discretion of the qualified archaeologist. If any archaeological, paleontological, or historic deposits are identified during activities, ground-disturbing construction in that area shall cease, and a determination of resource significance made. Significant resource sites shall be subject to appropriate measures (e.g. data recovery, impact avoidance, recordation). …	Less than Significant

The following revision is made to mitigation measure HAZ-1.

Environmental Impact	Level of Significance Prior to Mitigation	Mitigation Measure	Level of Significance After Mitigation
4.8-1: The proposed project could create a hazard through the routine transport, use, or disposal of hazardous materials.	Potentially Significant	**HAZ-1: Hazardous Building Survey.** Prior to demolition and removal of the former ranch buildings, the project developer or contractor shall retain a licensed hazardous remediation contractor to conduct a hazardous materials building survey to determine if asbestos-containing materials and/or lead-based paints are present. A report documenting material types, conditions and general quantities shall be provided, along with photos of positive materials and diagrams. Should these materials be present, demolition plans and contract specifications shall incorporate any abatement procedures consistent with federal, State and local requirements specific to the removal and proper disposal of materials containing asbestos or lead-based paint. All materials shall be abated in accordance with local, state, and federal requirements by a licensed abatement contractor. Applicable regulations include but are not limited to those of the EPA and Cal/OSHA. **Soil Survey.** Prior to grading activities for the commercial uses proposed adjacent to Skyway, a soil survey shall be conducted for any aerially-deposited lead. If lead is detected that exceeds acceptable levels established by the Department of Toxic Substances Control (DTSC) the project contractor shall notify the City and prepare abatement procedures consistent with federal, state and local requirements specific to the removal and proper disposal of soils containing lead. All materials shall be abated in accordance with local, state, and federal requirements by a licensed abatement contractor.	Less than Significant

The following revision is made to mitigation measure NOI-2.

Environmental Impact	Level of Significance Prior to Mitigation	Mitigation Measure	Level of Significance After Mitigation
4.10-1: The proposed project could result in an increase in temporary or permanent ambient noise levels in excess of City standards.	Potentially Significant	**NOI-2:** Future plans or tentative maps submitted for <u>commercial or multi-family</u> building ~~and/or grading~~ permits which incorporate potentially significant noise generating elements shall include an acoustical analysis (noise study) that verifies and demonstrates the use would meet applicable City noise standards. The analysis shall be provided to the City's Community Development Department for review. Projects determined to have the potential to generate or expose noise-sensitive uses to noise levels exceeding the City of Chico noise standards or result in a substantial (3 to 5 dB or greater) permanent increase in ambient noise levels shall incorporate noise-source control measures as specified in the acoustical analysis, such as site planning, silenced equipment, enclosures, or noise barriers.	Less than Significant

Due to the elimination of residential development proposed on Equestrian Ridge (PA-19), no residential building permits will be sought; therefore, mitigation measure TRAF-1 is no longer required.

Environmental Impact	Level of Significance Prior to Mitigation	Mitigation Measure	Level of Significance After Mitigation
4.13-2: The proposed project would generate demand for pedestrian facilities.	<u>Less than</u> Significant	<u>None required</u> ~~**TRAF-1: Bike Path/Multi-Use Trail.** Prior to the first~~ <u>t</u> ~~residential building permit in Planning Area 19 (PA-19 or Equestrian Ridge) the project developer shall construct a Class I Bike Path/Multi-use Trail on the north side of Honey Run Road from Skyway to PA-19 located approximately 0.7 miles east on Honey Run Road.~~	Less than Significant

The following minor revisions are made to mitigation measures WFIRE-2 and WFIRE-3.

Environmental Impact	Level of Significance Prior to Mitigation	Mitigation Measure	Level of Significance After Mitigation
4.14-2: The proposed project may exacerbate wildfire risk exposing future residents to potential wildfire hazards.	Potentially Significant	**WFIRE-2: Update VESP Firewise Guidelines.** The Valley Edge Specific Plan's Firewise Guidelines, Standards & Vegetation Management Standards shall be updated to incorporate the following specifications: • Implement and maintain fuel treatment areas along all project roads and any trails proposed for use by fire apparatus or use as fire/fuel breaks. Fuel treatment areas shall measure 20 feet in width (horizontal) as measured from the outer edge of pedestrian sidewalk or other improved travel surface and shall occur on both sides of the road or trail. Maintenance of treatment areas shall be conducted according to the standards outlined in California Fire Code Chapter 49, Section 4906. • Locate all habitable structures within 150 feet of fire apparatus access roads, also in accordance with CFC Section 503, unless approved otherwise by the Chico Fire Department. • Ensure building materials and construction methods for all structures are in compliance with California Fire Code Chapter 49, Section 4905, for all buildings residential and commercial, not just those residences located along the Wildland Urban Interface perimeter lots.	Less than Significant
4.14-4: The proposed project could expose future residents to hazards associated with post-fire runoff, slope instability, or drainage changes as the site is developed.	Potentially Significant	**WFIRE-3: Post Fire Activities**. Following any on-site wildfire during project build-out in areas where development may be affected by post-fire risks, a post-fire field assessment shall be conducted by an engineering geologist or civil engineer and California Department of Fish and Wildlife staff or a fire ecologist, in coordination with the Chico Fire Department, to identify any areas that may be subject to increased risk of post-fire flooding, landslide or erosion. Any recommendations identified by the geologist or ecologist to mitigate such risk shall be provided to the City of Chico Community Development Director and any applicable Emergency Operations Center for consideration of the work necessary to allow safe re-entry and/or re-occupation of the affected area.	Less than Significant

The first paragraph on page ES-55 is revised to read:

> As indicated in Table ES-2, Alternative 1, the No Project Alternative would avoid all impacts associated with the proposed project ~~result in the fewest environmental impacts and would be considered the environmentally superior alternative~~. Alternative 2 assumes the project site would be developed consistent with the 2030 General Plan, independent of the proposed project, and would result in reduced impacts in 13 out of 14 resource areas as compared to the proposed project. Both Alternative 1 and Alternative 2 are considered a "No Project Alternative" which is required by CEQA Guidelines Section 15126.6(e) in order to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. ~~However,~~ Section 15126.6(e)(2) of the CEQA Guidelines states that if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

Chapter 2, Project Description

The following figures included in Chapter 2 have been updated to reflect changes to the VESP and are provided at the end of this chapter: Figure 2-3, Land Use Plan; Figure 2-5, Parks Master Plan / Open Space; Figure 2-6, Vehicle Master Plan; Figure 2-7, Trails Master Plan; Figure 2-8, Water System; Figure 2-9, Sewer Infrastructure; and Figure 2-12, Construction Phases.

The first sentence of the first paragraph and Table 2-1 under *Proposed Land Uses* on pages 2-9 and 2-10 are revised to read:

> The VESP proposes up to 2,777 dwelling units, ranging from 0.54 dwelling unit per acre (du/ac) to 18.0 du/ac on approximately 600 ~~668~~ acres.

Table 2-1. Land Use Summary Table

Land Use	Applied Zoning Districts	Acres	Approximate Density/ Commercial Sf	Approximate Dwelling Units
Residential				
VLDR – Very Low Density Residential	RS-VE	~~46.3~~ 25.6	0.54	~~25~~ 14[1]
LDR – Low Density Residential	R1-VE	~~188.3~~ 131.4	~~1.7~~ 2.1	~~342~~ 276[2]
LDR – Low Density Residential	R1-SF-VE	333.6	4.1	1,372[3~~1~~]
MDR – Medium Density Residential	R2-VE	~~91.2~~ 100.2	9.6	~~876[2]~~ 953[4]
MHDR – Medium-High Density Residential	R3-VE	9.0	18.0	162
	Subtotal/Average:	~~668.5~~ *600*	~~*4.1*~~ *4.63*	*2,777*

Table 2-1. Land Use Summary Table

Land Use	Applied Zoning Districts	Acres	Approximate Density/ Commercial Sf	Approximate Dwelling Units
Commercial and Office				
V-CORE – Village Core	CN-VE	12.6	77,000	—
C-COMM – Village Commercial	CC-VE	43.7	370,155	—
	Subtotal	*56.3*	*447,155*	—
Parks, Open Spaces and Public Uses				
V-PG - Public Quasi Public	PQ-VE	18.8	—	—
V-OS1 – Primary Open Space	OS1-VE	46.3	—	—
V-OS2 – Valley Open Space	OS2-VE	~~246.7~~ 267.4	—	—
R-OS – Regional Open Space	OS2-VE	~~371.2~~ 419.1	—	—
	Subtotal	~~683~~ *751.6*	—	—
Roads				
Project Roadways (Right-of-Way)	—	40.4	—	—
	Subtotal	*40.4*	—	—
	Total	**1,448.3**	**447,155**	**2,777**

Source: VESP July 2022.
Notes:
1 Includes four age restricted units (VLDR/RS-VE).
2 Includes six age restricted units (LDR/R1-VE).
3 Includes ~~865~~ 827 age restricted units (LDR/R1-SF-VE).
4 Includes 520 age restricted units (MDR/R2-VE).

Two sentences under *Residential section on* page 2-11 are revised to read:

> The residential component of the proposed project would comprise approximately ~~668~~ 600 acres.
>
> ~~An additional residential area, referred to as "Equestrian Ridge", is located on a mesa in the southeast corner of the site, accessible only from Honey Run Road~~.

The third and fourth sentences under *VLDR (Very Low Density Residential – RS-VE)* on page 2-13 are revised to read:

> The VLDR land use category encompasses ~~46~~ 26 acres of the VESP area. ~~This area is referred to as Equestrian Ridge and is the only residential land accessible along Honey Run Road.~~

The fourth sentence under *MDR (Medium Density Residential – R2-VE)* on page 2-13 is revised to read:

> Approximately ~~91~~ 100 acres are designated MDR.

The first paragraph, first sentence on page 2-14 and footnote 2 under *Accessory Dwelling Units* is revised to read:

> Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADUs)[2] are second units on residential lots. ADUs and JADUs would be permitted in compliance with state law.
>
> 2 A Junior ADU is no more than 500 square feet and must be attached or located within the existing single-family residence. JADUs may share a bathroom with the single-family home and only needs to meet "efficiency kitchen" requirements.

The fourth paragraph, third sentence on page 2-14 is revised to read:

> (For a complete list of uses that would be allowed within this designation, please see ~~Section 4.5.3~~ Appendix C of the VESP).

The fifth paragraph, third sentence on page 2-14 is revised to read:

> A network of pedestrian and bike trails would also be constructed for public and quasi-public use.

The last paragraph, third sentence on page 2-14 is revised to read:

> The proposed project would designate approximately ~~672~~ 733 acres for parks, preserves, and open space.

Table 2-2 on page 2-15 is revised to read:

Table 2-2. Park and Open Space Components

Park Types	Acreage (approximate)
Regional Park	~~371.2~~ 419
Linear Parks, Creekside Greenways, and Open Space Corridors	~~178.6~~ 198
Community Park	36.~~4~~
Neighborhood Parks (Homestead Park, Child's Meadows and Pioneer Park)	~~16.0~~ 14.5
~~Mini-Parks and Tot Lots~~	~~2.9~~
Big Meadows Park	~~17.8~~ 12
Village Core Park	~~3.2~~ 4.0
Senior Parks	2.9
Primary Open Space	46.3
Total	**~~675.3~~ 732.7 acres**

Source: VESP July 2022.
Note: Acreage associated with mini parks and tot lots are included in residential land use acreages.

The first sentence under *Regional Open Space* on page 2-15 is revised to read:

> Approximately ~~371.2~~ 419 acres of the project site would be designated Regional Open Space (R-OS) and established as a Regional Park for conservation and passive recreation.

The first sentence under *Linear Parks, Creekside Greenways and Open Space Corridors* on page 2-15 is revised to read:

> Approximately ~~179~~ 198 acres of the project site would be designated Regional Open Space (R-OS)

The first sentence under *Neighborhood Parks* on page 2-15 is revised to read:

> Three neighborhood parks (Homestead Park, Child's Meadow Park and Pioneer Park), totaling approximately ~~16~~ 14.5 acres, are proposed within the Multi-Generational Neighborhood areas of the project site.)

The paragraph under *Big Meadows Park* on page 2-16 is revised to read, including the addition of a footnote:

> Big Meadows Park (~~17.8~~ 12 acres) is proposed immediately north of the community park, near the western boundary of the project site. Big Meadows Park would include Class I trails, and if feasible, a lake for viewing and fishing stations, adventure play areas, picnic tables, shaded rest areas, restrooms, parking areas, and interpretive signage. The lake would also be used to provide a source of water for wildland fire suppression and for storm water retention.[1] Big Meadows Park could also include a monument honoring the Mechoopda Tribe's history and heritage in Chico and easterly foothills.
>
> [1] The proposed artificial lakes are aspirational; the lakes would only be developed if proven feasible through future agency permitting processes. As such, any future proposals to develop the lake features in Big Meadows Park will be reviewed under CEQA in accordance with Public Resources Code section 21166.

The first sentence under *Village Core Park* on page 2-16 is revised to read:

> Village Core Park (~~3.16~~ 4 acres) is proposed directly west of the Village Core.

The fourth paragraph, second sentence on Page 2-22 is revised to read:

> Utilities necessary to serve the proposed project include water, wastewater and storm drainage, as well as dry utilities such as ~~gas,~~ electric, telephone and cable.

The first paragraph, second sentence on page 2-30 is revised to read:

> An approximately ~~10~~ 14 ~~-~~acre site for an elementary school would be designated within the 19 acres planned for Public Quasi Public (~~V~~PQ) use.

The fifth paragraph, second sentence on page 2-37 is revised to read:

> Development standards, which are considered mandatory, are provided for each land use designation in Tables ~~4.6~~ 4.5 through ~~4.12~~ 4.11 of VESP Chapter 4.

Chapter 3, Land Use and Planning

The fourth paragraph, first sentence on page 3-10 is revised to read:

> **Policy LU-6.1.1 (Special Planning Area Designation)** - To meet the City's growth needs, support development in the following five Special Planning Areas: Bell Muir, Barber Yard, Doe Mill/Honey Run, North Chico, South Entler.

Table 3-1 on page 3-28 is revised to read:

Table 3-1 Consistency with Applicable Goals and Policies

Butte County 2016 Regional Transportation Plan/Sustainable Communities Strategy 2016-2040	
Objective 10.3. Roads that are pedestrian friendly encourage bicycle trips and the use of the mass transportation system. **Policy 10.3.1.** Assist member jurisdictions in developing and implementing strategies and design criteria that make new commercial and residential developments friendly to pedestrians and bicyclists.	Consistent. The VESP is designed to encourage and facilitate pedestrian and bicycle access throughout the plan area through an extensive network of trails that connect residential areas with the commercial uses.
Objective 10.4. Preserve productive farmland and land that provides habitat for rare, endangered or threatened species. **Policy 10.4.1** Consider impacts on prime farmland and areas that support protected wildlife. **Policy 10.4.2** Encourage participation in Butte Regional Conservation Plan (BRCP).	The project site is not designated prime farmland and has historically only been used for grazing. Impacts to biological resources are evaluated in this EIR, including participation in the BRCP.
City of Chico 2030 General Plan	
Sustainability Element	
Goal SUS-1: Balance the environment, economy and social equity, as defined in the General Plan, to create a sustainable Chico.	Consistent. The project is designed consistent with the General Plan and includes a mix of residential and commercial uses designed to promote a healthy and sustainable lifestyle and community. This includes an extensive network of multi-use trails, and housing options for a variety of lifestyles, incomes and ages.
Policy SUS-1.1 (General Plan Consistency) – Ensure proposed development projects, policies, and programs are consistent with the General Plan.	Consistent. The VESP has been designed consistent with the City's 2030 General Plan. The City's 2030 General Plan is a legally adequate planning document. The project's consistency with applicable general plan goals and policies as discussed in this chapter illustrates the specific plan's consistency with the general plan.
Policy SUS-1.6 (Public Health) - Emphasize the importance of public health in land use planning, infrastructure planning, and implementing City policies and programs.	Consistent. The project is designed consistent with the General Plan and includes a mix of residential and commercial uses designed to promote a healthy and sustainable lifestyle and community. This includes an extensive network of multi-use trails, energy efficient, resource efficient, and fire resistant buildings, housing and options for a variety of lifestyles, incomes and ages.

Table 3-1 Consistency with Applicable Goals and Policies

Goal SUS-7: Support local food systems in Chico.	Consistent. The project supports providing local foods within the Village Core and Village Commercial land uses.
Policy SUS-7.2 (Support Community Gardens) Support community gardens in appropriate locations in the City.	Consistent. The project supports the inclusion of community gardens within the Village Core.
Land Use Element	
Goal LU-1: Reinforce the City's compact urban form, establish urban growth limits, and manage where and how growth and conservation will occur.	Consistent. The project site is identified in the City's General Plan as a growth area, and the Specific Plan proposes clustering development to maintain large areas of the site in open space.
Policy LU-1.2 (Growth Boundaries/Limits) Maintain long-term boundaries between urban and agricultural uses in the west and between urban uses and the foothills in the east, and limit expansion north and south to produce a compact urban form.	Consistent. The project is proposed on a site designated by the City for future development and proposes a buffer along the eastern boundary of the site, adjacent to undeveloped land in the County.
Policy LU-1.3 (Growth Plan) Maintain balanced growth by encouraging infill development where City services are in place and allowing expansion into Special Planning Areas.	Consistent. The project is consistent with the General Plan's directive to develop the project site with a mix of residential, commercial, public facilities, parks and open space uses.
Goal LU-2: Maintain a land use plan that provides a mix and distribution of uses that meet the identified needs of the community.	Consistent. The project's land use plan provides a mix of land uses consistent with the General Plan direction for development of this area.
Policy LU-2.3 (Sustainable Land Use Pattern) Ensure sustainable land use patterns in both developed areas of the City and new growth areas.	Consistent. The project is designed consistent with the General Plan and includes a mix of residential and commercial uses designed to promote a healthy and sustainable lifestyle and community. This includes an extensive network of multi-use trails, energy efficient, resource efficient, and fire resistant buildings, housing and options for a variety of lifestyles, incomes and ages.
Policy LU-2.5 (Open Space and Resource Conservation) Protect areas with known sensitive resources.	Consistent. The project has been designed to minimize tree removal, maintain on-site rock walls, preserve known cultural resources, preserve the on-site Butte County meadowfoam plant, and preserve approximately half of the site in open space or parks.

Table 3-1 Consistency with Applicable Goals and Policies

Goal LU-3: Enhance existing neighborhoods and create new neighborhoods with walkable access to recreation, places to gather, jobs, daily shopping needs, and other community services.	Consistent. The project has been designed with multi-use trails that connect all residences with the on-site commercial/retail uses.
Policy LU-3.1 (Complete Neighborhoods) Direct growth into complete neighborhoods with a land use mix and distribution intended to reduce auto trips and support walking, biking, and transit use.	Consistent. The project has been designed to include a series of multi-use trails to connect all land uses via the trail system. This will encourage residents to walk or ride their bikes to access the school, commercial areas and parks. In addition, the internal roadway network is designed to allow electric vehicles
Goal LU-6 Comprehensively plan the Special Planning Areas to meet the City's housing and jobs needs.	Consistent. The project includes a Specific Plan that provides a comprehensive plan consistent with General Plan direction for the Special Planning Area.
Policy LU-6.1 (Special Planning Area Designation) To meet the City's growth needs, support development in the following five Special Planning Areas: Bell Muir, Barber Yard, Doe Mill/Honey Run, North Chico, South Entler.	Consistent. The project is proposing a Specific Plan to develop SPA-5, Doe Mill/Honey Run.
Policy LU-6.2 (Special Planning Area Implementation) Allow flexibility when planning the Special Planning Areas in order to meet changing community housing and jobs needs. **Action LU-6.2 (SPA Planning Requirements)** Require more detailed land use planning in the form of a specific plan, planned development, or other comprehensive plan for each Special Planning Area (SPA) prior to development occurring on vacant land within an SPA. In addition to the Actions specific to each SPA, subsequent land use planning shall: • Create a parcel-specific land use plan based on site, infrastructure, and environmental analysis. • Include public facility financing plans, infrastructure phasing plans, and other studies as applicable. • Consider opportunities for the provision of housing units affordable to very low, low, and/or moderate-income households within the SPA using governmental subsidies or other incentives.	Generally Consistent. The proposed project includes a Specific Plan that provides a more refined land use plan, infrastructure phasing plans and financing and implementation plans. The Specific Plan includes a range of housing options and densities for ownership and rental including for individuals 55+. The EIR prepared for the project is evaluating the environmental impacts associated with construction and operation of the project. Based on the EIR impacts would generally not be significantly greater than what was identified in the General Plan EIR.

Table 3-1 Consistency with Applicable Goals and Policies

• Include the range of uses identified on the SPA conceptual land use plan (a conceptual land use plan is not intended to direct specific acreage or organization of land uses, but is intended to depict the general mix of desired land uses within the project area). • Have no significantly greater traffic, air quality, or noise impacts than those analyzed in the General Plan environmental analysis (residential and non-residential development assumptions for each SPA are provided in [General Plan] Appendix C).	
Action LU-6.2.4 (Doe Mill/Honey Run SPA Planning) Plan the Doe Mill/Honey Run SPA with a broad range of housing types and densities integrated with open space and recreational areas, supporting commercial services, and public facilities. Subsequent planning will: • Address circulation with primary connections to the site via Skyway and E. 20th Street. • Incorporate accessible open space on the eastern portion of the SPA, a community park, as well as neighborhood and mini parks. • Maintain open space by clustering development and providing open space buffers on the northern, eastern, and southern edges of the SPA. • Include visual simulations to ensure that development is not visually intrusive as viewed from lower elevations. • Incorporate special lighting standards to reduce impacts on the nighttime sky. • Address wildland fire considerations.	Consistent. The proposed project has been designed consistent with the General Plan land use plan for this SPA and includes a mix of housing types/densities, commercial uses, public facilities, and parks and open space. The circulation/infrastructure plans include connections to Skyway and E. 20th Street. A range of parks are provided and open space surrounds the northern, eastern and southern boundaries. Development is proposed in a linear fashion leaving open space buffers throughout. Visual simulations have been prepared for the project and are included in Section 4.1, Aesthetics. The Specific Plan includes design guidelines and development standards that provide lighting standards to reduce light spillover effects and to protect views of nighttime skies and minimize light pollution. Lastly, the Specific Plan includes measures to address wildfire, and these concerns are evaluated in Section 4.14, Wildfire.

Table 3-1 Consistency with Applicable Goals and Policies

Community Design Element	
Goal CD-1: Strengthen Chico's image and sense of place by reinforcing the desired form and character of the community.	Consistent. The VESP Residential Design Guidelines have been developed to ensure new residential development compliments and is consistent with the City's community values and character.
Policy CD-1.1 (Natural Features and Cultural Resources) Reinforce the City's positive and distinctive image by recognizing and enhancing the natural features of the City and protecting cultural and historic resources.	Consistent. The VESP includes policies and actions to protect and enhance the existing unique natural features on the site and to preserve protected habitat and cultural resources, including rock walls.
Action CD-1.1.1 (Highlight Features and Resources) – Incorporate and highlight natural features such as scenic vistas, creeks, and trees, as well as cultural resources such as rock walls, into project design.	Consistent. The VESP includes policies and actions to preclude development on top of ridges or hilltops. Further, design guidelines and development standards would limit grading in hillside areas, protect natural amenities, such as views, mature trees, creeks, rock walls, riparian corridors, and similar features unique to the site.
Action CD-1.1.2 (Landscape Improvement) – Emphasize landscaping as a fundamental design component, retaining mature landscaping when appropriate, to reinforce a sense of the natural environment and to maintain an established appearance.	Consistent. The VESP includes landscape design guidelines designed to reinforce the existing natural environment and the existing oak trees within the project site have been identified as key landmarks to preserve.
Goal CD-2: Enhance edges and corridors that represent physical boundaries, transitions and connections throughout the community.	Consistent. The VESP has been designed to provide a variety of transitions between neighborhoods and an extensive connection of pedestrian and bike paths throughout the entire project area.
Policy CD-2.1 (Walkable Grid and Creek Access) – Reinforce a walkable grid street layout and provide linkages to creeks and other open spaces.	Consistent. The VESP circulation plan has been designed with an extensive network of pedestrian and bicycle pathways to provide access to parks and open space areas throughout the project site.
Action CD-2.1.1 (Circulation and Access) – As part of project review, integrate a predominately grid-based street pattern into new development to enhance walkability and public health.	Generally consistent. The VESP includes a master circulation plan that shows the main project roadways, but does not include all the proposed residential streets. The project does include an extensive pedestrian and bicycle trail system that will connect the entire plan area to encourage walkability to the on-site commercial uses as well as throughout the open space areas.
Action CD-2.1.2 (Bike Trails, Paths and Medians) – Establish linkages and an improved sense of place through enhanced bike trails, pedestrian paths, landscaped medians and parkways.	Consistent. The VESP includes an extensive system of pedestrian and bicycle paths throughout the entire project site. Landscaped medians and parkways are also provided in the circulation plan.

Table 3-1 Consistency with Applicable Goals and Policies

Policy CD-2.4 (Context Sensitive Foothill Development) Protect viewsheds from foothill development, through the careful location and design of roads, buildings, lighting, landscaping, and other infrastructure.	Consistent. The VESP design guidelines and development standards specifically limit the height of buildings, prohibit development on any ridgelines or hilltops, limit mass grading, and provide requirements for lighting and infrastructure.
Action CD-2.4.1 (Protection of Foothill Viewshed) – Design and blend foothill development with the surrounding landscape and topography to diminish its visual prominence from the valley floor.	Consistent. The VESP design guidelines and development standards include a color palette to minimize the visual prominence of buildings and to blend into the environment. The project also retains a majority of the mature trees on-site to maintain as much of the existing environment possible.
Action CD-2.4.2 (Foothill Light Levels) – Design low light levels in foothill settings to optimize views of dark skies and minimize light pollution.	Consistent. The VESP design guidelines and development standards include specific lighting guidelines that are "dark-sky" compliant consistent with the City's General Plan lighting policies and recommendations, as well as the City's Design Guidelines Manual.
Action CD-2.4.3 (Foothill Streets) – In order to minimize cut and fill grading operations in foothill areas, design new streets at the minimum dimension necessary for access and parking.	Consistent. The VESP specifically states that grading is intended to be minimized, to maintain the existing contours of the land, as well as ensure development results in minimal disturbances of existing or natural terrain.
Action CD-2.4.4 (Block Lengths) – Minimize the length of street blocks in foothill development.	Unknown. A tentative map is not part of the project so the detail on the length of street blocks is not known.
Action CD-2.4.5 (Contours of Natural Slope) – Limit the extent and amount of grading in foothill areas, and where grading occurs, emulate the contours of the natural slope.	Consistent. The VESP specifically states that grading is intended to be minimized, to maintain the existing contours of the land, as well as ensure development results in minimal disturbances of existing or natural terrain.
Goal CD-3: Ensure project design that reinforces a sense of place with context sensitive elements and a human scale.	The VESP includes guiding principles that include promoting a healthy and sustainable community and preservation of oak woodlands, seasonal creek corridors, wetlands, ridgelines, and other natural landforms and features. The project has been designed to specifically create a sense of place that builds on the lifestyle that makes the City a desirable place to live.
Policy CD-3.1 (Lasting Design and Materials) – Promote architectural design that exhibits timeless character and is constructed with high quality materials.	Consistent. The VESP includes detailed design guidelines and development standards to ensure future development is constructed with sustainable materials.
Policy CD-3.3 (Pedestrian Environment and Amenities) – Locate parking areas and design public spaces within commercial and mixed-use projects in a manner that promotes pedestrian activity.	Consistent. One of the primary goals of the VESP is to enable residents' access to the commercial areas by both the Class I Path system and Neighborhood Electric Vehicle (NEV) lanes to promote pedestrian and bicycle access and a reduction in vehicle trips.

Table 3-1 Consistency with Applicable Goals and Policies

Policy CD-3.4 (Public Safety) – Include public safety considerations in community design.	Consistent. The VESP design guidelines include Crime Prevention Through Environmental Design (CPTED) principles that include simple safety design concepts.
Goal CD-4: Maintain and enhance the character of Chico's diverse neighborhoods.	Consistent. The VESP includes design guidelines developed, in part, based on the City's existing character present in older neighborhoods.
Policy CD-4.1 (Distinctive Character) – Reinforce the distinctive character of neighborhoods with design elements reflected in the streetscape, landmarks, public art, and natural amenities.	Consistent. The VESP design guidelines encourage the protection of natural amenities, such as views, mature trees, creeks, rock walls, and riparian corridors and also encourage incorporating rock outcroppings, vegetation, and drainage swale areas into residential lots.
Action CD-4.1.1 (Neighborhood Design Details) – Develop and implement neighborhood plans that identify neighborhood design qualities and characteristics.	Consistent. The VESP includes detailed design guidelines that identify neighborhood design qualities and characteristics such as protecting natural features including trees, water ways, and unique features including the rock walls.
Action CD-4.1.3 (Sense of Place) – As part of the design review of development and capital projects, encourage the integration of civic, cultural, natural, art, and other themes that create a sense of place for each neighborhood and contribute to the overall character of the community.	Consistent. The VESP includes actions to incorporate and highlight existing trees, creeks, rock walls and other natural features and also encourages public art in public gathering areas.
Goal CD-6: Enhance gateways and wayfinding elements for an improved sense of arrival and orientation for residents and visitors throughout Chico.	Consistent. The VESP design guidelines include details on the proposed signage program to be provided throughout the plan area
Policy CD-6.2 (No Gated Subdivisions) – Do not allow new gated subdivisions because they isolate parts of the community from others, create an unfriendly appearance, and do not support social equity.	Generally consistent. The VESP Design Guidelines do not include standards or guidelines for gated neighborhoods. However, the 55+ Senior Housing component of the project may include gated facilities (i.e., assisted living, memory care) but at this time it is not known what specific uses may be developed. The design guidelines include details on fencing, but there is no information specific to gated neighborhoods.

Table 3-1 Consistency with Applicable Goals and Policies

Open Space and Environment Element	
Goal OS-5: Preserve agricultural areas for the production of local food and the maintenance of Chico's rural character.	Consistent. The project site does not include any areas that are currently used for producing local food.
Policy OS-5.2 (Agricultural Resources) – Minimize conflicts between urban and agricultural uses by requiring buffers or use restrictions.	Consistent. The VESP includes a buffer along the eastern boundary of the site adjacent to land in the County designated for grazing.
Action OS-5.2.1 (Agricultural Buffers) – Require buffers for development adjacent to active agricultural operations along the Greenline to reduce incompatibilities, and explore opportunities for public uses within buffers.	Consistent. The City's active agricultural areas and the Greenline are located in the western portion of the City. The project is not located in proximity to the Greenline, but as noted above provides a buffer adjacent to agricultural lands used for grazing to the east.
Housing Element	
Goal H.3: Promote construction of a wide range of housing types.	Consistent. The VESP includes a range of housing types to address a range of income levels.
Policy H.3.1: Ensure a balanced rate of growth between housing production, employment and provision of services.	Generally consistent. The VESP includes a mix of commercial and office uses to serve the needs of project residents. The project is generally consistent with this policy because 477,155 square feet of neighborhood-serving commercial uses are proposed.
Policy H.3.3: Promote a mix of dwelling types and sizes throughout the City.	Consistent. The VESP includes a mix of single-family and multi-family units at a range of densities, housing for seniors, and also smaller work force housing units.
Policy H.3.4: Maintain an adequate supply of rental housing to meet the needs of all renters, including university students and employees.	Consistent. It is anticipated some of the multi-family housing units may be available as rentals.
Goal H.4: Encourage the creation of housing for persons with special needs.	Consistent. The project includes a range of housing types to meet the needs of both families and seniors. Specific housing types are not available at this time.
Policy H.4.1: Make housing accessible to persons with disabilities.	Consistent. It is anticipated the senior housing would be ADA accessible and other units may also meet ADA requirements; however, specific housing types are not available at this time.
Policy H.4.2: Seek to incorporate childcare services into new residential development.	Unknown. Specific uses have not yet been defined.
Policy H.4.4: Assist in the provision of housing for seniors.	Consistent. The project includes housing for seniors 55+.

Table 3-1 Consistency with Applicable Goals and Policies

Action H.4.4.1: Encourage the development of a variety of housing options for the elderly. Promote programs that allow seniors to age in place.	Consistent. The project includes a range of housing options for seniors 55+.
Goal H.6: Increase homeownership.	Consistent. The project includes a range of housing including smaller work force housing to accommodate a range of incomes.
Policy H.6.1: Promote homeownership opportunities for all economic sectors of the .	Consistent. The project includes a range of housing including smaller work force housing to accommodate a range of incomes.
Policy H.6.2: Expand homeownership opportunities for first-time homebuyers.	Consistent. The project includes a range of housing including smaller work force housing to accommodate a range of incomes.
Goal H.7: Encourage energy efficiency in housing.	Consistent. The VESP includes specific policies and actions to meet and exceed title 24 energy efficiency standards.
Policy H.7.1: Continue to enforce energy standards required by the State Energy Building Regulations and California Building Code, and reduce long-term housing costs through planning and applying energy conservation measures.	Consistent. The VESP includes specific policies and actions to meet and exceed title 24 energy efficiency standards.
Butte County Local Agency Formation Commission Policies	
2.3 Urban Development 2.3.1 LAFCO will encourage proposals that result in urban development to include annexation to a city wherever reasonably possible, and discourage proposals for urban development without annexation to a city. LAFCO will also encourage cities to annex lands that have been developed to urban levels as defined below, particularly areas that receive city services.	Consistent. The applicant is requesting the project site be annexed to the City. The project site is within the City's SOI and annexation of the site was contemplated in the City's General Plan.
2.5 Balancing Jobs and Housing LAFCO will normally encourage those applications, which improve the regional balance between jobs and housing within the jurisdiction of the affected local agency. LAFCO will consider the impact of a proposal on the regional supply of residential housing for all income levels. The agency that is the subject of the proposal must demonstrate to the Commission that any adverse impacts of the proposal on the regional affordable housing supply have been mitigated.	Generally consistent. The VESP includes 477,155 square feet of neighborhood-serving commercial uses and a mix of single-family and multi-family units at a range of densities, housing for seniors, and also smaller work force housing units to accommodate a range of incomes.
2.6 Compact Urban Form and Infill Development Encouraged When reviewing proposals that result in urban development, LAFCO will consider whether the proposed development is timely, compact in form	Generally consistent. The VESP is contiguous to the City of Chico and generally designed as a compact land use plan to maximize preservation of open space for parks and trails.

Table 3-1 Consistency with Applicable Goals and Policies

and contiguous to existing urbanized areas. LAFCO will favor development of vacant or under-utilized parcels already within a city or other urbanized area prior to annexation of new territory. However, the Butte LAFCO recognizes that under certain circumstances the redevelopment of underutilized land and infill parcels are subject to the desires of the property owners necessitating the annexation of vacant lands on the periphery of the city boundaries.	
2.7 Adequate Services LAFCO will consider the ability of an agency to deliver adequate, reliable and sustainable services, and will not approve a proposal that has significant potential to diminish the level of service in the agency's current jurisdiction. The agency must provide satisfactory documentation of capacity to provide service within a reasonable amount of time.	Consistent. The EIR has evaluated the ability of the service providers to serve the project and capacity of the City's wastewater treatment plant (WWTP) to serve proposed development. Based on the analysis service providers, including the City's WWTP have capacity to serve the project. The City's Municipal Services Review and Sphere of Influence Plan (2018) evaluates the ability of service providers to serve future development within the SOI.
2.8 Efficient Services Community needs are normally met most efficiently and effectively by proposals that: • Utilize existing public agencies rather than create new ones; • Encourage collaboration between public agencies in order to obtain the greatest level of public support for the provision of consolidated services; • Consolidate services and service providers if such consolidations enhance the efficiency and quality of service; and, • Restructure agency boundaries and service areas to provide more logical, effective, and efficient local government services.	Consistent. The project would use existing public service providers, including the City, to serve the project. With the exception of annexing the site to the City, no other service or agency boundaries would be required.
2.10. Conformance with General and Specific Plans 2.10.1 Consistency with General and Specific Plans. LAFCO will approve changes of organization or reorganization only if the proposal is consistent with the General Plan and relevant Specific Plans of the applicable planning jurisdiction.	Consistent. The VESP has been designed consistent with the City's 2030 General Plan Special Planning Area 5 (SPA-5) or the Doe Mill/Honey Run SPA and City goals and policies. The City's General Plan assigned a mix of residential, commercial, parks and open space uses within this area, which the VESP provides. Consistent. The project site is within the City's SOI and once annexed would become part of the City of Chico.

Table 3-1 Consistency with Applicable Goals and Policies

2.10.2 Planning Jurisdiction. The applicable planning jurisdiction is as follows: • For areas within a city's sphere of influence, the city is the applicable planning jurisdiction; and, • For areas outside a city's sphere of influence, County is the applicable planning jurisdiction.	
2.10.4 Consistency Found Adequate For purposes of this standard, the proposal shall be deemed consistent if the proposed use is consistent with the applicable General Plan designation and text, the applicable General Plan is legally adequate and internally consistent, and the anticipated types of services to be provided are appropriate to the land use designated for the area. While LAFCO will ordinarily accept the finding of the planning jurisdiction as to consistency, LAFCO shall retain discretion to independently determine consistency where appropriate. LAFCO may require additional information, if necessary, particularly where the proposal involves an amendment to the General Plan of the applicable planning jurisdiction. (REVISED: May 4, 1996)	Consistent. The VESP has been designed consistent with the City's 2030 General Plan. The City's 2030 General Plan is a legally adequate planning document. The project's consistency with applicable general plan goals and policies as discussed in this chapter illustrates the specific plan's consistency with the general plan.
2.13 Agricultural and Open Space Land Conservation Among LAFCO's core purpose is the preservation of open space lands and prime agricultural lands. The Commission will exercise the powers to conserve prime agricultural land as defined in Section 56064 of the Government Code, open space land as defined in Section 65560 of the Government Code, and unique farmland and land of statewide importance defined in PRC 21060.1, pursuant to the following standards. In order to more effectively carry out this mandate, the Commission may develop local standards to define and identify prime agricultural and open space lands.	Consistent. The project site is designated by the California Department of Conservation as grazing land which is not a protected agricultural designation. The project designates approximately 672 acres for parks, preserves, and open space or 46% of the total project site.
2.13.1 Conditions for Approval of Prime Agricultural/Open Space Land Conversion LAFCO will apply a heightened level of review when considering proposals for changes of organization or reorganization that are likely to result in the conversion of prime agricultural/open space	Consistent. The project site does not contain any land designated Prime, Unique, or Farmland of Statewide Importance. The project site is contiguous with developed lands in the City of Chico and also Butte County and is within the City's SOI. Buildout of the VESP is phased and anticipated to develop over a 20+ year horizon. Undeveloped lands to the east are designated grazing and

Table 3-1 Consistency with Applicable Goals and Policies

land use to other uses. Only if the Commission finds that the proposal will lead to planned, orderly, and efficient development, will the Commission approve such a conversion. For purposes of this standard, a proposal leads to planned, orderly, and efficient development only if all of the following criteria are met: • The land subject to the change of organization or reorganization is contiguous to either lands developed with an urban use or lands within the sphere and designated for urban development; • The proposed development of the subject lands is consistent with the Sphere of Influence Plan, including the Municipal Service Review of the affected agency or agencies and the land subject to the change of organization is within the current 10-year Sphere of Influence boundary; • The land subject to the change of organization is likely to be developed within five years. In the case of very large developments, annexation should be phased wherever feasible. If the Commission finds phasing infeasible for specific reasons, it may approve annexation if all or a substantial portion of the subject land is likely to develop within a reasonable period of time; • Insufficient vacant non-prime or open space land exists within the existing agency boundaries or applicable 10-year Sphere of Influence that is planned and developable for the same general type of use; and, • The proposal will have no significant adverse effect on the physical and economic integrity of other agricultural/open space lands.	consistent with the City's General Plan the VESP includes a setback to ensure there would be no incompatibility with adjacent grazing lands. The project would not result in an adverse effect on the physical and economic integrity of adjacent land designated for grazing.
2.13.3 Finding with Respect to Alternative Sites The Commission will not make the affirmative findings that insufficient vacant non-prime or open space land exists within the Sphere of Influence Plan unless the applicable jurisdiction has identified within its Sphere of Influence all "prime agricultural land" and "open space land"; enacted measures to preserve prime agricultural/open space land identified within its Sphere of	Generally consistent. The City of Chico's General Plan EIR identifies all Prime Agricultural lands within the City's boundaries and the SOI (see General Plan EIR Figure 4.2-1 and Butte County General Plan Figure AG-1). Important farmland is located in the western portion of the City within the City limits. No important farmland is located in the City's SOI, which extends to the east of the City.

Table 3-1 Consistency with Applicable Goals and Policies

Influence for agricultural or open space use; and/or adopted as part of its General Plan specific measures to facilitate and encourage in-fill development as an alternative to the development of agricultural/open space lands.	
2.13.4 Determining Impact on Adjacent Agricultural/ Open Space Lands In making the determination whether conversion will adversely impact adjoining prime agricultural or open space lands, LAFCO will consider the following factors: • The agricultural/open space significance of the subject and adjacent areas relative to other agricultural/open space lands in the region; • The use of the subject and the adjacent areas; • Whether public facilities related to the proposal would be sized or situated so as to facilitate the conversion of adjacent or nearby agricultural/open space land, or will be extended through or adjacent to any other agricultural/open space lands which lie between the project site and existing facilities; • Whether natural or man-made barriers serve to buffer adjacent or nearby agricultural/open space land from the effects of the proposed development; and, • Applicable provisions of the County's General Plan Agricultural Element, Open Space and Land Use Elements, applicable growth-management policies, or other statutory provisions designed to protect agriculture or open space. (Refer to www.buttecounty.net/ dds/planning,htm to locate Butte County's General Plan.)	Consistent. The project site is currently used for seasonal grazing. Due to the underlying lava cap and poor quality of the soils the site has not been actively farmed. Undeveloped lands to the east are under Williamson Act contracts and designated Agriculture under the Butte County General Plan. The VESP includes a 150 to 300-foot setback to ensure there would be no incompatibility with adjacent grazing lands. Adjacent land uses to the north and west include low density residential, or areas planned for residential and parks or open space uses. There are commercial areas located to the south. Public facilities required for the project would require the conversion of undeveloped/open space to accommodate the project. ~~There are no man-made or natural barriers between the project site and undeveloped lands to the east.~~ The VESP includes a setback between residential development and the adjacent undeveloped lands to the east. Policy AG-P5.3.3 in the Butte County General Plan requires a buffer be established on property proposed for residential development requiring discretionary approval in order to protect existing Williamson Act contracts The desired standard shall be 300 feet, but may be adjusted to address unusual circumstances. The project is requesting the site be annexed into the City so consistency with County policies is not required. However, the VESP includes a 300-foot setback along the eastern boundary of the project site, consistent with this policy.
4.1 General Standards for Annexation and Detachment These standards govern LAFCO determinations regarding annexations to and detachments from all agencies. The annexation or detachment must be consistent with the general policies set forth in these Policies and Procedures. [GC§56375(g)] 4.1.1 Consistency with Spheres and Municipal Service Reviews	Consistent. Annexation of the project site is consistent with the City's SOI and the City's SOI MSR completed as part of the City's 2030 General Plan and expansion of the City's sphere.

Table 3-1 Consistency with Applicable Goals and Policies

The annexation or detachment must be consistent with the sphere of influence. The annexation must also be consistent with the applicable Municipal Service Review. An annexation or detachment shall be approved only if the Municipal Service Review and the Sphere of Influence Plan of the affected agency(s) demonstrates that adequate services will be provided within the time frame needed by the inhabitants of the annexed or detached area. If a detachment occurs, the sphere will be modified. 4.1.2 Plan for Services Required Every proposal must include a Plan for Services that addresses the items identified in Section 56653 of the Government Code. This Plan for Service must be consistent with the Municipal Service Review of the agency. [GC§56375(h)].	

4.2. Air Quality

Table 4.2-1 on page 4.2-8 is revised to read:

Table 4.2-1. Butte County Attainment Classification

Pollutant	Averaging Time	Designation/Classification
National Standards		
O_3	8 hours	**Marginal Nonattainment**
NO_2	1 hour, annual arithmetic mean	Unclassifiable/Attainment
CO	1 hour; 8 hours	Unclassifiable/Attainment
SO_2	24 hours; annual arithmetic mean	Unclassifiable/Attainment
PM_{10}	24 hours	Unclassifiable/Attainment
$PM_{2.5}$	24 hours; annual arithmetic mean	~~**Moderate Nonattainment**~~ Unclassifiable/Attainment
Lead	Quarter; 3-month average	Unclassifiable/Attainment
California Standards		
O_3	1 hour; 8 hours	**Nonattainment**
NO_2	1 hour; annual arithmetic mean	Attainment
CO	1 hour; 8 hours	Attainment
SO_2	1 hour; 24 hours	Attainment
PM_{10}	24 hours; annual arithmetic mean	**Nonattainment**
$PM_{2.5}$	Annual arithmetic mean	**Nonattainment**
Lead	30-day average	Attainment
SO_4	24 hours	Attainment
H_2S	1 hour	Unclassified
Vinyl chloride	24 hours	No designation
Visibility-reducing particles	8 hours (10:00 a.m.–6:00 p.m.)	Unclassified

Sources: EPA 2020 (national); CARB 2018 (California).
Notes: O_3 = ozone; NO_2 = nitrogen dioxide; CO = carbon monoxide; SO_2 = sulfur dioxide; PM_{10} = coarse particulate matter; $PM_{2.5}$ = fine particulate matter; SO_4 = sulfates; H_2S = hydrogen sulfide.

The first sentence in the paragraph under Table 4.2-1 on page 4.2-9 is revised to read:

> In summary, Butte County is designated as a nonattainment area for the national O_3 ~~and $PM_{2.5}$~~ standard~~s~~ and is nonattainment for the state O_3, PM_{10} and $PM_{2.5}$ standards. Butte County is designated as unclassified or attainment for all other state and federal standards (EPA 2020; CARB 2018).

Table 4.2-2 on page 4.2-10 is revised to reflect updated information.

Table 4.2-2. Local Ambient Air Quality Data

Monitoring Station	Unit	Averaging Time	Agency/ Method	Ambient Air Quality Standard	Measured Concentration by Year			Exceedances by Year		
					~~2016~~2018	~~2017~~2019	~~2018~~2020	~~2016~~2018	~~2017~~2019	~~2018~~2020
Ozone (O_3)										
East Avenue Monitoring Station	ppm	Maximum 1-hour concentration	California	0.09	~~0.080~~0.076	~~0.076~~0.072	~~0.076~~0.097	0	0	~~0~~1
	ppm	Maximum 8-hour concentration	California	0.070	~~0.074~~0.070	~~0.070~~0.064	~~0.070~~0.083	~~1~~0	0	~~0~~1
			National	0.070	~~0.073~~0.069	~~0.069~~0.063	~~0.069~~0.083	~~1~~0	0	~~0~~1
Nitrogen Dioxide (NO_2)										
East Avenue Monitoring Station	ppm	Maximum 1-hour concentration	California	0.18	~~0.032~~0.051	~~0.037~~0.042	~~0.051~~0.033	0	0	0
			National	0.100	~~0.032~~0.052	~~0.038~~0.042	~~0.052~~0.033	0	0	0
	ppm	Annual concentration	California	0.030	0.006	~~0.006~~0.007	~~0.006~~0.005	0	0	0
			National	0.053	—	—	—	—	—	—
Carbon Monoxide (CO)										
East Avenue Monitoring Station	ppm	Maximum 1-hour concentration	California	20	—	—	—	—	—	—
			National	35	~~1.7~~20.7	~~1.9~~1.6	~~20.7~~7.4	0	0	0
	ppm	Maximum 8-hour concentration	California	9.0	—	—	—	—	—	—
			National	9	~~1.4~~1.4	~~1.4~~1.3	~~12.8~~4.9	0	0	0

Table 4.2-2. Local Ambient Air Quality Data

Monitoring Station	Unit	Averaging Time	Agency/ Method	Ambient Air Quality Standard	Measured Concentration by Year			Exceedances by Year		
					~~2016~~2018	~~2017~~2019	~~2018~~2020	~~2016~~2018	~~2017~~2019	~~2018~~2020
Coarse Particulate Matter (PM_{10})[b]										
East Avenue Monitoring Station	g/m³	Maximum 24-hour concentration	California	50	~~58.1~~4478.7	~~101.3~~55.7	~~454.0~~387.0	~~8~~40 ~~(8.1)~~(41.5)	~~14~~4 (ND)	~~40~~53 ~~(41.5)~~(ND)
			National	150	~~57.0~~454.0	~~101.4~~54.4	~~478.7~~391.3	~~ND~~9 ~~(14)~~(9.0)	0.0 (0)	~~3.0~~8 ~~(9)~~(10.0)
	g/m³	Annual concentration	California	20	~~20.6~~32.3	~~ND~~32	~~32.3~~32	—	—	—
Fine Particulate Matter ($PM_{2.5}$)[b]										
East Avenue Monitoring Station	g/m³	Maximum 24-hour concentration	National	35	~~37.2~~411.7	~~45.2~~34.6	~~411.7~~329.3	~~1.2~~18 ~~(1)~~(18.8)	~~2.3~~0 ~~(2)~~(0.0)	~~18.8~~33 ~~(18)~~(33.6)
	g/m³	Annual concentration	California	12	~~45.9~~18.1	~~47.0~~ND	~~417.0~~16.1	—	—	—
			National	12.0	~~7.6~~13.7	~~9.0~~7.0	~~13.7~~15.9	—	—	—

Sources: CARB 2021; EPA 2021

Notes: ppm = parts per million by volume; ND = insufficient data available to determine the value; — = not available; µg/m³ = micrograms per cubic meter.
Data taken from CARB iADAM (http://www.arb.ca.gov/adam) and EPA AirData (http://www.epa.gov/airdata/) represent the highest concentrations experienced over a given year. Exceedances of national and California standards are only shown for O_3 and particulate matter. Daily exceedances for particulate matter are estimated days because PM_{10} and $PM_{2.5}$ are not monitored daily. All other criteria pollutants did not exceed national or California standards during the years shown. There is no national standard for 1-hour ozone, annual PM_{10}, or 24-hour SO_2, nor is there a state 24-hour standard for $PM_{2.5}$.
East Avenue Monitoring Station is located at 984 East Avenue, Chico, California 95926.

[a] Air monitoring data from 2018 is substantially higher compared with previous years concentrations due to the Camp Fire event experienced in November 2018.

[b] Measurements of PM_{10} and $PM_{2.5}$ are usually collected every 6 days and every 1 to 3 days, respectively. Number of days exceeding the standards is a mathematical estimate of the number of days concentrations would have been greater than the level of the standard.

The first paragraph on page 4.2-16 is revised to read:

> ***Chico, CA/Butte County $PM_{2.5}$ Nonattainment Area Redesignation Request and Maintenance Plan:*** On November 16, 2017, CARB approved and submitted a request that EPA find the Chico/Butte County region in attainment for the 2006 24-hour $PM_{2.5}$ NAAQS (BCAQMD 2017). On ~~July 11, 2018~~ September 20, 2013, the EPA officially determined that the Chico/Butte County region Federal Nonattainment Area had attained the 24-hour $PM_{2.5}$ NAAQS by the attainment deadline. On August 10, 2018, the ~~BCAQMD~~ EPA approved the $PM_{2.5}$ maintenance plan and request for re-designation for the 2006 $PM_{2.5}$ NAAQS to meet the EPA re-designation requirements.

A typographical error on page 4.2-21 lists Action C-1.5 twice. This is corrected as follows:

> ~~Action C-1.5 – Promote and encourage neighborhood electric vehicles (NEV's) by designing all roadways to accommodate their use.~~
>
> Action C-1.4 – Promote increased trail usage by ensuring that 100% of the homes are within 350 yards of a connection to the overall trail network.
>
> Action C-1.5 – Promote and encourage neighborhood electric vehicles (NEV's) by designing all roadways to accommodate their use.

The footnote on page 4.2-23 is revised to read:

> [1] The analysis assumes a construction start date of April 2022, which represents the earliest date construction would initiate. Assuming the earliest start date for construction represents the worst-case scenario for criteria air pollutant emissions because equipment and vehicle emission factors for later years would be slightly less due to more stringent standards for in-use off-road equipment and heavy-duty trucks, as well as fleet turnover replacing older equipment and vehicles in later years. However, if the project is approved construction would not be anticipated to get underway until 2024 or 2025.

The first sentence in the sixth paragraph on page 4.2-29 is revised to read:

> As discussed in Section 4.2.1 (Environmental Setting), the SVAB has been designated as a federal nonattainment area for O_3 ~~and $PM_{2.5}$~~ and a state nonattainment area for O_3, PM_{10}, and $PM_{2.5}$. The nonattainment status is the result of cumulative emissions from various sources of air pollutants and their precursors within the SVAB, including motor vehicles, off-road equipment, and commercial and industrial facilities.

On page 4.2-34, Mitigation Measure AQ-2 has been corrected to read:

> **AQ-2: Idling Restriction.** For commercial land uses that include truck idling, idling for periods of greater than five (5) minutes shall be prohibited. Signage shall be posted at truck parking spots, entrances, and truck bays advising that idling time shall not exceed five (5) minutes per idling location. To the extent feasible, the tenant shall restrict idling emission from trucks by using auxiliary power units and electrification. Electrical power connections shall be installed at loading ~~ducks~~ docks so that TRUs (Transport Refrigerated Units) can be plugged in when stationary.

4.3, Biological Resources

Figure 4.3-4 has been updated and is included at the end of this chapter.

The section "Special-Status Wildlife" starting on page 4.3-18, including Table 4.3-4 is revised to read:

Special-Status Wildlife

Results of the CNDDB, USFWS IPaC Trust Resource Report, and relevant literature searches indicated 30 special-status wildlife species as potentially occurring in the project site or in the project vicinity (see Table 4.3-8 in Appendix C). Of these, ~~16~~ 12 species are not expected to occur on the project site or vicinity based on lack of habitat on the project site and/or the project site being outside of the species' known range. The ~~14~~ 18 remaining special-status wildlife species have a potential to occur on the project site. These species are presented in Table 4.3-4 and discussed in detail below.

Table 4.3-4. Special-Status Wildlife Species Occurrence Potential On and Off the Project Site

Scientific Name	Common Name	Status [1] (Fed/State)	Potential to Occur	
			On-Site	*Off-Site Utility*
Invertebrates				
Branchinecta conservatio	Conservancy fairy shrimp	FE/None	Low	Low
Branchinecta lynchi	vernal pool fairy shrimp	FT/None	Low	Low
Lepidurus packardi	vernal pool tadpole shrimp	FF/None	Low	Low
Desmocerus californicus dimorphus	valley elderberry longhorn beetle	FT/None	None	Moderate
Amphibians and Reptiles				
Spea hammondii	western spadefoot	None/SSC	Moderate	None
Actinemys marmorata	Western pond turtle	None/SSC	None	Moderate
Birds				
Agelaius tricolor (nesting colony)	tricolored blackbird	BCC/SSC, SE	Low	Low
Athene cunicularia	burrowing owl	BCC/SSC	High	Low
Buteo swainsoni	Swainson's hawk	BCC/ST	Low	Low
Falco peregrinus anatum	American peregrine falcon	FDL, BCC/FP, SDL	Low	Low
Elanus leucurus	White-tailed kite	FP	Moderate	Low
Circus hudsonius	Northern harrier	None/SSC	Moderate	Moderate
Lanius ludovicianus	loggerhead shrike	BCC/SSC	Moderate	Low
Setophaga petechia	yellow warbler	BCC/SSC	Moderate	Low
Native and migratory birds protected by California Fish and Game Code and the MBTA			Known	Known
Mammals				
Antrozous pallidus	pallid bat	None/SSC	Moderate	Moderate
Bassariscus astutus	ringtail	None/FP	Moderate	Low
Lasiurus blossevillii	western red bat	None/SSC	Low	Low
Taxidea taxus	American badger	None/SSC	Low	Low

Source: Appendix C.
Status Legend: FE: Federally listed as endangered; FT: Federally listed as threatened; FDL: Federal delisted; SE: State listed as endangered; ST: State listed as threatened; SSC: State Species of Special Concern; SDL: State delisted; FP: Fully protected by state; BCC: U.S. Fish and Wildlife Service Bird of Conservation Concern.

The following species descriptions are added to page 4.3-19.

> ***White-Tailed Kite (Elanus leucurus).*** White-tailed kite is a California Fully Protected Species with a moderate potential to occur on the project site. This species forages within oak savannah and other open woodlands, among other open habitats such as deserts and marshes. They tend to avoid heavily grazed areas due to lower abundance of prey species. White-tailed kites nest in a variety of tree species, including those from 10 to 160 feet in height and those that are isolated or at the edge of or within a forest. This species has not been observed within the project site but has been observed foraging over the adjacent Stonegate project site (City of Chico 2018) and elsewhere in the vicinity according to citizen science database eBird.
>
> ***Northern Harrier (Circus hudsonius).*** Northern harrier is a California Species of Special Concern with a moderate potential to occur on the project site and off-site utility area. This species nests and forages within open grasslands and meadows, typically nesting in shrubby vegetation near marshes. It is a relatively common resident species of the northeastern plateau region of California but less widespread in the Central Valley. This species has not been observed within the project site but has been recorded as occurring in the vicinity to the west of the site according to the citizen science database eBird.

The following revision is made to the sixth sentence in the second paragraph under ***Tricolored Blackbird*** on page 4.3-20:

> There is one citizen science record from 2013 for roughly 100 tricolored blackbirds observed in thistle near Skyway Road, approximately 0.38 mile south of the project site (eBird 2020). Nesting habitat for tricolored blackbird on the project site is marginal to nonexistent due to a lack of standing water ~~and thorny vegetation~~. Open grassland throughout the project site provides potential foraging habitat for this species, but there are no reliable records of nearby colonies to suggest that this grassland area supports breeding colonies of tricolored blackbird.

The following text is added to Impact 4.3-1 on page 4.3-49:

> ***Butte County Meadowfoam.*** Butte County meadowfoam, a federal and state endangered and CRPR 1B.1 species, was mapped on the project site during protocol-level rare plant surveys conducted in 2010, 2016, and 2018 (see Figure 4.3-4. Butte County Meadowfoam Occurrences and Appendix C). According to the VESP, approximately 20 acres of land surrounding the mapped Butte County meadowfoam populations would be set aside as two of the three environmental preserves. The Butte County meadowfoam preserves would be managed by a qualified land trust for resource conservation purposes. No recreational access to these areas would be allowed.
>
> There are thousands of Butte County meadowfoam plants mapped just west of the Steve Harrison Memorial Bike Path, within 250 feet of the western project site boundary (CDFW 2020b, WRA 2018). Some of these plants would be impacted through development of the adjacent Stonegate development project (City of Chico 2018), but those that are just south of East 20th Street would be preserved in perpetuity as part of the avoidance mitigation for the Stonegate development project (City of Chico 2018). The drainage from the project site that flows towards the Stonegate site is contained in storm drains and ditches and is topographically located below the protected wetlands and preserves of the adjacent Stonegate site. Therefore, hydrologic changes to the project site would not result in impacts to the Stonegate site wetlands or preserves. ~~The vernal pool complexes where the Butte~~

~~County meadowfoam occur are hydrologically separated from the project site by the bike path and rock walls, which would prevent indirect effects from the project.~~ There are no other records of Butte County meadowfoam within 250 feet of the proposed project site.

The VESP notes that preserves would need to be established to protect Butte County meadowfoam; however, the plan sets no clear parameters for the meadowfoam preserves, including timing for establishment or management or monitoring requirements. Preserve establishment to protect the on-site Butte County meadowfoam would prevent direct project effects, but project construction and operation could potentially cause indirect effects to the Butte County meadowfoam including but not limited to runoff, dust, reduction in populations of pollinator species, or introduction of invasive plant species. These are considered **potentially significant impacts**.

The following text is added to Impact 4.3-1 under ***Special-Status Wildlife Species*** on page 4.3-50:

Western Spadefoot. No western spadefoot were observed during site surveys; however, no focused surveys for western spadefoot were conducted and this species is nocturnal, cryptic and unlikely to be detected during general biological surveys. The only portion of the project site that has potential habitat for western spadefoot is the northwestern portion of the project site, and that area is designated as an environmental preserve in the VESP. Environmental preserves proposed as part of the VESP would be set aside for resource conservation purposes and would be managed by a qualified land trust. Under mitigation measure BIO-1, preserves would be set back from development at a distance approved by the USFWS and/or City to avoid indirect effects to BCM and vernal pool wetlands, which would avoid and minimize indirect effects to western spadefoot aquatic habitat, if occupied. Similarly, most of the potentially suitable upland habitat for western spadefoot would be located within the preserve setback. For these reasons, **less-than-significant ~~no~~ impacts** to western spadefoot are anticipated.

The following text is added to Impact 4.3-1 under ***Special-Status Wildlife Species*** on page 4.3-51:

White-Tailed Kite. Scattered trees in open areas as well as edges and interior spaces of forest provide potential nesting habitat for white-tailed kite. As discussed in Section 4.3.1. Environmental Setting, white-tailed kite has been documented in the citizen science database eBIRD near the project site; however, the observation was of foraging behavior and not nesting. Potential impacts to white-tailed kite would be related to nest failure or abandonment due to disturbance during construction. These are considered **potentially significant impacts**.

Northern Harrier Open grassland throughout the project site provide foraging and potential nesting habitat for northern harrier, though preferred nesting habitat at marsh edges is not present. As discussed in Section 4.3.1. Environmental Setting, northern harrier has been documented in the citizen science database eBIRD near the project site to the west; however, the observations either provided no details or describes only flyover or foraging behavior and not nesting. Potential impacts to northern harrier, if present would be related to nest failure or abandonment due to disturbance during construction. These are considered **potentially significant impacts**.

The following text is added to Impact 4.3-1 on page 4.3-52:

Ringtail. No ringtail were documented during prior site surveys; however, they have been documented in riparian woodland habitat less than 1.5 miles south of the project site (see details in Section 4.3.1, Environmental Setting). Ringtail could move through the riparian woodland on the project site at night or dusk, but are not expected to den in the area as it lacks permanent water and contains limited

protective cover and riparian habitat (less than 1% of project site). The proposed project site would preserve the riparian habitat within an approximately 370-acre regional park. Although this designation would allow some recreational activities on designated trails, the nocturnal habits of the ringtail would prevent direct conflicts with trail users. However, project development would introduce new sources of lighting/glare and noise that could indirectly affect the riparian areas of the project site and reduce suitability for ringtail usage. The project must be consistent with VESP action LU-4.4, which requires the project to "Minimize light pollution by eliminating streetlights where not necessary for public and personal safety, and by employing dark sky best practices and fixtures such as maximum hardscape lighting of approximately .030 W/ft^2 (except for high security areas)". Dark sky guidelines are also included in Appendix A to the VESP, which states in Section A.3.3 Subsection b "All exterior lighting shall be low intensity and directed downward, below the horizon plane of the fixture, to prevent objectionable brightness or light trespass onto adjacent properties". Implementation of the required lighting standards is consistent with the Butte Regional Conservation Plan (BRCP) avoidance mitigation measure (AMM) 7 which provides direction to use low-glare lighting adjacent to habitat areas. The Valley's Edge Specific Plan lighting policies would avoid and/or minimize effects to potential ringtail habitat within riparian areas of the project site. For these reasons, ~~no~~ **less-than-significant impacts** to ringtail are anticipated.

The following text is added to Impact 4.3-1 on page 4.3-53:

Bat Species. No bats or their sign (e.g., guano, staining, prey remains) were documented during the site survey; however, no formal roost assessment or focused surveys for bats have been performed for the off-site utilities. The area provides roosting and foraging habitat for bats in tree hollows, exfoliating bark on trees, abandoned woodpecker holes, and in the foliage of trees and shrubs, and within open wooded areas near aquatic habitat (e.g., wetlands and stream) and the riparian woodland along Comanche Creek.

Should any active bat maternity or overwintering roosts occur in or adjacent to the off-site utilities area during project initiation, the species could be impacted by construction-related activities, such as tree removal and loud equipment operation. In addition, tree removal could reduce roosting habitat, and permanent development could fragment ~~habitat~~ foraging and roosting habitat for bats. Of the special-status bat species potentially occurring on the site, western red bat primarily forage at the edges of riparian areas, which would be avoided by the project. Pallid bat tends to forage on ground-dwelling arthropods in more open areas, and this habitat would be more impacted by the project. However, open grassland areas would be preserved in BCM preserves, the vernal pool preserve, and in open space areas throughout the VESP area. These open space areas would continue to provide foraging opportunities for pallid bats if they were to occur within the project area. Habitat fragmentation would not be substantial, as proposed development patterns under the VESP include areas of connectivity throughout the project area. Impacts to roosting habitat for western red bat or pallid bat ~~These~~ are considered **potentially significant ~~impacts~~.**

Mitigation Measure BIO-1 on page 4.3-54 is revised to read:

BIO-1: On-Site Preserves. The developer shall prepare an Operations Management Plan ~~Habitat Mitigation and Monitoring Plan~~, record easements, establish funding, and complete other requirements, as necessary, to establish the two ~~Butte County~~ meadowfoam preserves and the other preserve on the VESP project site in compliance with all applicable state and federal

resource agency permits prior to City issuance of grading permits. The Butte County meadowfoam and woolly meadowfoam occurrences ~~preserves~~ as well as preserved vernal pool wetlands shall be separated from any development by a minimum of 250 feet unless site-specific hydrological analysis accepted by the U.S. Fish and Wildlife Service (USFWS) and/or the City in consultation with CDFW (if no USFWS consultation is required) demonstrates that a reduced or increased separation would ~~still~~ prevent ~~direct or~~ indirect effects to Butte County meadowfoam and preserved vernal pools within the preserve. The VESP Operations Management Plan~~Habitat Mitigation and Monitoring Plan~~ shall be approved by the USFWS and/or the City in consultation with the California Department of Fish and Wildlife (if no USFWS consultation is required) and include at a minimum: (a) monitoring of general conditions within the preserves including documentation of vegetation community, vegetative cover, evidence of public access impacts, and the presence of any erosion or sedimentation or other conditions that may be detrimental to the long-term viability of BCM populations; (b) monitoring methods and frequencies (annual at a minimum) to detect changes in Butte County Meadowfoam and allow for adaptive management; (c) use of nearby preserves (e.g., Stonegate, Doe Mill-Schmidbauer Meadowfoam Preserve) as annual reference sites to determine the condition of the on-site BCM populations; (d) management techniques to be used on the preserves and triggers for management actions; and (e) a funding strategy such as a non-wasting endowment or property assessment to ensure that prescribed monitoring and management would be implemented in perpetuity to ensure efficacy of the preserves. Management methods shall include but not be limited to controls on introduction and spread of invasive plant species, remediation of erosion and sedimentation, and requirements for fencing to control public access and pet entry into preserves. Monitoring and management of the preserves shall ensure no net loss of meadowfoam extent averaged over a five-year period, to account for interannual variation and climatic variation. If meadowfoam extent is shown to have decreased on average over a five-year period, remedial measures shall be implemented including but not limited to seed collection and planting, transplanting from other established populations with agency approval, increased invasive plant management, restoration of impacted hydrology, or other measures to restore population extent.

Further, the developer shall avoid or minimize impacts to the greatest extent feasible to areas of the project site where shield-bracted monkeyflower and Bidwell's knotweed occur. The developer shall maintain protective elements such as fencing, open space or conservation easements, and/or buffer zones around suitable habitat where these species occur prior to construction activities and throughout construction activities and/or; if the developer cannot completely avoid impacts to these two species, then the CDFW must be notified and given a reasonable opportunity to harvest plants or seeds prior to impacts. ~~No development shall be approved by the City within 500 feet of the avoidance area until the preserves are established.~~

Mitigation Measure BIO-2(a) and (b) on page 4.3-54 is revised to read:

BIO-2: Nesting Bird Surveys (including and not limited to White-Tailed Kite, Northern Harrier, Loggerhead Shrike, and Yellow Warbler). Nesting bird surveys shall be conducted by the project developer or construction contractor(s) prior to commencing any construction activities, on-site and for off-site infrastructure, including site clearing and tree removal and tree removal for installation of required off-site utilities. (Note: BIO-2 is consistent with AMM 2, 3, 5, and 8 in the BRCP (Butte County 2019)). Preconstruction surveys for these species may be

completed at the same time as other required preconstruction surveys, provided the individual requirements of each preconstruction survey are met.

(a) A qualified biologist shall conduct a preconstruction survey for nesting birds no more than seven ~~approximately two~~ days prior to vegetation or tree removal or ground-disturbing activities during the nesting season (~~March~~ February through August). The survey shall cover the limits of construction and suitable nesting habitat within 500 feet for raptors and 100 feet for other nesting birds, as feasible.

(b) If any active nests are observed during surveys, a qualified biologist shall establish a suitable avoidance buffer from the active nest. The standard buffer distance ~~will~~ shall be 250 feet for passerines and 500 feet for raptors. ~~typically range from 50 to 300 feet, and~~ Buffer distances may be increased or reduced from these standard distances ~~shall be determined~~ based on factors such as the species of bird, topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule as determined by the qualified biologist. Limits of construction to avoid active nests shall be established in the field with flagging, fencing, or other appropriate barriers and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. If construction continues within three times the buffer distance provided to an active nest, ~~T~~the qualified biologist shall be hired by the developer to regularly monitor the nest (minimum frequency of weekly) and shall have stop work authority if construction activities are having an adverse impact on the nest. CDFW shall be consulted if active nests are observed during the pre-construction phase.

Mitigation Measure BIO-3 on page 4.3-56 is revised to read:

BIO-3: Burrowing Owl. Burrowing owl surveys shall be conducted by a qualified biologist hired by the project developer or construction contractor(s) prior to commencing any construction activities, including on-site and off-site (infrastructure) clearing and tree removal. (Note: BIO-3 is consistent with AMM2, 3, 5, 8, and 19 in the BRCP (Butte County 2019)). Preconstruction surveys for this species may be completed at the same time as other required preconstruction surveys, provided the individual requirements of each preconstruction survey are met.

(a) Within 14 days prior to the anticipated start of construction, a qualified biologist shall conduct preconstruction surveys within the project site to identify burrowing owls or their nesting areas. This survey shall follow survey protocols as developed by the Burrowing Owl Consortium (CDFW 2012). If no active burrows or burrowing owls are observed, no further mitigation is required. If a lapse in construction of 15 days or longer occurs during the nesting season, additional preconstruction surveys shall be repeated before work may resume.

(b) If burrowing owls or active burrows are identified within the project site during the preconstruction surveys, the following measures shall be implemented:

- During the non-breeding season for burrowing owls (September 1 through January 31), exclusion zones shall be established around any active burrows identified during the preconstruction survey. The exclusion zone shall be no less than 160 feet in radius centered on the active burrow. With approval from the City after consultation with California Department of Fish and Wildlife (CDFW) and a qualified biologist, burrowing

owls shall be passively evicted and relocated from the burrows using one-way doors. The one-way doors shall be left in place for a minimum of 48 hours and shall be monitored daily by the biologist to ensure proper function. Upon the end of the 48-hour period, the burrows shall be excavated by the biologist with the use of hand tools and refilled to discourage reoccupation.

- During the breeding season (February 1 through August 31), a qualified biologist familiar with the biology and behavior of this species shall establish exclusion zones of at least 250 feet in radius centered on any active burrow identified during the preconstruction survey. No construction activities shall occur within the exclusion zone as long as the burrow is active and young are present. Once the breeding season is over and young have fledged as determined by a qualified biologist, passive relocation of active burrows may proceed as described in measure BIO-3(b), above.

Mitigation Measure BIO-4 on page 4.3-56 is revised to read:

BIO-4: Swainson's Hawk. Swainson's hawk surveys shall be conducted by the project developer or construction contractor(s) prior to commencing any construction activities, including on-site and off-site (infrastructure) clearing and tree removal. (Note: BIO-4 is consistent with AMM2, 3, and 8 in the BRCP (Butte County 2019)). Preconstruction surveys for this species may be completed at the same time as other required preconstruction surveys, provided the individual requirements of each preconstruction survey are met.

(a) If construction (including site clearing and grading) occurs during the nesting season for Swainson's hawk (March 1 through August 31), a qualified biologist shall conduct preconstruction surveys no more than 15 days prior to construction to identify nesting Swainson's hawk within 0.25 mile of the project site. If a lapse in project-related construction activities of 15 days or longer occurs or if the new project-related activities are located more than 0.25 mile from where work has occurred in the previous 15 days, additional preconstruction surveys shall be conducted prior to reinitiating or initiating work.

(b) If an active Swainson's hawk nest is identified within 0.25 mile of the project site, an exclusion buffer of 0.25 mile shall be established in consultation with the biologist and California Department of Fish and Wildlife (CDFW). Reductions in buffer distance from the standard 0.25 mile may be accommodated based on site-specific conditions with specific approval from CDFW. No construction work such as grading, earthmoving, or any operation of construction equipment shall occur within the buffer zone unless in consultation with and approved by CDFW and/or as described below. An approved biologist experienced with Swainson's hawk behavior shall be retained by the project developer to monitor the nest throughout the nesting season at weekly or biweekly intervals and to determine when the young have fledged. Construction may commence normally in the buffer zone if the nest becomes inactive (e.g., the young have fully fledged), as determined by the qualified biologist.

(c) Work within the temporary nest disturbance buffer can occur with the written permission of the City and CDFW. The approved biologist shall be on site daily while construction-related activities are taking place within the buffer. If nesting Swainson's hawks begin to exhibit agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, the approved biologist shall have the authority to shut down construction activities. If agitated behavior is exhibited, the biologist, the project developer, and CDFW shall meet to determine the best course of action to avoid nest abandonment or take of individuals. The approved biologist shall also train construction personnel on the required avoidance

procedures, buffer zones, and protocols in the event that a Swainson's hawk flies into an active construction zone (i.e., outside the buffer zone).

Mitigation Measure BIO-5 on page 4.3-56 is revised to read:

BIO-5: Bats (including Pallid Bat and Western Red Bat). Bat surveys shall be conducted by the project developer or construction contractor(s) prior to commencing any construction activities, including site clearing and tree removal on the project site and associated with construction of off-site wastewater utilities. (Note: BIO-5 is consistent with AMM2 and 3 in the BRCP (Butte County 2019)). Preconstruction surveys for these species may be completed at the same time as other required preconstruction surveys, provided the individual requirements of each preconstruction survey are met.

A qualified biologist shall conduct a preconstruction survey for bat roosts within 14 days prior to project construction activities (including site clearing and grading). The survey shall include a visual inspection of potential roosting features (bats need not be present) and presence of guano in the construction footprint and within 50 feet. Potential roosting features found during the survey shall be flagged or marked. If bats (individuals or colonies) are detected, the California Department of Fish and Wildlife (CDFW) shall be notified immediately. If a bat roosting or maternity colony cannot be completely avoided, a qualified biologist shall prepare a bat mitigation and monitoring plan for CDFW review and approval. ~~Potential measures to be included in the plan are restrictions of timing of activities, placement of exclusion barriers when bats are foraging away from the roost and replacement of roosting structures as appropriate.~~

The plan shall include details of the following measures:

1) For work activities outside the bat maternity roosting season (work conducted between August 1 and February 28), a qualified biologist shall implement passive exclusion measures to prevent bats from re-entering the tree cavities. After sufficient time to allow bats to escape and a follow-up survey to determine that bats have vacated the roost, construction activities may continue and impacts to special-status bat species would be avoided.
2) 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-disturbance buffer shall be 100 feet unless determined to be different by the qualified bat biologist with concurrence from CDFW. 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.

Mitigation Measure BIO-6 on page 4.3-57 is revised to read:

BIO-6: Western Pond Turtle (Off-site Utilities only). Prior to initiating any site clearing associated with construction of the off-site wastewater utility segment between Cramer Lane and Entler Avenue in the portion within western pond turtle habitat along Comanche Creek, the project developer shall retain a qualified biologist to conduct a western pond turtle pre-construction survey. If western pond turtles are identified in an area where they could be impacted by

construction activities, then a biologist trained in relocating western pond turtles shall relocate the turtles outside of the work area or create a species protection buffer (minimum 50 feet, greater if determined by the biologist to be necessary) until the turtles have left the work area. If a western pond turtle nest is found, a species protection buffer (minimum 30 feet, greater if determined by the biologist to be necessary) shall be established and avoided until the young have hatched or the eggs proven non-viable, as determined by the biologist. If a western pond turtle nest is found, a qualified biologist shall be present during construction activities to ensure that the nest is not impacted.

Mitigation Measure BIO-7 on page 4.3-57 is revised to read:

BIO-7: VELB (Off-site Utilities Only). Per the *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle* (USFWS 2017), avoidance of elderberry shrubs during construction associated with the off-site wastewater utility lines, specifically shall be achieved by implementing a core avoidance area of 20 feet from the drip-line of each elderberry shrub measuring 1 inch or greater in diameter at ground level. The following avoidance and minimization measures shall be implemented by the project developer or construction contractor(s) prior to and during construction activities:

(a) *Fencing*. All areas to be avoided during construction activities shall be fenced and/or flagged as close to construction limits as feasible.

(b) *Avoidance area*. Activities that may damage or kill an elderberry shrub (e.g., trenching, paving, etc.) ~~may need an~~ shall establish an avoidance area of at least 6 meters (20 feet) from the dripline, depending on the type of activity and based on the direction of a qualified biologist.

(c) *Worker education*. A qualified biologist shall provide training for all contractors, work crews, and any on-site personnel on the status of the VELB, its host plant and habitat, the need to avoid damaging the elderberry shrubs, and the possible penalties for noncompliance.

(d) *Construction monitoring*. A qualified biologist shall monitor the work area at appropriate intervals to assure that all avoidance and minimization measures are implemented. The amount and duration of monitoring shall depend on the construction specifics but shall be at a minimum frequency of weekly for the duration of ground-disturbing activities. ~~and, if required.~~ The biologist shall consult with the U.S. Fish and Wildlife Service before modifying the schedule for construction monitoring.

(e) *Timing.* To the extent feasible, all activities that could occur within 50 meters (165 feet) of an elderberry shrub, shall be conducted outside of the flight season of the VELB (March - July).

(f) *Trimming/Mowing*. No trimming of the elderberry shrubs shall occur and no mowing or mechanical weed removal within the drip-line of the elderberry shrub shall be allowed between the months of March through July, when the adult VELB are active.

The third paragraph under Impact 4.3-3 on page 4.3-61 has been revised to add the following text:

Similar to drainages, the VESP includes development standards that avoid and/or substantially lessen impacts to swales and other wetland resources. Where wetlands occur within proposed roadway or trail alignments, Appendix A of the VESP recommends that boardwalks and/or bridges be constructed to avoid direct impacts to these sensitive biological areas (see Bridges, Culverts, and Creek Crossings

in Section A.5.3). Based on the VESP Land Use Plan (see Chapter 2, Figure 2-3, Land Use Plan), permanent development areas appear to avoid approximately 5 acres of the approximately 6.25 acres of wetlands mapped on the project site. Although the VESP directs development away from biological resources where possible, absolute wetland avoidance may not be feasible. Development could indirectly affect avoided wetland features by interfering with natural seeps or springs or by diverting those features into stormwater drainage infrastructure. Development of impervious surfaces and the stormwater infrastructure required to capture runoff from those surfaces could also affect the surface and subsurface hydrological flows that support wetlands within the wetland complexes in the north of the project site. Impacts to drainages and wetlands (i.e., aquatic resources) as a result of project roadways and development are considered **potentially significant impacts**.

Under Section 4.3.4 References on page 4.3-69 the following correction is provided:

Butte County. 2019. Butte County Regional Conservation Plan and Draft EIR. Accessed April 2020. ~~https://animaldiversity.org/accounts/Bassariscus_astutus/~~http://www.buttehcp.com/BRCP-Documents/Final-BRCP/index.html

4.4, Cultural and Tribal Cultural Resources

The first sentence of Mitigation Measure CUL-2 on page 4.4-20 is corrected to read:

CUL-2: Archaeological and Native American Monitoring. As outlined under the Management and Discovery Plan required by Mitigation Measure CUL-1, prior to any ground disturbance the project developer(s) shall ensure tha~~n~~t a Secretary of the Interior qualified archaeologist is present to monitor earthmoving activities within archaeological monitoring zones, at the discretion of the qualified archaeologist…

4.5, Energy

The following text is added under Local Regulations on page 4.5-13.

City of Chico Climate Action Plan Update

In April 2020, the City of Chico finalized an updated to their GHG inventory and forecast from 1990 to 2045 in order to support the City's Climate Action Plan (CAP) Update. The City has reduced overall GHG emissions by 27% despite a 27% increase in population (City of Chico 2020). Major reductions were seen in the energy and transportation sectors.

As part of the effort to ensure a sustainable future, the City adopted a CAP Update in 2021. The CAP Update is intended to guide the City towards reducing GHG emissions consistent with the state goal to reduce GHG emissions 40% below 1990 levels by 2030, established by SB 32, and will make substantial progress toward meeting the state's long-term goal of carbon neutrality by 2045, established by EO B-55-18.

The CAP Update includes the following reduction strategies relevant to energy:

Measure E-1: Procure carbon-free electricity for the community through a CCA (Community Choice Aggregation) by 2024 and maintain opt-out rates of 5% for residential and 15% for commercial through 2030 and 2045.

Measure E-2: Eliminate Natural Gas in All New Building Construction Starting in 2025 to Reduce Natural Gas 6% by 2030 and 16% by 2045 Compared to the Adjusted Forecast.

Measure E-3: Electrify Existing Residential Buildings Starting in 2027 to Reduce Overall Residential Natural Gas Consumption to 100 Therms/Person by 2030 and 30 Therms/Person by 2045.

Measure E-4: Increase Generation and Storage of Local Renewable Energy.

4.7, Greenhouse Gases

The following text is added under Local Regulations on page 4.5-8.

City of Chico Climate Action Plan

The City adopted a CAP Update in 2021. The CAP Update is intended to guide the City towards reducing GHG emissions consistent with the state goal to reduce GHG emissions 40% below 1990 levels by 2030, established by SB 32, and will make substantial progress toward meeting the state's long term goal of carbon neutrality by 2045, established by EO B-55-18.

The CAP Update includes the following Reduction Measures applicable to energy:

E-1 Procure carbon-free electricity for the community through a CCA by 2024 and maintain opt-out rates of 5% for residential and 15% for commercial through 2030 and 2045.

E-2 Eliminate natural gas in all new building construction starting in 2025 to reduce natural gas 6% by 2030 and 16% by 2045 compared to the adjusted forecast.

E-3 Electrify existing residential buildings starting in 2027 to reduce overall natural gas consumption to 100 therms/person by 2030 and 30 therms/person by 2045.

E-4 Increase generation and storage of local renewable energy.

The first sentence in the first paragraph under ***Operational Emissions*** on page 4.7-26 is revised to read:

Emissions from the operational phase of the proposed project were estimated using CalEEMod Version ~~2016.3.2~~2020.4.0.

The fourth sentence in the first paragraph on page 4.7-33 is revised to read:

The 2016 RTP/SCS is ~~not~~ directly applicable to the project because the underlying purpose of the 2016 RTP/SCS is to provide direction and guidance on future regional growth (i.e., the location of new residential and non-residential land uses) and transportation patterns throughout the City and greater Butte County, as stipulated under SB 375.

4.8, Hazards and Hazardous Materials

The following information is provided following the second paragraph on page 4.8-14 under Impact 4.8-1:

> There is also the potential for aerially-deposited lead to be present in the soils due to emissions from automobiles using leaded gasoline (prior to 1992 when lead was banned as a fuel additive). This resulted in aerially deposited lead along roadways throughout the state. The project proposes commercial development within 30 to 50 feet adjacent to Skyway. There is the potential soils could contain lead; therefore, this is considered a **potentially significant impact**.

Mitigation measure HAZ-1 on page 4.8-15 is revised to read:

> **HAZ-1: Hazardous Building Survey.** Prior to demolition and removal of the former ranch buildings, the project developer or contractor shall retain a licensed hazardous remediation contractor to conduct a hazardous materials building survey to determine if asbestos-containing materials and/or lead-based paints are present. A report documenting material types, conditions and general quantities shall be provided, along with photos of positive materials and diagrams. Should these materials be present, demolition plans and contract specifications shall incorporate any abatement procedures consistent with federal, State and local requirements specific to the removal and proper disposal of materials containing asbestos or lead-based paint. All materials shall be abated in accordance with local, state, and federal requirements by a licensed abatement contractor. Applicable regulations include but are not limited to those of the EPA and Cal/OSHA.
>
> **Soil Survey.** Prior to grading activities for the commercial uses proposed adjacent to Skyway, a soil survey shall be conducted for any aerially-deposited lead. If lead is detected that exceeds acceptable levels established by the Department of Toxic Substances Control (DTSC) the project contractor shall notify the City and prepare abatement procedures consistent with federal, state and local requirements specific to the removal and proper disposal of soils containing lead. All materials shall be abated in accordance with local, state, and federal requirements by a licensed abatement contractor.

4.9, Hydrology and Water Quality

A new Figure 4.9-2 has been added and former Figures 4.9-2 and 4.9-3 have been renumbered to 4.9-3 and 4.9-4, respectively. Figure 4.9-2 is included at the end of this chapter.

Appendix H-5 has been replaced and the new appendix is included at the end of this chapter.

The last paragraph on page 4.9-1 is revised to read:

> Sources reviewed to prepare this section include a Water Supply Assessment prepared by EKI Environment & Water Inc. (April 15, 2020) included as Appendix J; Draft Drainage Study prepared by FRAYJi Design Group (~~February 25~~April 29, 2020) included as Appendix H-1~~,~~; Appendix H-2, Reach 1 Drainage Addendum Memo (June 8, 2021); Appendix H-~~2~~3, Reach 5-6 Drainage Addendum Memo (June 8, 2021); Appendix H-~~3~~4, Reach 5-6 Proposed Detention Basin Exhibit (June 2, 2021); Appendix H-~~4~~5, Drainage Report Addendum #1 (September 14, 2021, amended December 13, 2021); Appendix ~~H-5~~E, Preliminary Geotechnical Investigation Report (February 27, 2019); ~~Appendix E, Preliminary Hydrogeologic Assessment (May 21, 2010; GeoPlus 2010~~;...

The first paragraph, first two sentences under subheading *Groundwater Recharge* on page 4.9-30 is revised to read:

> The proposed project would add approximately ~~794~~520 acres of impervious surfaces to the 1,448-acre project site. The addition of impervious surfaces to approximately ~~half~~ one-third of the project site could interfere with groundwater recharge on the project site.

The third paragraph, first sentence under subheading *Groundwater Recharge* on page 4.9-30 is revised to read:

> Because the VESP would maintain open spaces between areas of proposed development and on-site creeks, which are the areas where alluvial materials are located (Figure 4.9-2), the development of the VESP area would not interfere substantially with groundwater recharge, and therefore would not impede sustainable groundwater management of the Vina Subbasin.

The notes under Table 4.9-5 on page 4.9-35 are revised to read:

Table 4.9-5. Pre-Development and Post-Development Peak Flow Rates

Design Level Storm Event	2-Year, 10-Year, and 100 Year Storm (cfs)							
	Reach R1		*Reach R1+R2+R3*		*Reach R4+R4T*		*Reach R5+R6*	
	Pre-Project	*Post-Project*	*Pre-Project*	*Post-Project*	*Pre-Project*	*Post-Project*	*Pre-Project*	*Post-Project*
2-Year	89.4	89.0	593.3	586.6	276.6	269.2	1,440.2	1,415.4*
10-Year	153.1	135.5	1,027.5	930.5	392.2	388.1	2,360.5	2,356.2*
100-Year	306.1	241.7	2,048.2	1,624.2	822.3	652.3	4,941.2	4,892.0*

Sources: Appendices H-3, H-4, and H-5.
Notes: csf = cubic feet per second
* TBD based on proposed approximate ~~7. 5~~ 15 acre-feet detention basin (minimum 3.5-acre, 4-foot deep)

The text under the Header Reaches 5 and 6 on page 4.9-36 has been revised to read:

> As indicated in Appendix H-5, Drainage Report Addendum #1 (amended December 13, 2021), development in the vicinity of Reach R6 was removed following completion of the original drainage report (Appendix H-1) to eliminate increased post-construction runoff to that reach. The Drainage Report Addendum #1 has been updated to clarify that detention is required for both Reaches 5 and 6. ~~As a result, detention is only required for Reach R5~~. Therefore, a ~~7.5~~15-acre-foot detention basin has been sized to offset any increase in runoff from development within Reach 5 and the area northeast of Reach 6 ~~proposed for Reach R5~~, sufficient to detain 100-year flood flows (Figure 4.9-3), such that post-construction runoff would be less than current runoff (Table 4.9-5) and would prevent overtopping of Honey Run Road.

The second paragraph on page 4.9-39 is revised to read:

> In summary, partial diversion of stormwater flows from Reach R1 to R2; construction of detention basins at road crossings in Reach R2, R3, R4, and 4RT; construction of a ~~7.5~~15-acre-foot detention basin on Reach 5 and Reach 6; compliance with the Phase II MS4 Permit post-construction stormwater management requirements; conformity with VESP goals, actions, and development standards; and

compliance with City and County ordinances and regulations, would prevent on- and off-site flooding, exceedances of City stormwater infrastructure, and erosive scour on- and off-site.

4.10, Noise

Table 4.10-9. Noise Levels from Construction Equipment, on page 4.10-18 is revised to include:

Equipment Type	Maximum Noise Levels, L_{max} (dBA) at 50 feet
Blasting	94

Table 4.10-10. Noise Levels from Construction Equipment, on page 4.10-18 is revised to include:

Equipment	PPV at 25 feet (in/sec)[1,3]	Approximate Lv (VdB) at 25 feet[2]
Blasting	1.130	109

Text following the third paragraph on page 4.10-22 under Impact 4.10-1 is added:

The geotechnical report (Draft EIR Appendix E) identifies that the use of mechanical rock breaking equipment, blasting and/or chemical rock breaking may be necessary to develop the VESP area due to the geological conditions within the plan area. It is assumed that the majority of processing of in-ground rock would be conducted through the use of deflagration charges (rapid thermal reaction charges within drilled holes) or chemical rock breaking processes rather than the detonation of high-explosive blasting techniques. The deflagration charges and chemical rock breaking techniques produce considerably less noise, dust and fly rock (airborne debris) than traditional high-explosive blasting. A large component of these techniques involves using a rock drill to drill a series of boreholes. As shown in Table 4.10-9, a rock drill has a noise level of 85 dBA at 50 feet with an acoustical usage factor of 0.2 (20%), which would result in noise levels of 74 dBA Leq at a distance of 50 feet or 80 dBA Leq at 25 feet. Rock drilling associated with mechanical rock breaking, chemical rock breaking, and deflagration charges would comply with the City's 86 dBA property line threshold and 83 dBA for equipment at a distance of 25 feet.

Should high-explosive blasting be necessary to process some of the rock in the project area a blasting contractor/engineer would be required to complete all blasting-related activities in compliance with the Butte County Sheriff's Department, the Mine Safety and Health Administration (MSHA), the California Division of Occupational Safety and Health (CALOSHA), Department of Homeland Security, and the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE/ATF). The licensed blasting contractor would be responsible for performing and supervising all blasting activities, including development of the blasting design and plan to reduce the potential for damage to structures due to noise and vibration. The elements that the blasting contractor/engineer may use to control the generated noise and vibration levels can include the blasting patter, borehole spacing, borehole depth, size of the explosive "shots", delay between individual shots, types of explosive materials, and more. As shown in Table 4.10-9, blasting has been measured to produce noise levels of 94 dBA at a distance of 50 feet, with a usage factor of less than 0.01 the average hourly Leq would be 74 dBA Leq at a distance of 50 feet. This low hourly average noise level is directly associated with the short and infrequent blast noise produces. Additionally, according to the geotechnical report, the type of soils that would necessitate the use of mechanical or chemical rock breaking or blasting are primarily

located in the "mesa" areas of the project site. The nearest of these mesas is more than approximately 1,800 feet to the east of East 20th Street and Dawncrest Drive. At these large distances, the noise produced by the individual blasts may be audible and reverberate through the topography but would be further attenuated (reduced) due to the distance. Based on this, if blasting is necessary, it is predicted to comply with the City's 86 dBA property line threshold. The 83 dBA at a distance of 25 feet from construction "equipment" would not necessarily be applicable to the blasting activities and this distance would be within the safety evacuation area for the blasting events and would not likely be measurable. Impacts associated with mechanical and chemical rock breaking, and potential blasting operations would be **less than significant**.

The second paragraph, fifth sentence on page 4.10-23 is revised to read:

Based on the reference noise levels presented in ~~**Error! Reference source not found.**~~ Table 4.10-9 and the calculated construction noise levels shown in Table 4.10-12, construction equipment noise levels would have the possibility to exceed the City's 86 dBA property line construction noise level threshold.

Mitigation measure NOI-2 on page 4.10-28 is revised to read:

Future plans or tentative maps submitted for commercial or multi-family building ~~and/or grading~~ permits which incorporate potentially significant noise generating elements shall include an acoustical analysis (noise study) that verifies and demonstrates the use would meet applicable City noise standards. The analysis shall be provided to the City's Community Development Department for review. Projects determined to have the potential to generate or expose noise-sensitive uses to noise levels exceeding the City of Chico noise standards or result in a substantial (3 to 5 dB or greater) permanent increase in ambient noise levels shall incorporate noise-source control measures as specified in the acoustical analysis, such as site planning, silenced equipment, enclosures, or noise barriers.

The first paragraph on page 4.10-29 under Impact 4.10-2 is revised to read:

Construction activities on the project site may result in varying degrees of temporary groundborne vibration or noise, depending on the specific construction equipment used and operations involved. Representative groundborne vibration levels for various types of construction equipment, developed by FTA, are summarized in the Table 4.10-10, above. Pile driving ~~and blasting~~ is not currently expected to be utilized in the construction of the elements of the proposed Specific Plan; however, as identified in the geotechnical report (Appendix E), due to the geologic conditions within the VESP area, "the use of mechanical rock breaking equipment, blasting, and/or chemical rock breaking may be necessary" during build-out of the plan area.

As shown in Table 4.10-10, heavier pieces of construction equipment, such as a bulldozer that may be expected on the project site, have been documented to generate peak particle velocities of approximately 0.089 in./sec. PPV or less at a reference distance of 25 feet. Blasting operations that may be necessary for development of some of the plan areas are shown to produce vibration levels of approximately 1.130 in./sec. PPV (DOT 2006). Based on the FTA's recommended procedure for applying propagation adjustments to reference groundborne vibration levels, heavy equipment such as large bulldozers would reach the significance threshold of 0.2in./sec. PPV at a distance of approximately 15 feet. Due to the transportation rights-of-ways and setback distances heavy equipment such as large bulldozers is not anticipated to operate at distances that would result in

vibration levels exceeding the 0.2 in./sec. PPV threshold. Vibration levels associated with blasting operations would attenuate to approximately 0.2 in./sec. PPV at a distance of 80 feet. Based on the geotechnical report, the soil types that would potentially necessitate the blasting activities would be located in the mesa areas of the VESP area, the nearest of which is located approximately more than 1,800 feet from the intersection of E. 20th Street and Dawncrest Drive.

~~It is notable that g~~Ground-borne vibrations from construction activities~~, with the exception of pile driving, blasting, and similar activities, do not often~~ are not predicted to reach the levels that can damage structures or affect activities that are not vibration sensitive, although the vibrations may be felt by nearby persons in close proximity and result in annoyance ~~(FTA 2018).~~ Additionally, the VESP does not include elements that would generate ground-borne vibration associated with the long-term operation. As such, no vibration-related impacts are identified at any of the nearest sensitive receptors to the project site during project construction and impacts are considered **less than significant**.

4.11, Public Services and Recreation

The second paragraph under Impact 4.11-2 on page 4.11-21, first sentence, is revised to read:

As part of the proposed project, an approximately ~~10~~ 14 acre site for an elementary school is designated adjacent to the proposed Community Park site.

The second paragraph, second sentence on page 4.11-25 is revised to read:

In addition, the proposed project includes a ~~10~~ 14 acre site designated for a future elementary school that could be constructed in the future based on availability of funding and demand for additional school resources.

4.12, Public Utilities

The second sentence under Impact 4.12-6 on page 4.12-22 is revised to read:

~~As groundwater withdrawals within the Chico District are not limited by regulation, the theoretical water supply is the total design capacity of all the active wells, which is 99,200 AFY (City of Chico 2010).~~

4.13, Transportation and Circulation

On page 4.13-15, reference to Goal PROS-3 of the Valley's Edge Specific Plan is revised to read:

Goal PROS-3: Promote Outdoor Recreation & Complement Bidwell: Promote outdoor recreation by creating space and facilities which foster play, exercise, adventure, and social interaction. Strive to complement Bidwell Park by emulating cherished elements, such as Horseshoe Lake, hiking trails, biking trails, and space for equestrians, disc golfers, bird watchers, and outdoor enthusiasts.

On page 4.13-21, last paragraph and mitigation measure TRAF-1 under Impact 4.13-2 is revised to read:

The project proposes sidewalks along all collector and residential streets within the VESP and the project provides an extensive combination of Class I Paths and Trails, previously described, and provides an extensive and connected pedestrian network consistent with the City's goals. ~~However, Planning Area 19 of the Specific Plan (PA 19) would gain access from Honey Run Road, which lacks sidewalks. The only~~

~~pedestrian access to the rest of the plan area would be provided by nature trails that are internal to the Specific Plan and are not direct.~~ This is considered a **less than significant impact**.

Mitigation Measures

None required. ~~Compliance with this mitigation would ensure pedestrian and bicycle access would be provided throughout the entire plan area. With this mitigation the impact is considered less than significant.~~

~~TRAF-1: Bike Path/Multi Use Trail. Prior to the first residential building permit in Planning Area 19 (PA-19 or Equestrian Ridge) the project developer shall construct a Class I Bike Path/ Multi use Trail on the north side of Honey Run Road from Skyway to PA 19 located approximately 0.7 miles east on Honey Run Road.~~

4.14, Wildfire

The first complete paragraph on page 4.14-27 is revised to read:

This includes fuel management to be inspected annually by the CFD as well as requirements for the HOA and individual homeowners to manage and reduce potential fuel sources. The HOA would be responsible for providing information to residents regarding firewise policies and practices, as well as wildfire preparedness. In addition, in the event of a fast-moving wildfire, areas such as the Community Park, Big Meadows Park, and the Elementary School would be designated as a safety zone to shelter-in-place for people unable to evacuate the site. Adherence to the VESP, which includes a host of fire safe requirements would also minimize potential ignition sources which would reduce not only the likelihood of a fire from impacting the project, but also reduce the likelihood of a fire occurring within the project and spreading to surrounding areas.

The last bullet under Mitigation Measure WFIRE-2 on page 4.14-28 is revised to read:

- Ensure building materials and construction methods for all structures are in compliance with California Fire Code Chapter 49, Section 4905, for all residential and commercial buildings, not just those residences located along the Wildland Urban Interface perimeter lots.

The first bullet under Impact 4.14-3 on page 4.14-28 is revised to read:

~~***Non-potable and Recycled Water Supply:*** Two existing wells on-site would supply necessary potable and recycled water. Recycled water would be used for firefighting purposes. Any maintenance needed on either well would not result in additional temporary or permanent impacts from exacerbating wildfire risk beyond those identified in impact 4.14-2.~~

Supplemental Water. If it is determined feasible to construct a lake in Big Meadows Park water from the lake could be used for fire suppression, if needed. Installation of these features would not result in additional temporary or permanent impacts from exacerbating wildfire risk beyond those identified in impact 4.14-2.

Mitigation measure WFIRE-3 on page 4.14-30 is revised to read:

> **WFIRE-3: Post Fire Activities.** Following any on-site wildfire during project build-out in areas where development may be affected by post-fire risks, a post-fire field assessment shall be conducted by an engineering geologist or civil engineer and California Department of Fish and Wildlife staff or a fire ecologist, in coordination with the Chico Fire Department, to identify any areas that may be subject to increased risk of post-fire flooding, landslide or erosion. Any recommendations identified by the geologist or ecologist to mitigate such risk shall be provided to the City of Chico Community Development Director and any applicable Emergency Operations Center for consideration of the work necessary to allow safe re-entry and/or re-occupation of the affected area.

The last paragraph, first sentence on page 4.14-30 is revised to read:

> The cumulative context for wildfire risk impacts is all of Butte County including the City of Chico and surrounding WUI area, as these impacts depend on the specific conditions and features on the project site and surrounding wildlands.

Chapter 5, CEQA Considerations

The fifth paragraph, first sentence on page 5-2 is revised to read:

> Resources that would be permanently and continually consumed by project implementation include water, electricity~~, natural gas,~~ and fossil fuels.

The fifth paragraph, last sentence on page 5-2 is revised to read:

> Nonetheless, construction and operation of the proposed project would result in irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels, ~~natural gas,~~ and gasoline and diesel for automobiles and construction equipment.

The last paragraph, third sentence on page 5-2 is revised to read:

> Operations associated with future uses would also consume water~~, natural gas~~ and electricity.

Chapter 6, Alternatives

A typographical error in the last paragraph, first sentence under Alternative 4 on page 6-3 is revised to read:

> This alternative would increase the amount of open space and shift residential land uses to other areas within the project site resulting in an increase in ~~in~~ open space and overall project density.

A typographical error in the last paragraph, fourth sentence on page 6-4 is corrected to read:

> Consistent with CEQA Guidelines Section 15126.6(e)(3)(A), the No Project/2030 General Plan Alternative assumes the site would be annexed to the City and a specific plan prepared.

The second paragraph, first sentence on page 6-9 is revised to read:

> Development of this Alternative would require energy resources including electricity, ~~natural gas,~~ and petroleum.

The first sentence in the third paragraph on page 6-10 is revised to read:

> Section 4.12, Public Utilities, of this Draft EIR explains that the additional need for water supply, wastewater conveyance and treatment, and electricity~~, and natural gas~~ from the VESP would be provided and would not require new or expanded facilities and impacts are all less than significant.

The header row of Table 6-3 on page 6-12 is corrected to read:

Land Use	Wastewater Generation Rate	Proposed Project		Alternative ~~3~~ 2	
		Units	*Wastewater Generation (gal/day)*	*Unit*	*Wastewater Generation (gal/day)*

The first sentence in the second paragraph on page 6-12 is revised to read:

> PG&E, which supplies electric ~~and natural gas~~ service, is required by the California Public Utilities Commission (CPUC) to update the existing systems to meet any additional demand.

The first sentence in the first paragraph on page 6-20 is revised to read:

> Section 4.12, Public Utilities of this Draft EIR explains that the additional need for water supply, wastewater conveyance and treatment, and electricity~~, and natural gas~~ from the proposed project would be provided and would not require new or expanded facilities.

The first sentence in the third complete paragraph on page 6-12 is revised to read:

> PG&E, which supplies electric ~~and natural gas~~ service, is required by the CPUC to update the existing systems to meet any additional demand.

The second paragraph on page 6-23 is revised to read:

> Development of the Increased Commercial Alternative would require energy resources including electricity, ~~natural gas,~~ and petroleum for the additional commercial uses. Tables 4.5-6 and 4.5-7 in Section 4.5, Energy, show the estimated annual operational electricity ~~and natural gas~~ demand for the proposed project. The information indicates that residential uses would require significantly more electricity ~~and natural gas~~ than commercial uses under the proposed project. This can be attributed to the need for electricity, heating, and cooling at each dwelling unit. The reduction of 136 dwelling units under Alternative 3 would require less electricity ~~and natural gas~~, and this decrease in energy is expected to exceed the amount of additional energy resources required for the increase in 248,262 sf of commercial uses, given the comparatively low commercial energy demand. Additionally, petroleum consumption would be reduced under Alternative 3 due to the increased availability and accessibility of commercial businesses near project residents. As required for the proposed project,

this Alternative would comply with General Plan policies and Title 24 energy efficiency and environmental performance standards, and impacts would be less than significant, the same as the proposed project but the amount of electricity, ~~natural gas~~ and petroleum required would be less than the project.

The first sentence following Table 6-9 on page 6-27 is revised to read:

As shown in Table 6-9, this alternative would yield the same number of units on fewer acres ~~the addition of 65 units to the 189 units proposed in the above identified planning areas within the Specific Plan would~~ resulting in an overall increase of residential density from 4.1 units/acre to 4.7 units/acre.

A typographical error in the first paragraph, first sentence on page 6-28 is revised to read:

The change in residential density would result in changes to wastewater generation.

A typographical error in the second paragraph, last sentence on page 6-29 is revised to read:

Because of the introduction of new development to the area, GHG impacts would not be reduced to less-than-significant with mitigation the same as the project, but would be less severe under this Alternative.

A typographical error in the first paragraph, last sentence on page 6-31 is revised to read:

Impacts associated with VMT are anticipated to be slightly less ~~server~~ severe than the proposed project due to the concentration of development in the central and northern portion of the plan area.

The first sentence in the third paragraph on page 6-28 is revised to read:

The Alternative would be served by PG&E for electric ~~and natural gas~~ service which is required by the CPUC to update existing systems to meet any additional demand, would comply with applicable solid waste diversion, reduction, and recycling mandates, and would not exceed capacity at the Neal Road Recycling and Waste Facility.

The first sentence in the sixth paragraph on page 6-28 is revised to read:

Compared to the proposed project, demand for electricity ~~and natural gas~~ is anticipated to be similar due to the same amount of residential and non-residential uses, besides open space.

The Summary Matrix on page 6-32 is revised to read:

Greenhouse Gas Emissions	SU	NI ▼	LTS ▼	LTS ▼	LTS ~~▼~~ SU

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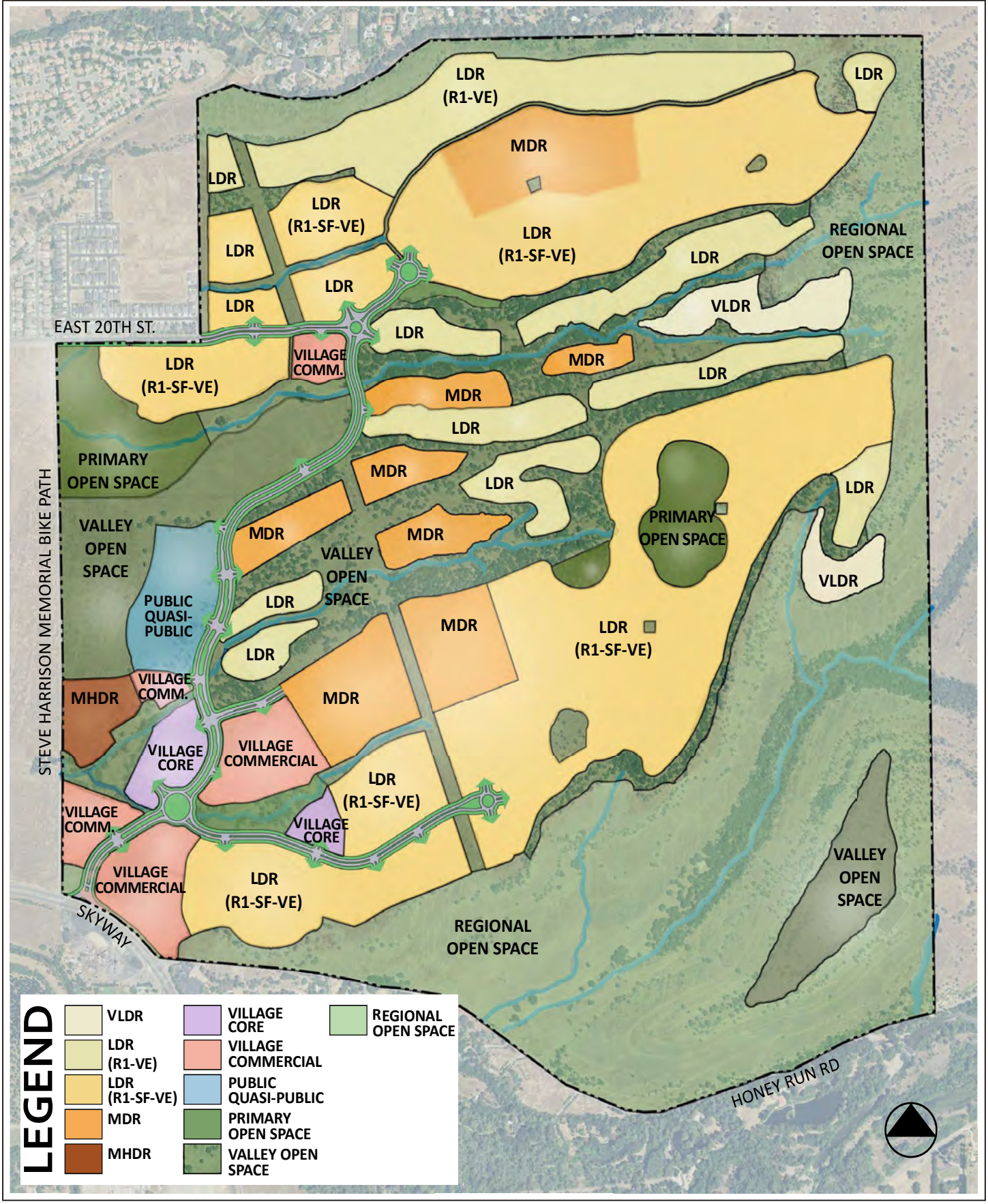

SOURCE: City of Chico, 2020

FIGURE 2-3

Land Use Plan

Valley's Edge Specific Plan Project

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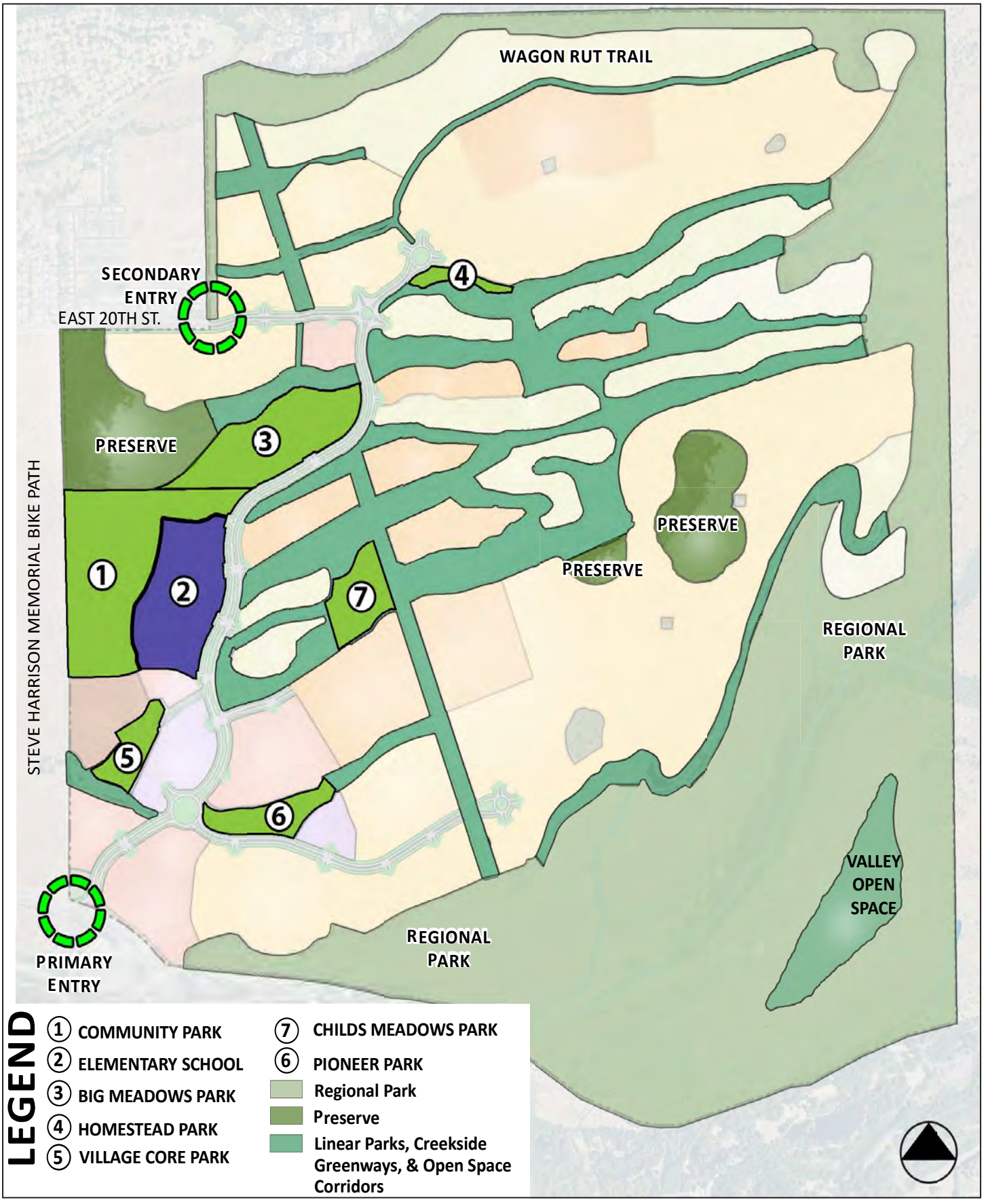

SOURCE: City of Chico, 2020

FIGURE 2-5

Parks Master Plan / Open Space

Valley's Edge Specific Plan Project

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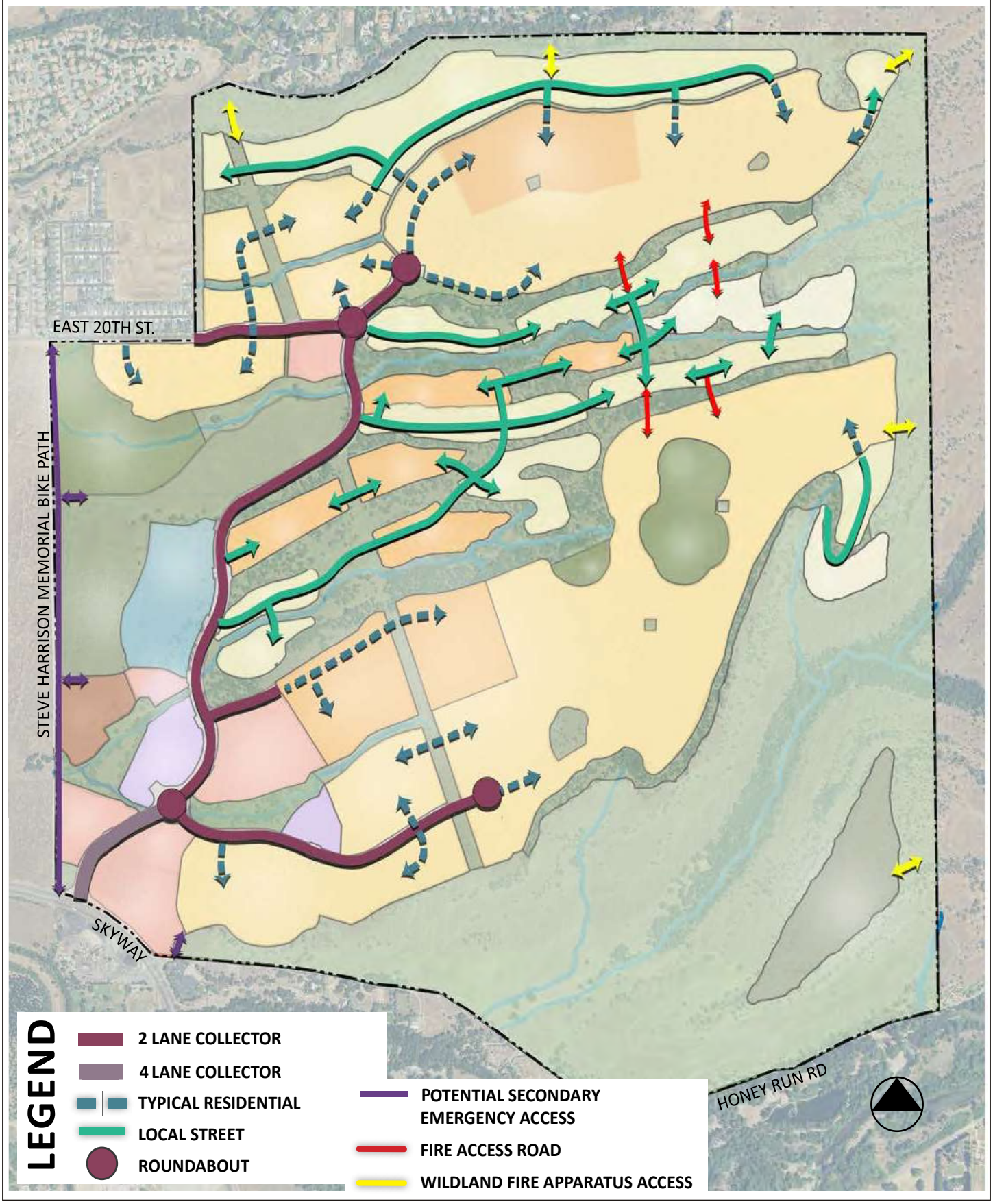

SOURCE: City of Chico, 2020

FIGURE 2-6

Vehicle Master Plan

Valley's Edge Specific Plan Project

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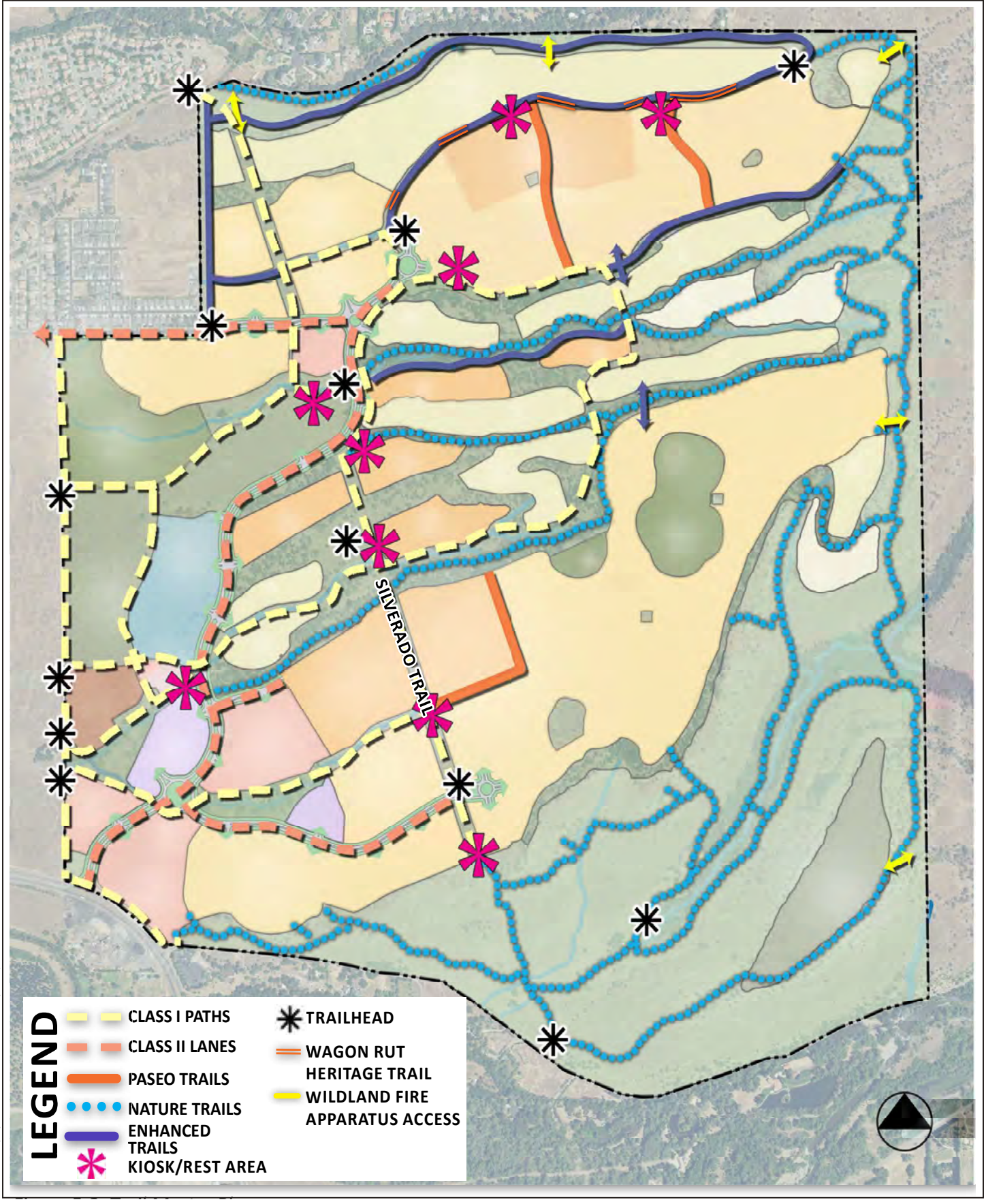

SOURCE: City of Chico, 2020

FIGURE 2-7

Trails Master Plan

Valley's Edge Specific Plan Project

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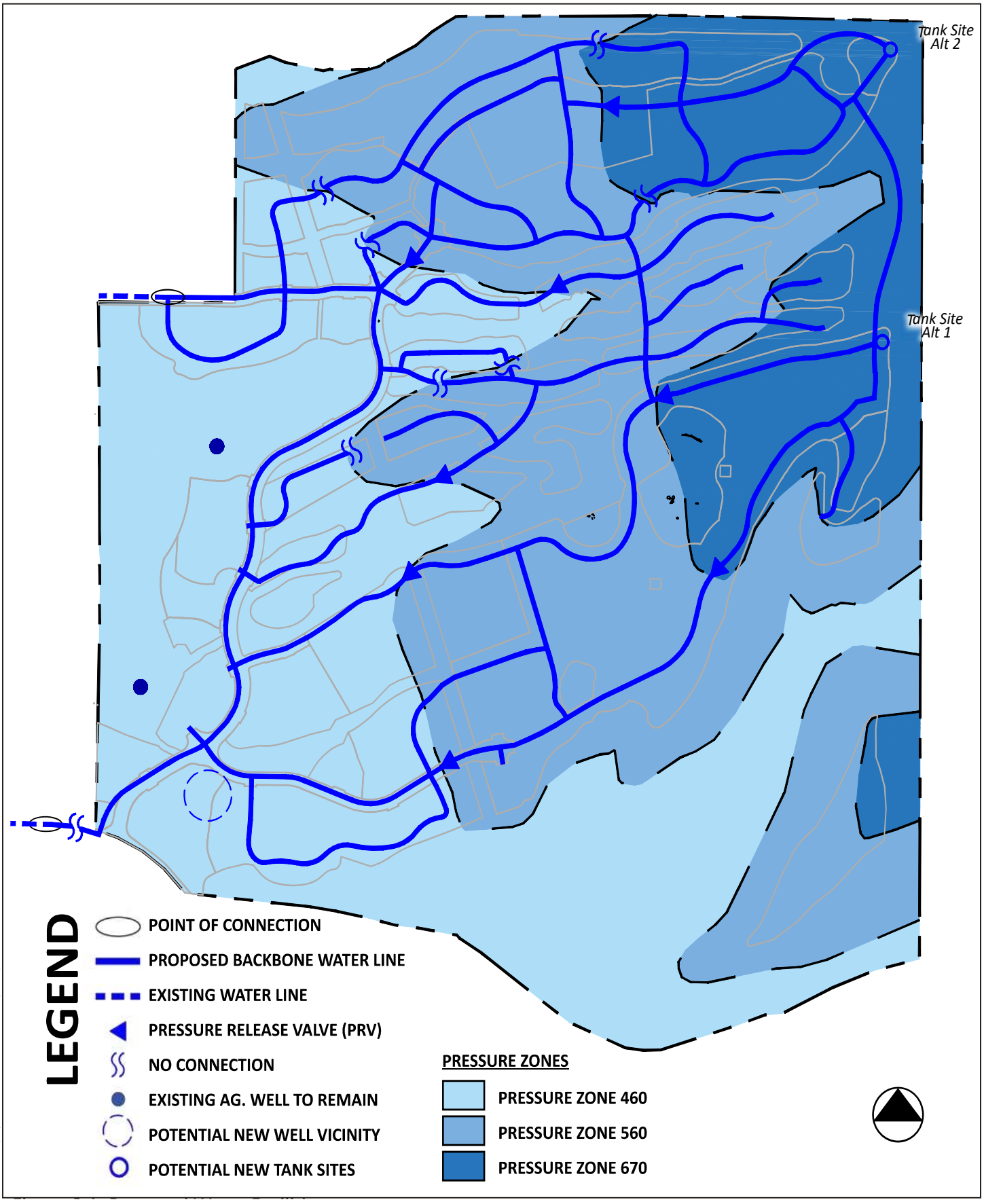

SOURCE: City of Chico, 2020

FIGURE 2-8

Water System

Valley's Edge Specific Plan Project

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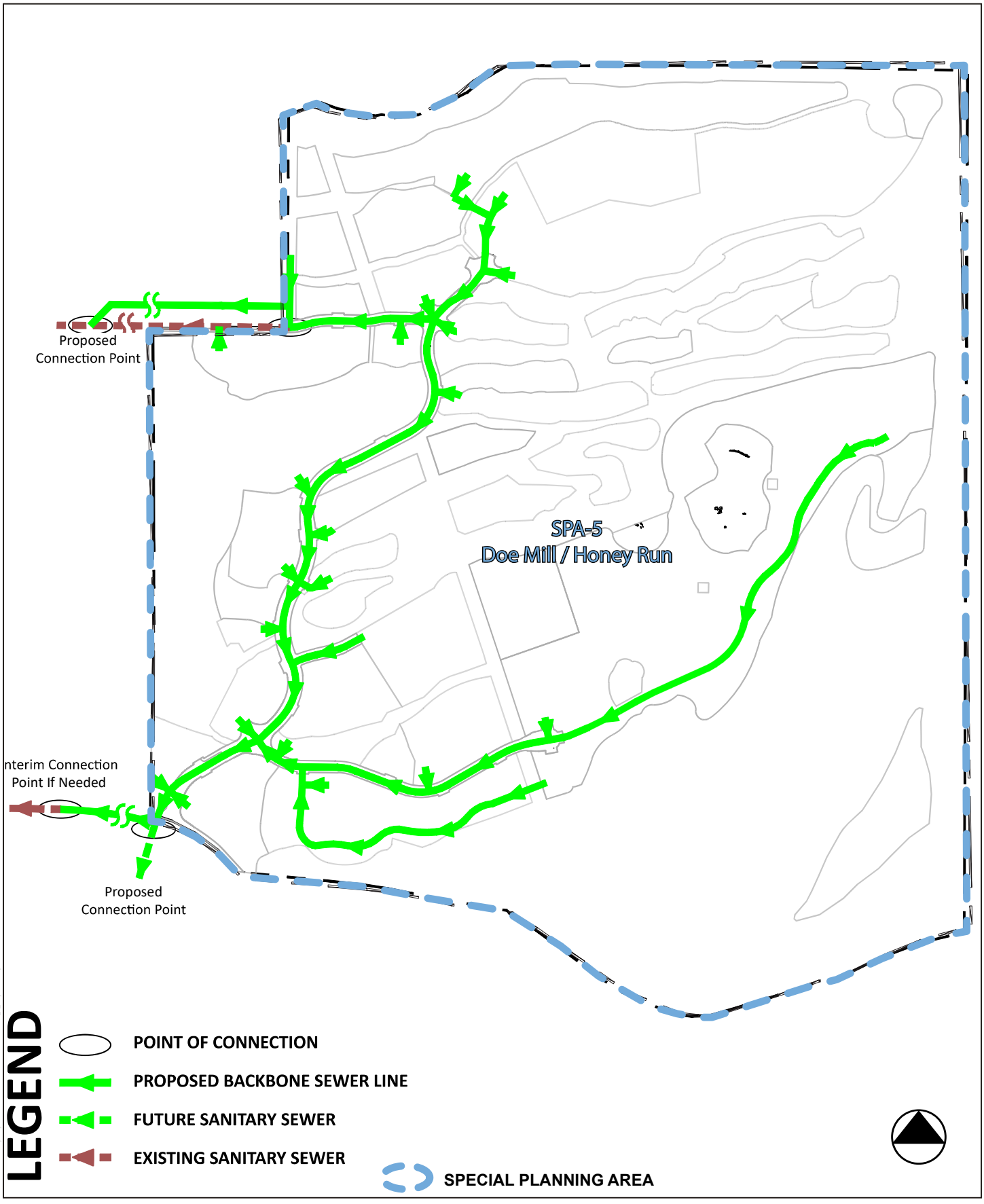

SOURCE: City of Chico, 2020

FIGURE 2-9

Sewer Infrastructure

Valley's Edge Specific Plan Project

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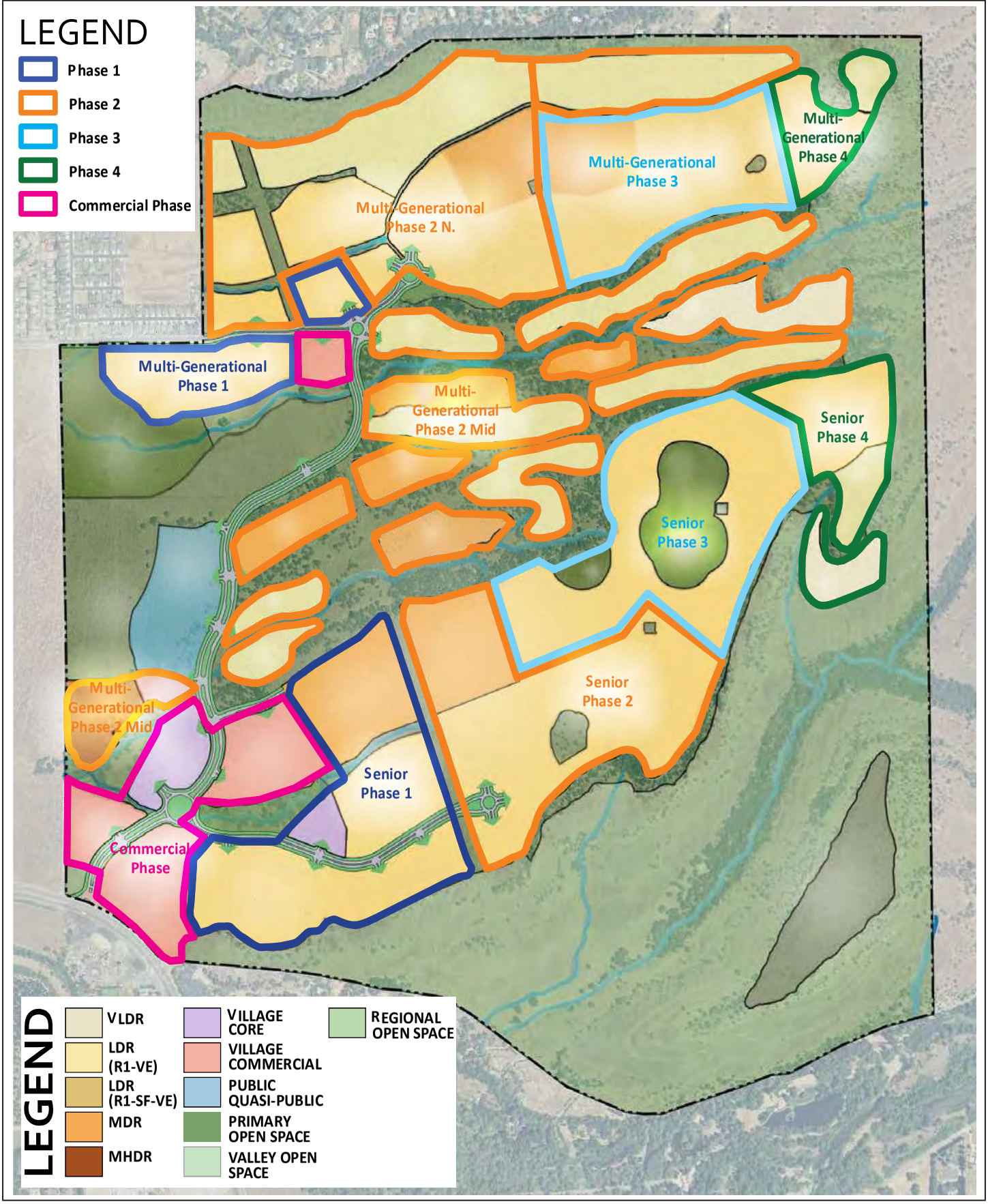

SOURCE: City of Chico, 2020

FIGURE 2-12

Construction Phases

Valley's Edge Specific Plan Project

DUDEK

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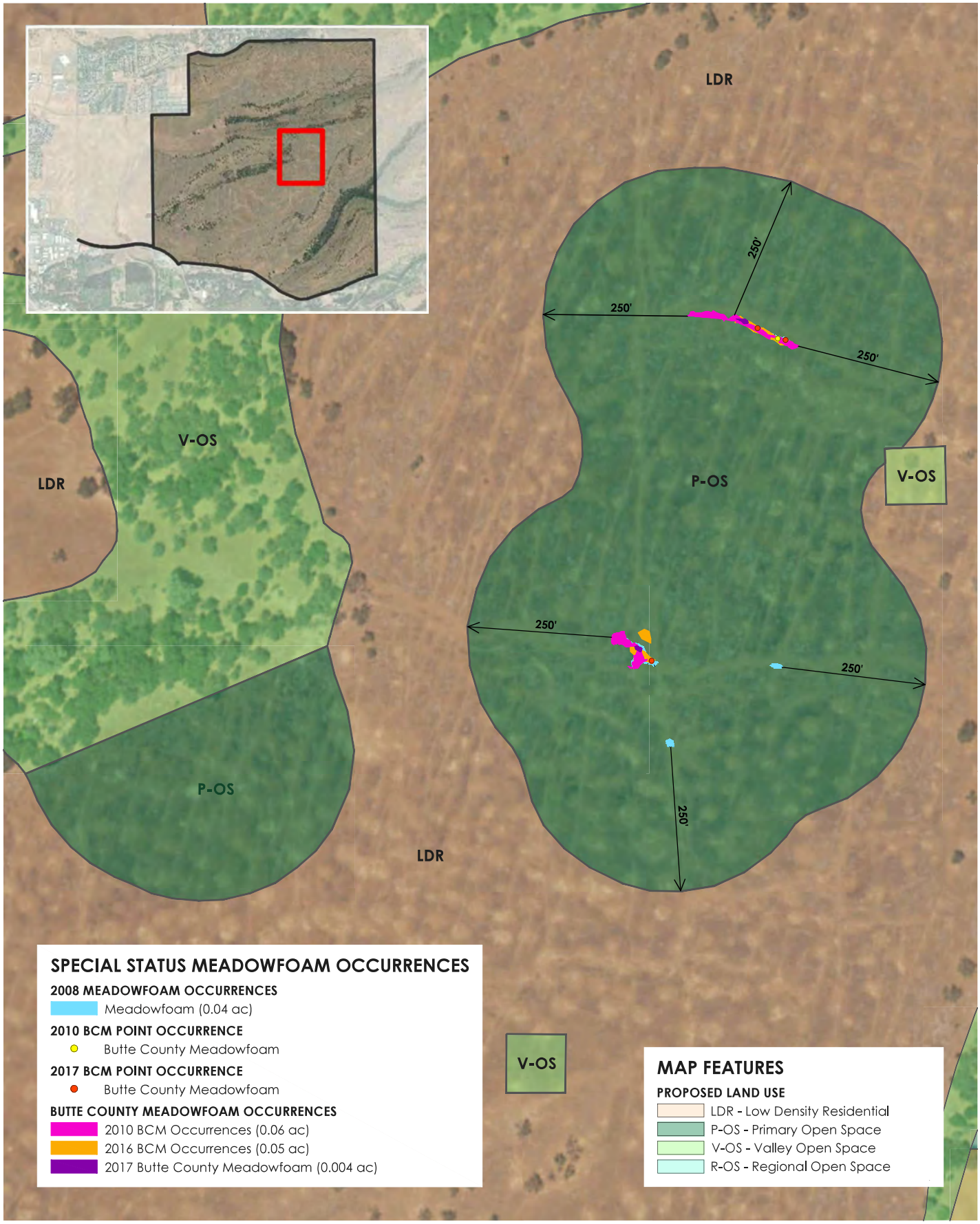

SOURCES: NAIP 2020, Gallaway Enterprises 2018, DUDEK

GRAPHIC SCALE
0 50 100 150 200 FT

FIGURE 4.3-4

Butte County Meadowfoam Occurrences
Valley's Edge Specific Plan Project

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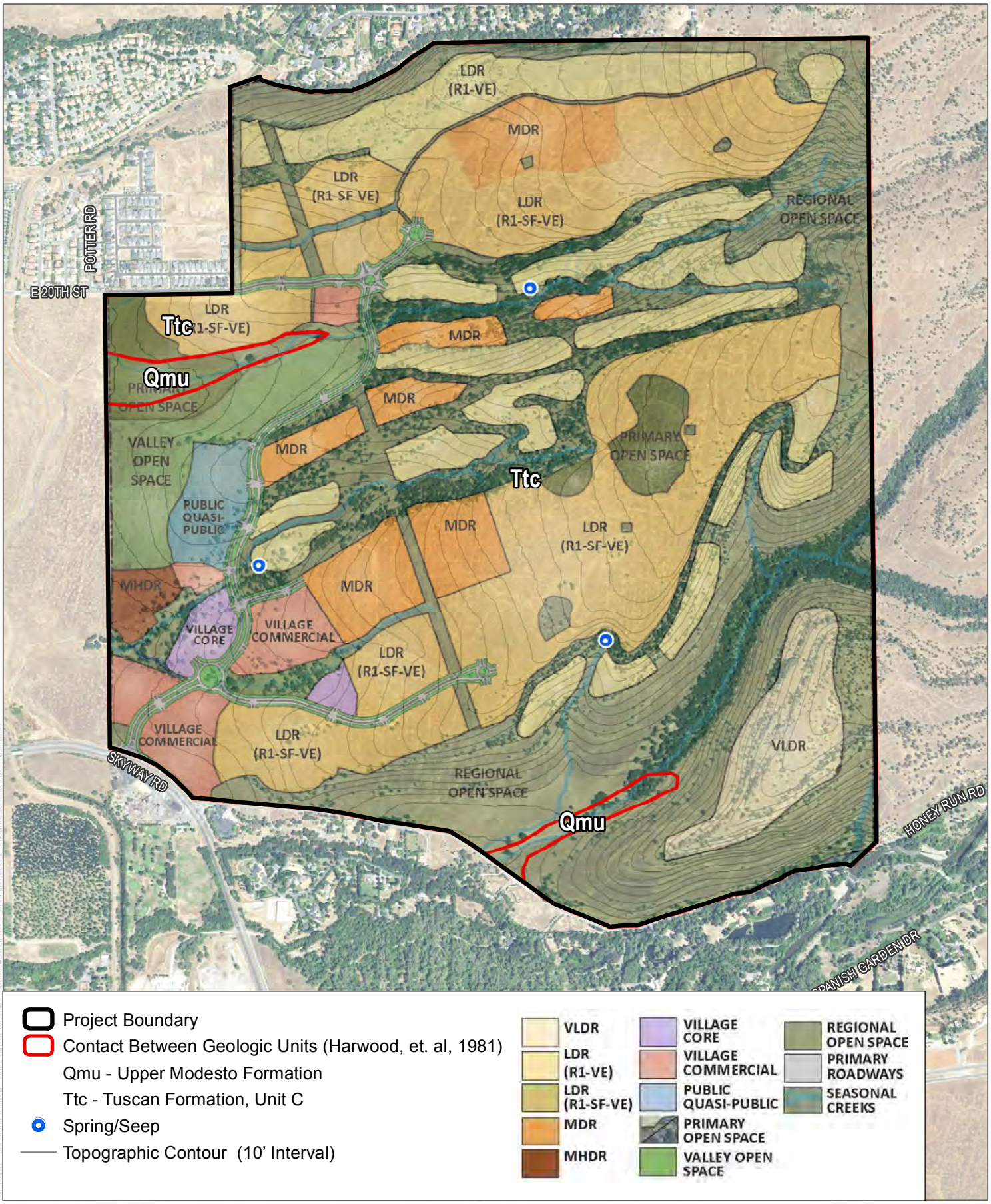

SOURCE: NAIP 2016; City of Chico 2020; GeoPlus 2010

DUDEK

0 650 1,300 Feet

FIGURE 4.9-2

Geology with Respect to the Proposed Development

Valleys Edge Specific Plan Project

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Appendix H-5

Amended Drainage Report Addendum #1,
dated December 13, 2021

"VALLEY'S EDGE" SPECIFIC PLAN

MIXED-USE DEVELOPMENT

CITY OF CHICO, BUTTE COUNTY, CALIFORNIA

Amended Drainage Report Addendum #1

September 14, 2021

AMENDED: DECEMBER 13, 2021

REGISTERED PROFESSIONAL ENGINEER
TONY J. FRAYJI
No. 57265
Exp.
CIVIL
STATE OF CALIFORNIA

PREPARED BY:

Joseph Stebakov

UNDER THE DIRECT GUIDANCE AND SUPPERVISION OF:

Tony Frayji

FRAYJI DESIGN GROUP
CIVIL ENGINEERING | PLANNING | SURVEYING

FRAYJI DESIGN GROUP, INC.
1316 Blue Oaks Blvd
ROSEVILLE, CA 95678
(916) 782-3000

Purpose of Addendum

We are providing this report to address the potential elimination of the connecting street to Honeyrun Road and the need for alternative ways to mitigate the planning area's increased flow that was proposed to be detained with the culvert downsizing under the roadway as discussed in the drainage report dated 4/29/2020. The connecting road to Honeyrun Road shown in the Drainage report was used to detain the increased flow. However, with this road being eliminated, the detention needs to be mitigated. It is noteworthy to mention that during major events, flows from Reaches 5 and 6 are combined as they reach Honeyrun Road and inundate the area between the two sets of culverts.

Various software and tools were used to calculate the difference in flow and the amount of runoff that needs to be detained for the 100 year storm event to maintain existing condition flows.

Summary of Work Performed

The storm and Sanitary Analysis model (SSA) has been updated with shed area F2 divided into two sub shed areas (F2A & F2B). This was done for the purposes of determining the amount of runoff needed to be detained. A portion of the runoff that was initially contributing directly to Reach 6 has been diverted into Reach 5. The new discharge values produced by shed area F2 (F2A + F2B) were then input into HEC-RAS and the proposed culverts and roadway intersecting Reaches 5 and 6 have been removed. The HEC-RAS model was then updated to reflect the detention inflow required in order to account for the increase in discharge, due to the absence of the culvert downsizing. A spreadsheet was then created to represent the volume of storage required for the 100 year storm event due to the updated development. Please see sections below for more information.

Post-Dev Storm and Sanitary Analysis (SSA)

Shed area F2 was divided into sub shed areas F2A and F2B. This was done in order to determine the exact runoff going into Reach 5 (R5) and the remaining runoff directly contributing to Reach 6 (R6). Shed area F1 was adjusted as well. The CN values and areas representing those values were then updated in the model. A CN value of 98 was used for roadways and paved parking/roofs. The open space areas maintained a CN value of 83. A CN value of 79 was added to the model for the woods/trees area to match the pre-developed model. A CN value of 80 was used for all landscaping. It was also assumed that 55% of lot areas consist of landscaping while 45% of it was considered impervious parking/roofs. Please

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see Figure 1 below for CN values used. The analysis was then performed and new time series plots were generated for shed areas F1, F2A and F2B for the 2yr, 10yr and 100yr storm events. All other time series plots for the remaining shed areas were left as is. Please see **Exhibit 1 – Post-TimeSeriesPlotsR5-R6 (SSA)** for the new discharge values obtained for shed areas F1, F2A and F2B. The **Updated Storm and Sanitary Analysis (SSA)** model has also been provided for your review.

General
Subbasin ID: BASIN-F2A

Connectivity
Rain gage: Rain Gage-Butte-Cher ...
Outlet node: JUNCTION-15

Description:

Physical Properties SCS TR-55 TOC Curve Number

Composite curve number

	Area (ac)	Area (%)	Curve Number	Soil Group	Description
1	31.5500	24.94	80 ...	D	> 75% grass cover, Good
2	25.8100	20.40	98 ...	D	Paved parking & roofs
3	14.1100	11.15	98 ...	D	Paved roads with curbs & sewers
4	55.0500	43.51	83 ...	D	Brush, Poor
5			...		
6			...		

Total area: 126.520 ac Total area: 100.00 % Weighted CN: 86.98

	Subbasin ID	Area	Wt. CN	TOC	Rain Gage ID
1	BASIN-F2A	126.520	86.98	33.45	Rain Gage-Butte-
2	{Drainage-UnDEV}.D	9.518	86.98	33.45	Rain Gage-Butte-
3	{Drainage-UnDEV}.D	9.990	84.52	16.06	Rain Gage-Butte-
4	{Drainage-UnDEV}.D	10.740	84.41	17.49	Rain Gage-Butte-
5	{Drainage-UnDEV}.D	4.502	84.84	15.92	Rain Gage-Butte-
6	{Drainage-UnDEV}.D	7.555	84.43	16.01	Rain Gage-Butte-

Figure 1: Curve Numbers (CN) used for Post-Developed Shed F2A

Post-Dev (HEC-RAS)

The Post-Developed HEC-RAS model was then updated to include the new time series plots for shed Areas F1 and F2 (F2A+F2B). The berm at connection "RD (Minor) CP6" was removed as well as the initially proposed culverts. The first analysis was performed assuming no detention around Reach 5 (R5). The 2yr, 10yr and 100yr storm events were analyzed. Once the results were obtained the detention requirements were determined. The next set of runs implemented the detention inflow that would be required for mitigation. Please see Tables 1 through 6 below for a comparison of the 2yr, 10yr and 100yr discharge rates (Q's) at existing roadways (Connections) before and after detention is taken into account. As you can see, different flow values are only seen in connection "RD(Humbug)C5,C6" when comparing to the report. These are highlighted in blue within the tables. Tables 1, 2 and 3 show original discharge rates for the Pre-Developed state and new values for the Post-Developed state, assuming no mitigation. Tables 4, 5 and 6 show original discharge rates for the Pre-Developed state and new Q values for the Post-Developed state, with mitigation taken into account. Results are shown for the 2yr, 10yr and 100yr storm events. Please see the attached **Updated HEC-RAS** model for more information and the attached **Spreadsheet 1 – Detention Basin Calcs (R5+R6)** for detention requirement calculations. Discharge values are subject to change for the Post-Developed conditions during the final phases of design due to multiple factors. These values however will not exceed the Pre-Developed flow values.

PRE VS. POST DISCHARGE AT EXISTING CONNECTIONS (HECRAS)										
2 Year Storm (cfs)										
R1			R1+R2+R3			R4+R4T			R5+R6		
RD(Dawncrest)C1A,C1B			RD(PotterN)C1-C3			RD(PotterS)C4			RD(Humbug)C5,C6		
	PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)
Qtot =	89.4	89	Qtot =	593.3	586.6	Qtot =	276.6	269.2	Qtot =	1440.2	1535.3
C1A =	49.5	48.2	C1E =	69.1	67.7	C4A =	96.4	95.9	C5A,B =	161.9	161.8
C1B =	40	40.7	C2A,B =	197	196.2	C4B =	68.2	68	C6A,B,C =	290.9	291.9
Weir Flow =	0	0	C3A =	0	4	Weir Flow =	111.9	105.4	C6D =	166.3	170.0
			Weir Flow =	323.4	319.1				Weir Flow =	821.2	912.0

Table 1: 2yr Pre vs. Post Discharge at Existing Connections (No detention)

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PRE VS. POST DISCHARGE AT EXISTING CONNECTIONS (HECRAS)										
10 Year Storm (cfs)										
R1			R1+R2+R3			R4+R4T			R5+R6		
RD(Dawncrest)C1A,C1B			RD(PotterN)C1-C3			RD(PotterS)C4			RD(Humbug)C5,C6		
	PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)
Qtot =	153.1	135.5	Qtot =	1027.5	930.5	Qtot =	392.2	388.1	Qtot =	2360.5	2617.5
C1A =	88.5	77.1	C1E =	94.6	86.2	C4A =	102.9	102.7	C5A,B =	165.5	167.0
C1B =	64.6	58.4	C2A,B =	221.1	215.9	C4B =	71.6	71.5	C6A,B,C =	324	329.5
Weir Flow =	0	0	C3A =	0	4.1	Weir Flow =	217.7	213.9	C6D =	202.7	211.3
			Weir Flow =	707.7	625.4				Weir Flow =	1668.4	1909.7

Table 2: 10yr Pre vs. Post Discharge at Existing Connections (No Detention)

PRE VS. POST DISCHARGE AT EXISTING CONNECTIONS (HECRAS)										
100 Year Storm (cfs)										
R1			R1+R2+R3			R4+R4T			R5+R6		
RD(Dawncrest)C1A,C1B			RD(PotterN)C1-C3			RD(PotterS)C4			RD(Humbug)C5,C6		
	PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)
Qtot =	306.1	241.7	Qtot =	2048.2	1624.2	Qtot =	822.3	652.3	Qtot =	4941.2	5251.2
C1A =	170.1	144.3	C1E =	139.3	121.1	C4A =	117	112.4	C5A,B =	174.5	178.1
C1B =	111.4	97.4	C2A,B =	260.5	245.8	C4B =	79.2	76.7	C6A,B,C =	375.2	377.4
Weir Flow =	24.6	0	C3A =	0	4.2	Weir Flow =	626.1	463.2	C6D =	275.4	283.5
			Weir Flow =	1644.1	1253.1				Weir Flow =	4113.3	4412.8

Table 3: 100yr Pre vs. Post Discharge at Existing Connections (No Detention)

PRE VS. POST DISCHARGE AT EXISTING CONNECTIONS (HECRAS)										
2 Year Storm (cfs)										
R1			R1+R2+R3			R4+R4T			R5+R6		
RD(Dawncrest)C1A,C1B			RD(PotterN)C1-C3			RD(PotterS)C4			RD(Humbug)C5,C6		
	PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)
Qtot =	89.4	89	Qtot =	593.3	586.6	Qtot =	276.6	269.2	Qtot =	1440.2	1415.4
C1A =	49.5	48.2	C1E =	69.1	67.7	C4A =	96.4	95.9	C5A,B =	161.9	161.3
C1B =	40	40.7	C2A,B =	197	196.2	C4B =	68.2	68	C6A,B,C =	290.9	286.3
Weir Flow =	0	0	C3A =	0	4	Weir Flow =	111.9	105.4	C6D =	166.3	164.2
			Weir Flow =	323.4	319.1				Weir Flow =	821.2	804.2

Table 4: 2yr Pre vs. Post Discharge at Existing Connections (With Detention)

PRE VS. POST DISCHARGE AT EXISTING CONNECTIONS (HECRAS)										
10 Year Storm (cfs)										
R1			R1+R2+R3			R4+R4T			R5+R6		
RD(Dawncrest)C1A,C1B			RD(PotterN)C1-C3			RD(PotterS)C4			RD(Humbug)C5,C6		
	PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)
Qtot =	153.1	135.5	Qtot =	1027.5	930.5	Qtot =	392.2	388.1	Qtot =	2360.5	2356.3
C1A =	88.5	77.1	C1E =	94.6	86.2	C4A =	102.9	102.7	C5A,B =	165.5	165.7
C1B =	64.6	58.4	C2A,B =	221.1	215.9	C4B =	71.6	71.5	C6A,B,C =	324	323.6
Weir Flow =	0	0	C3A =	0	4.1	Weir Flow =	217.7	213.9	C6D =	202.7	202.1
			Weir Flow =	707.7	625.4				Weir Flow =	1668.4	1666.4

Table 5: 10yr Pre vs. Post Discharge at Existing Connections (With Detention)

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PRE VS. POST DISCHARGE AT EXISTING CONNECTIONS (HECRAS)										
100 Year Storm (cfs)										
R1			R1+R2+R3			R4+R4T			R5+R6	
RD(Dawncrest)C1A,C1B			RD(PotterN)C1-C3			RD(PotterS)C4			RD(Humbug)C5,C6	
	PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)
Qtot =	306.1	241.7	Qtot =	2048.2	1624.2	Qtot =	822.3	652.3	Qtot =	4941.2	4892.0
C1A =	170.1	144.3	C1E =	139.3	121.1	C4A =	117	112.4	C5A,B =	174.5	176.7
C1B =	111.4	97.4	C2A,B =	260.5	245.8	C4B =	79.2	76.7	C6A,B,C =	375.2	372.6
Weir Flow =	24.6	0	C3A =	0	4.2	Weir Flow =	626.1	463.2	C6D =	275.4	274.9
			Weir Flow =	1644.1	1253.1				Weir Flow =	4113.3	4067.8

Table 6: 100yr Pre vs. Post Discharge at Existing Connections (With Detention)

Detention Basin Calculations (Reaches 5 and 6)

Time series plots produced by HEC-RAS at connection "RD(Humbug)C5,C6" were used to calculate the basin requirements for R5 and R6. An excel spreadsheet was used for calculating the volume of storage required for the 100 year event (see attached **Spreadsheet 1 – Detention Basin Calcs (R5+R6)**). An equation was set up to take the difference between the developed (unmitigated) and undeveloped Q values obtained from HEC-RAS for each 10 min time interval. This flow was then multiplied by 60 (seconds) and then by 15 (minutes) to give a volume of 605448 ft^3. This means that the amount of detention required for a 24 hour storm event is approximately 14 AC-FT. An assumed basin depth of 4 ft was applied, giving a minimum required detention acreage of 3.5 AC. Please see **Exhibit 2 – Proposed Detention Exhibit (R5+R6)**, which shows the location and acreage of the proposed detention basin area.

Proposed Mitigation Measures (Reaches 5 and 6)

In order to decrease the storm water flows at Honeyrun Road to match the undeveloped condition we are proposing the construction of a detention basin as shown on the attached **Exhibit 2 – Proposed Detention Exhibit (R5+R6)**. Additional measures may include attention measuring within the roadway and/or within individual subdivisions or phases as may be determined during the design phase and once approved by the city. Please note that data presented herein is preliminary, and the location of the detention basin is approximate. Once the planning area enters the improvement plan phase and a Storm Drainage Master Plan is submitted, it is very likely that stormwater discharge rates will be quite lower due to routing through the storm drain system and overall increase in time of concentration. Therefore, both the size and location of the basin are subject to change.

It is understood that these drainage basins will be constructed during the grading phase of construction of the relevant phase and thus mitigating any potential increases prior to any improvements being completed and/or houses being built. A more detailed inlet and outlet design will have to be provided and all permitting will have to be obtained prior to any construction moving forward.

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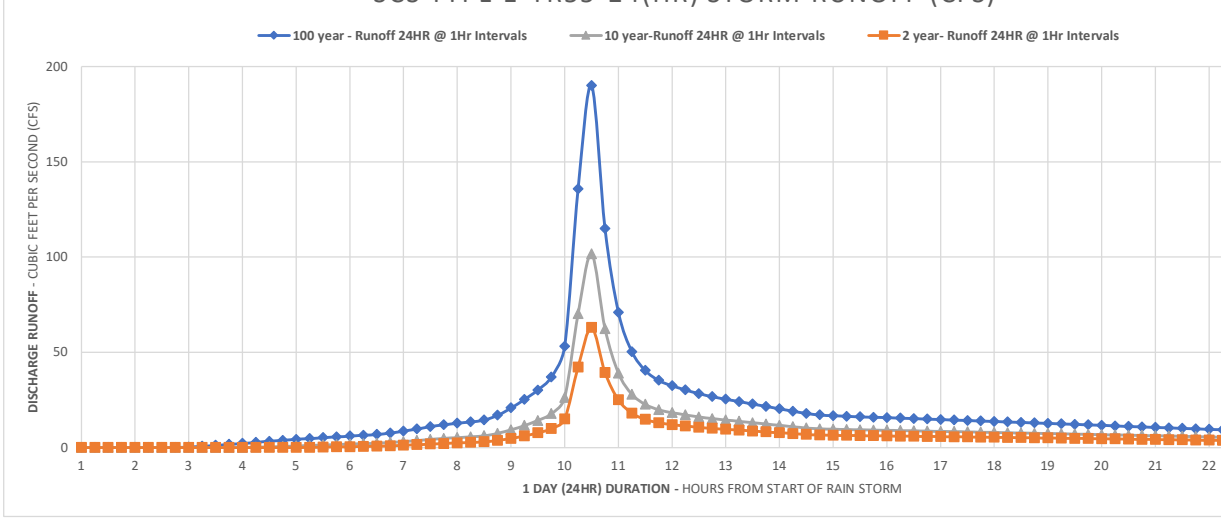
0.7500	0.0000	0.7500	0.0000
1.0000	0.0000	1.0000	0.0000
1.2500	0.0000	1.2500	0.0000
1.5000	0.0000	1.5000	0.0000
1.7500	0.0000	1.7500	0.0000
2.0000	0.0000	2.0000	0.0000
2.2500	0.0000	2.2500	0.0000
2.5000	0.0000	2.5000	0.0000
2.7500	0.0000	2.7500	0.0282
3.0000	0.0000	3.0000	0.2540
3.2500	0.0000	3.2500	0.6570
3.5000	0.0000	3.5000	1.1300
3.7500	0.0000	3.7500	1.6334
4.0000	0.0128	4.0000	2.1560
4.2500	0.1276	4.2500	2.6942
4.5000	0.3400	4.5000	3.2374
4.7500	0.5830	4.7500	3.7550
5.0000	0.8310	5.0000	4.2393
5.2500	1.0790	5.2500	4.7009
5.5000	1.3228	5.5000	5.1492
5.7500	1.5623	5.7500	5.5796
6.0000	1.7979	6.0000	5.9980
6.2500	2.0298	6.2500	6.4013
6.5000	2.2765	6.5000	6.8453
6.7500	2.6326	6.7500	7.5835
7.0000	3.1013	7.0000	8.5967
7.2500	3.6447	7.2500	9.7539
7.5000	4.2266	7.5000	10.9440
7.7500	4.7476	7.7500	11.9332
8.0000	5.2013	8.0000	12.7259
8.2500	5.6295	8.2500	13.4420
8.5000	6.1750	8.5000	14.4042
8.7500	7.4170	8.7500	16.9160
9.0000	9.3339	9.0000	20.8145
9.2500	11.5667	9.2500	25.2317
9.5000	14.1526	9.5000	30.1787
9.7500	17.7473	9.7500	36.9727
10.0000	26.2683	10.0000	53.1854
10.2500	70.2223	10.2500	135.8024
10.5000	101.6165	10.5000	190.0770
10.7500	62.4158	10.7500	115.0192
11.0000	39.0540	11.0000	71.0117
11.2500	27.9561	11.2500	50.3097
11.5000	22.6640	11.5000	40.4852
11.7500	19.8135	11.7500	35.2295
12.0000	18.2950	12.0000	32.4044
12.2500	17.1230	12.2500	30.2493
12.5000	16.0574	12.5000	28.2951
12.7500	15.1750	12.7500	26.6825
13.0000	14.4339	13.0000	25.3340
13.2500	13.7302	13.2500	24.0622
13.5000	13.0348	13.5000	22.8085
13.7500	12.3364	13.7500	21.5520
14.0000	11.6329	14.0000	20.3014
14.2500	10.9224	14.2500	19.0448
14.5000	10.2517	14.5000	17.8556
14.7500	9.8235	14.7500	17.0940
15.0000	9.6000	15.0000	16.6893
15.2500	9.4405	15.2500	16.3959
15.5000	9.3005	15.5000	16.1384
15.7500	9.1634	15.7500	15.8900
16.0000	9.0287	16.0000	15.6430
16.2500	8.8927	16.2500	15.3941
16.5000	8.7552	16.5000	15.1460
16.7500	8.6166	16.7500	14.8980
17.0000	8.4784	17.0000	14.6473
17.2500	8.3388	17.2500	14.3964
17.5000	8.1988	17.5000	14.1464
17.7500	8.0572	17.7500	13.8960
18.0000	7.9155	18.0000	13.6440
18.2500	7.7731	18.2500	13.3908
18.5000	7.6303	18.5000	13.1370
18.7500	7.4865	18.7500	12.8837
19.0000	7.3427	19.0000	12.6302
19.2500	7.1984	19.2500	12.3747
19.5000	7.0542	19.5000	12.1202
19.7500	6.9079	19.7500	11.8657
20.0000	6.7622	20.0000	11.6102
20.2500	6.6159	20.2500	11.3516
20.5000	6.4696	20.5000	11.0961
20.7500	6.3213	20.7500	10.8404
21.0000	6.1740	21.0000	10.5840
21.2500	6.0267	21.2500	10.3276
21.5000	5.8778	21.5000	10.0701
21.7500	5.7285	21.7500	9.8115
22.0000	5.5802	22.0000	9.5531
22.2500	5.4309	22.2500	9.2945
22.5000	5.2817	22.5000	9.0360
22.7500	5.1320	22.7500	8.7780
23.0000	4.9826	23.0000	8.5190
23.2500	4.8323	23.2500	8.2599
23.5000	4.6820	23.5000	7.9989



0.7500	0.0000	0.7500	0.0000
1.0000	0.0000	1.0000	0.0000
1.2500	0.0000	1.2500	0.0000
1.5000	0.0000	1.5000	0.0000
1.7500	0.0000	1.7500	0.0000
2.0000	0.0000	2.0000	0.0000
2.2500	0.0000	2.2500	0.0000
2.5000	0.0000	2.5000	0.0916
2.7500	0.0000	2.7500	0.6187
3.0000	0.0000	3.0000	1.4991
3.2500	0.0000	3.2500	2.5163
3.5000	0.0035	3.5000	3.6028
3.7500	0.1253	3.7500	4.7260
4.0000	0.4934	4.0000	5.8795
4.2500	0.9953	4.2500	7.0548
4.5000	1.5507	4.5000	8.2294
4.7500	2.1131	4.7500	9.3410
5.0000	2.6656	5.0000	10.3615
5.2500	3.2037	5.2500	11.3274
5.5000	3.7333	5.5000	12.2536
5.7750	4.2483	5.7750	13.1419
6.0000	4.7568	6.0000	14.0007
6.2500	5.2510	6.2500	14.8263
6.5000	5.7776	6.5000	15.7313
6.7500	6.5445	6.7500	17.2430
7.0000	7.5878	7.0000	19.3914
7.2500	8.7993	7.2500	21.8586
7.5000	10.0947	7.5000	24.4173
7.7500	11.2432	7.7500	26.5407
8.0000	12.2229	8.0000	28.2093
8.2500	13.1255	8.2500	29.6793
8.5000	14.2543	8.5000	31.6107
8.7500	16.8357	8.7500	36.6459
9.0000	20.9837	9.0000	44.7537
9.2500	25.8598	9.2500	54.0639
9.5000	31.4037	9.5000	64.3781
9.7500	39.0211	9.7500	78.3381
10.0000	56.1782	10.0000	109.9313
10.2500	143.2214	10.2500	269.6555
10.5000	216.3783	10.5000	397.3098
10.7500	140.4503	10.7500	253.9293
11.0000	87.7133	11.0000	156.8561
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15.7500	19.3039	15.7500	33.1235
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16.5000	18.4290	16.5000	31.5609
16.7500	18.1345	16.7500	31.0419
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17.2500	17.5423	17.2500	29.9921
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22.5000	11.0887	22.5000	18.8137
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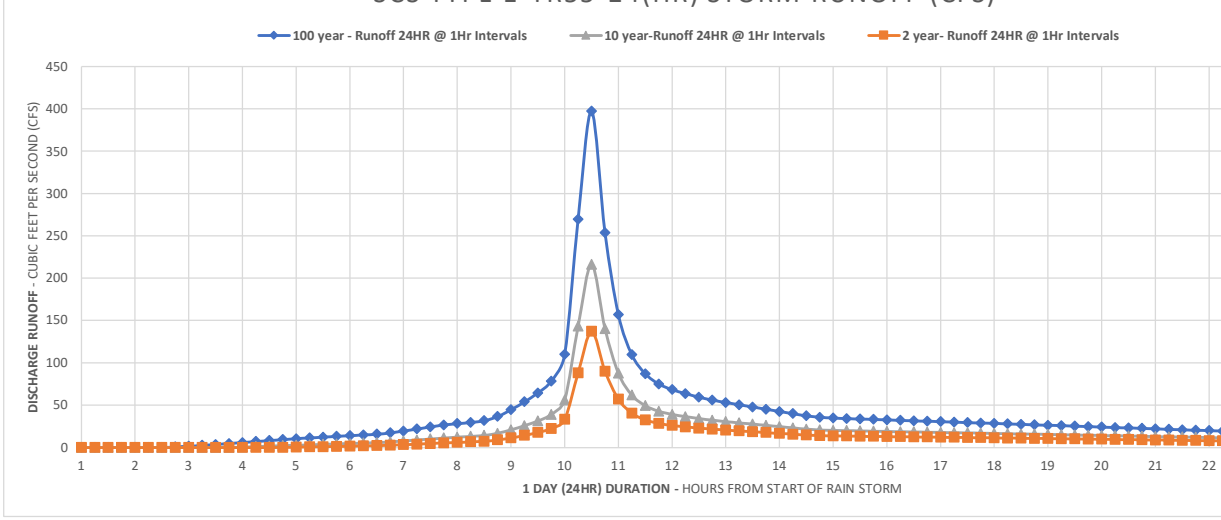

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9.5000	38.6127	9.5000	88.8351
9.7500	49.0761	9.7500	109.6171
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12.5000	50.7733	12.5000	91.7990
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13.0000	45.6729	13.0000	82.1852
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16.5000	27.8726	16.5000	49.1932
16.7500	27.4458	16.7500	48.4006
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18.2500	24.8270	18.2500	43.5687
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22.0000	17.9141	22.0000	31.1806
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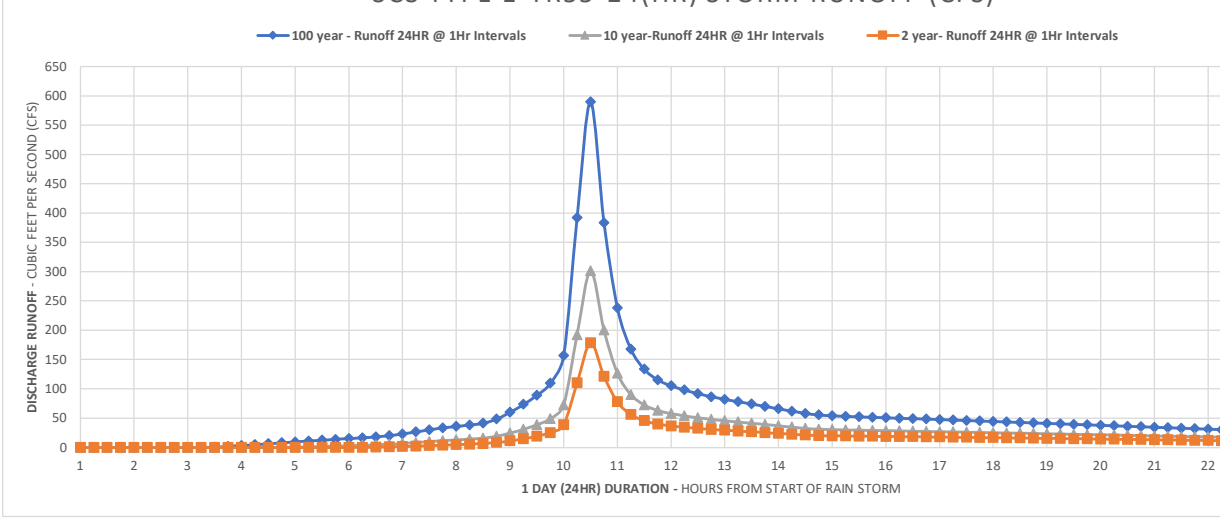

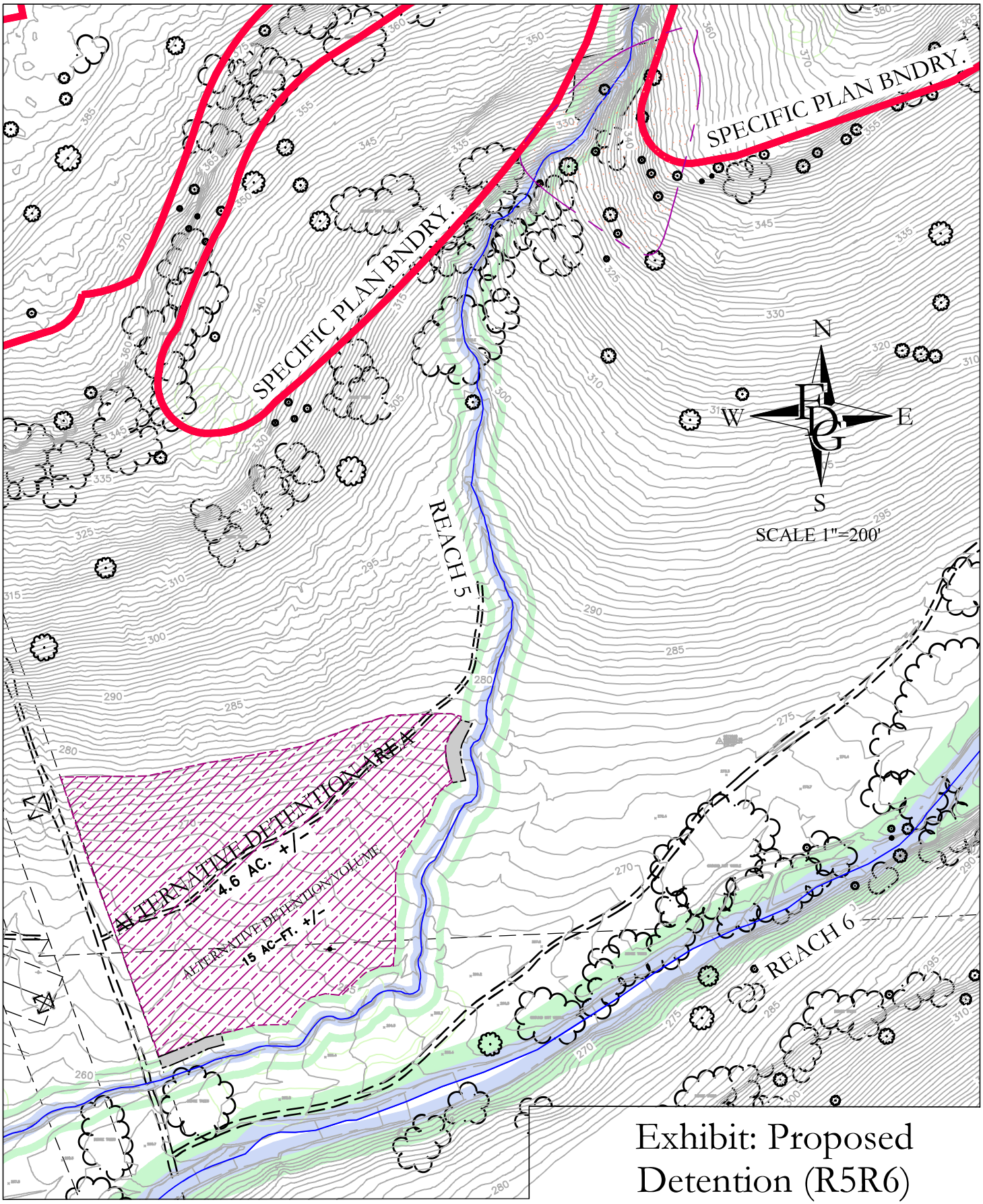

Exhibit: Proposed Detention (R5R6) December 13, 2021

FRAYJi DESIGN GROUP
CIVIL ENGINEERING | PLANNING | SURVEYING

100 yr Basin Calculations - HEC-RAS (Assuming No Detention)

RD(Humbug)C5C6CE

Time (hrs)	Undeveloped Runoff (cfs)	Developed Runoff (cfs)	Developed - Undeveloped (cfs)	Volume Reqd. per 15 minute interval
0.000	22.18	14.96	-7.2200	-4332
0.167	79.78	61.11	-18.6700	-11202
0.333	79.98	64.96	-15.0200	-9012
0.500	79.99	64.99	-15.0000	-9000
0.667	79.99	64.99	-15.0000	-9000
0.833	80.00	65	-15.0000	-9000
1.000	80.02	64.99	-15.0300	-9018
1.167	80.03	64.99	-15.0400	-9024
1.333	80.04	65	-15.0400	-9024
1.500	80.04	65	-15.0400	-9024
1.667	80.04	65	-15.0400	-9024
1.833	80.04	65	-15.0400	-9024
2.000	80.04	65	-15.0400	-9024
2.167	80.04	65	-15.0400	-9024
2.333	80.04	65	-15.0400	-9024
2.500	80.04	65.03	-15.0100	-9006
2.667	80.04	65.11	-14.9300	-8958
2.833	80.05	65.4	-14.6500	-8790
3.000	80.05	65.86	-14.1900	-8514
3.167	80.05	66.44	-13.6100	-8166
3.333	80.04	67.13	-12.9100	-7746
3.500	80.04	67.97	-12.0700	-7242
3.667	80.05	68.74	-11.3100	-6786
3.833	80.05	70.51	-9.5400	-5724
4.000	80.05	72.1	-7.9500	-4770
4.167	80.03	73.85	-6.1800	-3708
4.333	80.04	75.65	-4.3900	-2634
4.500	80.04	77.51	-2.5300	-1518
4.667	80.04	79.26	-0.7800	-468
4.833	80.05	81.13	1.0800	648
5.000	80.41	83.21	2.8000	1680
5.167	81.66	86.32	4.6600	2796
5.333	85.30	93.23	7.9300	4758
5.500	93.02	104.29	11.2700	6762
5.667	103.75	116.93	13.1800	7908
5.833	114.61	129.16	14.5500	8730
6.000	124.85	141.55	16.7000	10020
6.167	135.65	153.38	17.7300	10638
6.333	146.11	164.97	18.8600	11316
6.500	156.93	176.29	19.3600	11616
6.667	168.02	187.94	19.9200	11952
6.833	179.47	199.56	20.0900	12054
7.000	191.47	211.57	20.1000	12060
7.167	205.24	225.42	20.1800	12108
7.333	220.79	242.83	22.0400	13224
7.500	239.87	264.06	24.1900	14514
7.667	262.57	288.24	25.6700	15402
7.833	286.93	313.51	26.5800	15948
8.000	311.99	339	27.0100	16206
8.167	338.29	365.01	26.7200	16032
8.333	362.47	388.16	25.6900	15414
8.500	385.72	410.11	24.3900	14634
8.667	408.71	430.56	21.8500	13110
8.833	430.99	451.62	20.6300	12378
9.000	453.34	485.76	32.4200	19452
9.167	489.23	539.02	49.7900	29874
9.333	551.76	609.93	58.1700	34902
9.500	633.14	698.74	65.6000	39360
9.667	728.73	805.89	77.1600	46296
9.833	843.64	932.87	89.2300	53538
10.000	992.43	1105.1	112.6700	67602
10.167	1269.02	1447.73	178.7100	107226
10.333	1713.97	2112.7	398.7300	239238
10.500	2687.55	3368.69	681.1400	408684
10.667	4081.32	4839.82	758.5000	455100
10.833	4886.96	5251.75	364.7900	218874
11.000	4941.24	4944.94	3.7000	2220
11.167	4335.76	4108.1	-227.6600	-136596
11.333	3641.78	3333.75	-308.0300	-184818
11.500	2989.36	2724.91	-264.4500	-158670
11.667	2513.32	2284.19	-229.1300	-137478
11.833	2137.68	1946.9	-190.7800	-114468
12.000	1866.46	1716.11	-150.3500	-90210

12.167	1661.31	1542.35	-118.9600	-71376
12.333	1505.55	1413.42	-92.1300	-55278
12.500	1389.06	1317.57	-71.4900	-42894
12.667	1294.98	1238.82	-56.1600	-33696
12.833	1217.91	1173.27	-44.6400	-26784
13.000	1154.17	1117	-37.1700	-22302
13.167	1099.33	1067.78	-31.5500	-18930
13.333	1052.62	1026.92	-25.7000	-15420
13.500	1010.51	990.5	-20.0100	-12006
13.667	972.42	957.05	-15.3700	-9222
13.833	938.38	924.67	-13.7100	-8226
14.000	905.58	892.82	-12.7600	-7656
14.167	873.71	861.3	-12.4100	-7446
14.333	842.39	829.94	-12.4500	-7470
14.500	811.51	798.86	-12.6500	-7590
14.667	780.61	768.25	-12.3600	-7416
14.833	751.17	739.57	-11.6000	-6960
15.000	723.87	713.26	-10.6100	-6366
15.167	699.01	690.34	-8.6700	-5202
15.333	678.64	672.13	-6.5100	-3906
15.500	662.09	657.69	-4.4000	-2640
15.667	649.43	646.66	-2.7700	-1662
15.833	639.11	637.76	-1.3500	-810
16.000	630.29	629.91	-0.3800	-228
16.167	622.51	622.75	0.2400	144
16.333	615.35	615.99	0.6400	384
16.500	608.57	609.48	0.9100	546
16.667	602.03	603.11	1.0800	648
16.833	595.64	596.86	1.2200	732
17.000	589.36	590.56	1.2000	720
17.167	583.06	584.28	1.2200	732
17.333	576.86	578.03	1.1700	702
17.500	570.66	571.84	1.1800	708
17.667	564.43	565.59	1.1600	696
17.833	558.21	559.31	1.1000	660
18.000	552.03	553.04	1.0100	606
18.167	545.76	546.75	0.9900	594
18.333	539.53	540.5	0.9700	582
18.500	533.22	534.23	1.0100	606
18.667	526.91	527.96	1.0500	630
18.833	520.68	521.68	1.0000	600
19.000	514.53	515.42	0.8900	534
19.167	508.43	509.13	0.7000	420
19.333	502.29	502.86	0.5700	342
19.500	496.63	496.54	-0.0900	-54
19.667	490.30	490.12	-0.1800	-108
19.833	483.87	484.03	0.1600	96
20.000	477.37	477.87	0.5000	300
20.167	473.55	471.6	-1.9500	-1170
20.333	467.49	465.08	-2.4100	-1446
20.500	460.21	459.02	-1.1900	-714
20.667	453.23	452.78	-0.4500	-270
20.833	446.35	446.58	0.2300	138
21.000	439.55	440.28	0.7300	438
21.167	432.51	433.88	1.3700	822
21.333	425.41	427.02	1.6100	966
21.500	418.53	419.82	1.2900	774
21.667	411.28	412.8	1.5200	912
21.833	404.42	405.94	1.5200	912
22.000	397.74	399.27	1.5300	918
22.167	391.21	392.66	1.4500	870
22.333	384.58	386.11	1.5300	918
22.500	377.86	379.68	1.8200	1092
22.667	371.20	373.5	2.3000	1380
22.833	364.63	366.67	2.0400	1224
23.000	358.15	360.61	2.4600	1476
23.167	351.55	354.13	2.5800	1548
23.333	344.95	347.65	2.7000	1620
23.500	338.45	341.25	2.8000	1680
23.667	331.86	334.78	2.9200	1752
23.833	325.19	328.55	3.3600	2016
24.000	318.75	322.1	3.3500	2010

605448	FT^3	
13.89917355	AC-FT	
3.474793388	AC	Assumes 4' Deep Basin

4 Comments and Responses

This chapter contains the comment letters received in response to the Draft EIR during the 45-day public review period from October 29 through December 15, 2021, in addition to comments received during the public hearing held on November 18, 2021. Each comment letter is numbered, each comment is bracketed, and responses are provided to each comment. To assist the reader, a brief summary of the comment has been provided; however, it is only a summary and does not repeat the comment verbatim. Please refer back to the letter for the specific comment. The responses amplify or clarify information provided in the Draft EIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the project unrelated to its environmental impacts) are noted for the record and will be forwarded to the decision makers for their consideration. Where text changes in the Draft EIR are warranted based on comments received, updated project information, or other information provided by City of Chico (City) staff, those changes are noted in the response to comment, and are listed in Chapter 3, Changes to the Draft EIR, of this Final EIR.

The changes to the analysis contained in the Draft EIR, provided in Chapter 3, represent only minor clarifications/ amplifications and do not constitute significant new information. In accordance with CEQA Guidelines, Section 15088.5, recirculation of the Draft EIR is not required.

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Master Response 1: Wildfire

Several commenters asserted that development of the project site would result in a heightened fire risk due to the increased human presence in the Wildland Urban Interface (WUI) and have raised concerns regarding fire risks due to construction and project operation, safe evacuation in the event of a wildfire, and potential for a fire to spread to off-site areas. This Master Response addresses all the wildfire concerns raised in the comment letters received. Wildfire is addressed in Section 4.14 of the Draft EIR.

Sources of Ignition

The proposed VESP project takes a multilayer approach to preventing and protecting project occupants from wildfires that also benefits the surrounding community. The Draft EIR acknowledges that human activities result in a significant number of fires within California (Draft EIR pp. 4.14-4, 4.14-7,4.14-23, 4.14-26, 4.14-33). Further, the Draft EIR identifies potential ignition sources related to the project such as powerlines, construction, operation and maintenance activities, and increased development in the WUI. The Specific Plan includes a host of Firewise Guidelines, Standards, and Vegetation Management Requirements (VESP Section 4.5) to address these ignition sources. As stated on pages 4.14-24 through 4.14-17 of the Draft EIR, minimizing the risk of ignition within the plan area would not only benefit the project but also provide protection to the surrounding area. To clarify that the project is designed to minimize affecting adjacent areas the analysis in the Draft EIR under Impact 4.14-2 is updated to clarify that this would not only reduce the likelihood that a wildfire would impact the project but also reduce the likelihood of a fire occurring within the project and spreading to surrounding areas. Please see Chapter 3 for the new language.

The City of Chico (City) does not have any policies or ordinances that prohibit development in a fire hazard severity zone nor does the City require developers to exceed code compliance requirements found in the Uniform Building Code, the California Building Code (CBC), and the California Fire Code (CFC). City General Plan policies are identified in the Draft EIR under the Regulatory Setting (Draft EIR p. 4.14-14). General Plan Policy S-4.3 supports the development and implementation of standards and programs to reduce wildfire and review of development and building applications for opportunities to ensure compliance with relevant codes. As discussed on page 4.14-14 of the Draft EIR, the General Plan includes Actions S-4.3.1 through S-4.3.5 which list specific standards for development. The project is consistent with the City's General Plan Policies and the VESP includes Firewise Guidelines, Standards, and Vegetation Management Requirements that exceed existing state fire protection measures.

Powerlines are a significant source of ignitions in California and within the project area, as the Draft EIR acknowledges on page 4.14.5. Powerlines have resulted in fires such as the 2021 Dixie Fire and the 2018 Camp Fire. However, the project would not be increasing the ignition potential associated with the electrical powerlines that extend through the project site. The City requires undergrounding of all new utilities, including the project's electric powerlines, thus facilitating a reduction in the risk of ignitions from contact between electrical lines and tree canopies or other vegetation, per Municipal Code section 19.60.120. This would also reduce wildfire potential to surrounding communities by requiring the project underground overhead powerlines and this source of possible ignition. However, the existing powerlines present on the site would remain aboveground.

As disclosed in Section 4.14 of the Draft EIR starting on page 4.14-23, project construction has a potentially significant risk associated with possible ignitions. Construction activities could exacerbate wildfire risk due to the use of flammable materials tools, and/or equipment capable of generating a spark and igniting a wildfire. However, all construction contractors would be required to adhere to all current regulatory requirements such as Chapter 33, Fire Safety During Construction and Demolition of the CFC. The Draft EIR acknowledges that even with adherence to best management practices (BMPs), code compliance, and VESP Firewise Guidelines there is still a potential for construction-related ignitions. Therefore, mitigation measure WFIRE-1 (Draft EIR p. 4.14-27) requires a Construction Fire Prevention Plan, prepared in coordination with the Chico Fire Department (CFD), prior to any construction activities. The Construction Fire Prevention Plan must include procedures to minimize potential ignition; work restrictions during windy days; training; access to water sources; and an on-site fire awareness coordinator. Adherence to the plan would minimize the potential for construction-related ignition events to occur. This, in turn, would not only provide protection to the project but also to the surrounding areas by limiting the potential for on-site ignitions to occur and potentially impact off site areas.

The project would also require ongoing operation and maintenance activities that could exacerbate the wildfire risk. As determined in the Draft EIR this is a potentially significant impact (Draft EIR p. 4.14-24). Maintenance activities would be required to adhere to Chapter 49 and Chapter 33 of the CFC. While fuel reduction is typically viewed as preventing fires from intruding into a community it can also prevent fires from within the community from spreading to off-site locations. When fuel reduction activities are designed and implemented properly, they not only protect homes but also protect the surrounding environment by either reducing fire intensity and flame lengths as it approaches developed areas or vice versa reducing the spread of an on-site fire to off-site areas. This is because fuel treatments work by redistributing risk on a landscape and altering the interaction between fire, fuels, and weather, including how a fire may spread from one location to another (Cochrane et al., 2012). This can also reduce canopy fires and lower ember cast, such as with the project's approach to fuel reduction by removing ladder fuels in the adjacent open space, as detailed in the VESP's Firewise Guidelines (Cochrane et al., 2012). Research has found that even when just half the landscape is treated and homes are clustered, such as the project, the percentage of houses exposed to fire decreases from 51% to 16% (Braziunas et al., 2021). Fire breaks and fuel reduction would be required around open spaces, as described on pages 4.14-24, 25 in the Draft EIR. By reducing the potential for wildfire in open space areas, there would be a corresponding reduction in potential negative impacts on existing communities that are situated within or at the edge of the greater open space/fuel bed. Vegetation within landscaped areas and around homes would be required to be irrigated to reduce available fuel loads.

Wildfire Protection

The project would adhere to the VESP Firewise Guidelines and require the homeowners' association (HOA) and homeowners to adhere to fuel management requirements. Research has shown that HOA managed communities have increased fire awareness and implemented mitigation practices due to the HOA's oversight ability and mitigation management (Steffey et al., 2020). The VESP HOA would ensure that fuel reduction areas and open space areas remain code compliant and require annual compliance inspections by the CFD. This would aid in preventing ignitions from occurring or turning into significant fires as the fuel reduction areas would remain functional and not degrade over time. Homeowners, while responsible for their own defensible space, would also be subject to HOA oversight through property restrictions and CFD inspection to ensure code compliance. Should the defensible space rules identified by the City or in Public Resources Code (PRC) Section 4291 change, the homeowners would be required to adhere to the updated code. Having fuel modification customized to a project is crucial as the strategic design and placement of fuels treatments can disrupt fire

spread, reduce the intensity, and facilitate fire suppression within a landscape (Braziunas et al., 2021). Fuel treatments are not just isolated to fuel modification. Green barriers consisting of fire restive irrigated species, such as the irrigated landscape with the project and adjacent to homes, can prevent/block surface fire, or crown fires, serve as green ember catchers, and offer fire protection for the area (Wang et al., 2021). This benefit is facilitated by green barriers containing on site ignitions and preventing fires from spreading.

The Draft EIR also includes mitigation measure WFIRE-2 requiring an update to the VESP Guidelines to require the implementation and maintenance of fuel treatments along roadways and any trails proposed for use by fire apparatus. All habitable structures would also be required to be within 150 feet of a fire apparatus road. Roadside fuel reduction would serve as an ignition management tool to prevent vehicle fires from occurring on the project site. If a vehicle were to cause a spark or a fire on site it is unlikely it would spread outside the project area due to the adjacent fuel modification, landscape requirements, and ignition resistant construction. Placing habitable structures within 150 feet of fire apparatus access roads combined with the VESP Firewise Guidelines road requirements, such as rolled curbs and width to accommodate a Type 3 engine, greatly increases firefighter access to an area. This enhances the ability of fire personnel to access defensible space and increases their ability to tactically and safely respond to a fire (Warziniack et al., 2019). This increased ability to respond is not only to improve tactical response to a structural fire or a fire within the community but also a fire in the surrounding lands. The ability for fire responders to access a fire could be the difference between a small vegetation fire or a full wildfire event. Structural fire ignitions are similar in that fast responses will reduce the fire's ability to spread from the room of origin and limit the overall ability of a structural fire to result in a whole home loss, which would be the primary ember producing "fuel" within a new development. Automatic fire sprinklers are required by state law and would also greatly reduce the likelihood of structure fire spread. These systems have been shown to contain interior fires to the room of origin and begin the process of fire suppression before firefighters arrive and can prevent a structure fire from spreading into surrounding homes or wildland areas (NFPA 2021).

Wildfire Risks

Comments also raised concerns regarding increased development in the WUI and the potential to exacerbate wildfire risk. The Draft EIR acknowledges and discloses that the project site is within a mapped fire hazard severity zone and acknowledges that communities adjacent to the WUI areas are at a higher risk for wildfire occurrence. As described on page 4.14-2, the project site is currently within a State Responsibility Area and is designated by the California Department of Forestry and Fire Protection (CAL FIRE) as a Moderate fire hazard area. The project site is currently under the jurisdiction of CAL FIRE but If the project is approved and the site annexed into the City it would be folded into the jurisdiction of the CFD. The Draft EIR also acknowledges that there is an existing threat associated with overhead powerlines adjacent to Honey Run Road and at the intersection of Skyway. The Draft EIR describes the fire history in the area and occurrences of fires on page 4.14-7. As noted, Butte County has experienced a 25% increase in fire occurrence including the 2018 Camp Fire. Further, as discussed under Impact 4.14-2 (Draft EIR pp.4.14-22 through 4.14-27), the Draft EIR identifies and discloses potentially significant risks associated with the underlying existing conditions, and future construction, operations and maintenance of new development that could result in a heightened wildfire risk for the area.

As discussed above, the project is required to provide for a level of planning, ignition resistant construction, site access, water availability, fuel modification, and construction materials and methods that have been developed specifically to allow fire safe development within the WUI areas. As described above, the project, along with mitigation included in the Draft EIR, has taken considerable measures to provide ignition

management and limit the possibility of an on-site fire spreading to off-site communities associated with construction activities as well as operation and maintenance. As a result, the potential fire risk to existing surrounding residents in the area is not expected to increase and the robust fire protection system that protects the proposed project's structures, future residents, and property, would also minimize the potential for an on-site fire to spread to off-site vegetation or structures. The VESP includes Firewise principles that include education and outreach that raises fire awareness and promotes preparedness among its residents, employees, and visitors and meets the intent of the Firewise USA program to create fire adapted communities. By increasing fire awareness in the community this also limits the potential for occupants to cause an accidental ignition and increases community oversight and vigilance.

Developing in areas with existing fire hazards does not automatically equate to increased wildfire risk. The dynamic between human activities and fire frequencies is more complex than simply concluding people living in WUI areas will cause fires (Fox et al., 2018). Research has demonstrated that communities, such as the proposed project, with coherent land use planning and hazard mitigation strategies, can be resistant to natural disasters, recover quickly, and last for many years (Burby et al., 2000; Zhou, 2013). Land use planning and ignition prevention represent the most effective long-term solutions (Syphard et al., 2017). This is because when a wildfire is planned for and integrated into community development it has the dual effect of not only creating a community that can withstand a fire but prevent one which also offers protection to surrounding communities. The requirements and recommendations for the project not only meet fire safety, building design elements, infrastructure, fuel management/modification, and landscaping recommendations of applicable codes, but the project has been designed specifically for the proposed construction of structures within a wildfire severity zone. The fire protection features, both required and those offered by the project provide a reasonable level of assurance that would reduce the likelihood that buildings would ignite due to embers and that the risk of damage to buildings would be minimized (Gorte, 2011; Kolden & Henson, 2019; Manzello et al., 2011; Syphard et al., 2017; Zhou, 2013), which in turn would reduce the likelihood of the fire spreading to an on site or off-site neighborhood. The project features work in tandem to substantially reduce fire risk on a landscape through alteration of the probability, timing of burning, and potential wildfire size (Cochrane et al., 2012).

Other wildfire risks raised by commenters include air quality concerns and effects on air quality due to air pollutants from heavy metals and other toxics released when buildings are burned. Wildfire smoke is comprised of a mixture of gaseous pollutants (e.g., CO), hazardous air pollutants (HAPs) (e.g., polycyclic aromatic hydrocarbons [PAHs]), water vapor, and particulate matter (e.g., PM_{10} and $PM_{2.5}$). Particle matter represents the main component of wildfire smoke and the principal health threat. $PM_{2.5}$ is a complex mixture of solids and aerosols that can contain a myriad of chemical compounds, including metals, organic and elemental carbon, potassium, organic matter and geologic material, and potentially ammonium nitrate and ammonium sulfate.

A number of adverse health effects have been associated with exposure to both $PM_{2.5}$ and PM_{10}. For $PM_{2.5}$, short-term exposures (up to 24-hour duration) have been associated with premature mortality, increased hospital admissions for heart or lung causes, acute and chronic bronchitis, asthma attacks, emergency room visits, respiratory symptoms, and restricted activity days. These adverse health effects have been reported primarily in infants, children, and older adults with preexisting heart or lung diseases. Of all the common air pollutants, $PM_{2.5}$ is associated with the greatest proportion of adverse health effects related to air pollution, both in the United States and worldwide based on the World Health Organization's Global Burden of Disease Project. Short-term exposures to PM_{10} have been associated primarily with worsening of respiratory diseases, including asthma and chronic obstructive pulmonary disease, leading to hospitalization and emergency department visits (CARB 2017).

Long-term exposure (months to years) to $PM_{2.5}$ has been linked to premature death, particularly in people who have chronic heart or lung diseases, and reduced lung function growth in children. The effects of long-term exposure to PM_{10} are less clear, although several studies suggest a link between long-term PM_{10} exposure and respiratory mortality. The International Agency for Research on Cancer published a review in 2015 that concluded that particulate matter in outdoor air pollution causes lung cancer (CARB 2017).

Metal concentrations can also peak as a result of wildfires, particularly lead (Pb). Lead in the atmosphere occurs as particulate matter. Prolonged exposure to atmospheric lead poses a serious threat to human health. Health effects associated with exposure to lead include gastrointestinal disturbances, anemia, kidney disease, and in severe cases, neuromuscular and neurological dysfunction. Of particular concern are low-level lead exposures during infancy and childhood. Such exposures are associated with decrements in neurobehavioral performance, including intelligence quotient (IQ) performance, psychomotor performance, reaction time, and growth. Children are highly susceptible to the effects of lead.

As previously discussed, wildfires can also burn structures, buildings, and vehicles. In a long-term study of U.S. firefighters, investigators reported an excess of lung, digestive, and urinary cancers, and a rare cancer of the lung - mesothelioma (associated with asbestos exposure). Recently, the investigators reported excess leukemia and excess chronic obstructive pulmonary disease (COPD)-related deaths associated with the amount of time spent at fires (Daniels et al 2020). Further, among the many compounds present in structures are flame retardants, commonly used in consumer products, such as furniture, textiles, building materials, and electronics. Phosphorus flame retardants has shown negative hormonal effects in laboratory tests are associated with increased hyperactivity in children (CARB 2021).

The post-development condition of the project area would diminish the ability of a wildfire to spread and reduce adverse health effects resulting from wildfires. The proposed project's landscaped and irrigated areas, as well as the paved roadways and ignition-resistant structures, would result in reduced fire intensity and spread rates around the project area, creating defensible space for firefighters. Additionally, Fire Station 4 located at 2405 Notre Dame Boulevard is the closest fire station to the project site, which is located less than two miles west. CFD crew staffed at Fire Station 4 are able to access the site quickly from Notre Dame Boulevard to Skyway Road. Fire Station 4 possesses a Type III Wildland Engine, specifically designed to fight fires in the urban-wildland interface which would limit the spread of wildfires. Furthermore, modern infrastructure and the latest ignition-resistant construction methods and materials would also be used. All structures are required to include interior, automatic fire sprinklers, consistent with the fire codes.

Project-level thresholds of significance for criteria pollutants are used to help determine whether a project's individual emissions would have a cumulatively considerable contribution on air quality. If a project's emissions would exceed the BCAQMD significance thresholds, it would be considered to have a cumulatively considerable contribution. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant. The Draft EIR evaluated the proposed project's cumulative air quality impact in Section 4.2 Air Quality and concluded that the project's contribution to the cumulative impact would be considerable resulting in a significant contribution.

Therefore, as described in the analysis above and included in the Draft EIR the project adequately assesses and discloses how the project has been designed and will be managed to decrease wildfire potential beyond the project's area boundaries.

Public Safety and Evacuation

Multiple commenters have also raised concerns regarding the threat to public safety and public infrastructure and have questioned whether or not the project's evacuation plans and existing safety plans would be adequate.

The project site is located along an identified evacuation route for both the City and County. As indicated in the Draft EIR the project would provide two primary ingress and egress access points on Skyway and E. 20th Street, with additional emergency access via the Steve Harrison Memorial Bike Path. Multiple points of access would aid in the event of a wildfire or other emergency to safely evacuate residents by decreasing the number of residents at each access point and providing multiple options in the event an access is unusable. In addition, the project applicant is preparing a project-specific Emergency Evacuation Plan to provide further information to project residents in the event emergency evacuation is required. The access provided by the project exceeds code compliance and includes features such as road widths that would accommodate a Type 3 Engine, rolled curbed access points to open space areas, and minimized barriers along trails and bike paths to prevent impeded ingress or egress of emergency vehicles. Research has shown fires within the WUI are often due to structure ignition issues and the best mitigation is to reduce the structure's likelihood of ignition (Zhou 2013). To address the potential for structure fires, the VESP Firewise Guidelines require all structures to be constructed of ignition-resistant materials and include automatic fire sprinklers. Automatic fire sprinklers have been shown to reduce impacts on public infrastructure such as a fire response by successfully containing structure fires within the point of origin and preventing further spread within the home to adjacent homes (NFPA 2021). Project occupants would also be provided with information regarding Firewise Guidelines, procedures, and practices, wildfire preparedness, and evacuation procedures. A project-specific evacuation plan would also be prepared, consistent with City of Chico and Butte County evacuation procedures and inclusive of evacuation specific education. The project also includes provisions for safety zones and on-site shelter-in-place areas in the event that evacuation is impossible. Further, as previously described, the project provides defensible space not only to reduce the likelihood of ignition but to also provide an area for firefighters to respond and engage a fire strategically and safely which increases the likelihood of structure survival (Syphard et al., 2014; Warziniack et al., 2019). The features, as described above, work in tandem to mitigate the risk of fire occurrence and thus reduce impacts on public infrastructure as well.

The project would fall under the protection of CFD upon approval and annexation and the CFD would provide the first response. The CFD maintains mutual-aid agreements with Butte County and CAL FIRE in the area. The nearest fire station is within 2 miles of the site and the project is consistent with the response time target of 5 and half minutes or less for at least 90% of fire emergency response calls in urbanized areas, as identified in the Chico General Plan Action S-4.1.1. The Butte County 2030 General Plan accounted for population growth in the incorporated and unincorporated areas and determined that by implementing General Plan policies there would be adequate emergency response capacity to support increased development (Butte County 2012). Further, per the City's General Plan, the City's existing standards provide for fire safety by requiring adequate access, fire flows, fire suppression techniques, and other facilities to maintain an appropriate level of fire protection as set forth in the CBC, the CFC, and the California Residential Code. Additionally, the project would be required to pay fees for capital improvements that would support the creation of a new fire station or services should it be required. Due to both the decreased risk of site-based fire spreading rapidly throughout the project site, and the close proximity of the nearest CFD fire station to respond to fires on site, the need for immediate emergency evacuations is decreased.

As discussed under Impact, 4.14-1 starting on page 4.14-21 and above, during buildout of the plan area over the next 20+ years, coordination with the CFD, Chico Police Department, and the California Highway Patrol would be initiated to ensure emergency vehicle access is not impaired along local roadways and is maintained in areas under construction. Additionally, Butte County is planning to develop a Multi-County Traffic Plan in order to address the existing problem related to traffic congestion during emergency events (Butte County 2019). The Multi-County Traffic Plan is expected to be completed in 2025 and includes modeling traffic across multiple adjacent counties to determine the best traffic flows during major emergencies. A subsequent plan would be developed that identifies critical traffic flow obstructions and recommends solutions to remedy gridlock locations (Butte County 2019). If approved the project would fall under the above-mentioned plans.

It is within the City and County's jurisdictional authority to establish a framework for implementing well-coordinated evacuations. Large-scale evacuations are complex, multijurisdictional efforts that require coordination between many agencies and organizations. Emergency services and other public safety organizations play key roles in ensuring that an evacuation is effective, efficient, and safe. Evacuation during a wildfire is not necessarily directed by the fire agency, except in specific areas where fire personnel may enact evacuations on the scene. The Butte County Sheriff's Department, California Highway Patrol, Chico Police and Fire and other cooperating law enforcement agencies have primary responsibility for evacuations. These agencies work closely within the unified Incident Commander system, with the County's Office of Emergency Services, and responding fire department personnel who assess fire behavior and spread, which should ultimately guide evacuation decisions. To that end, Butte County Fire, CFD, law enforcement, City Public Works, Planning, Emergency Services Departments, and the California Department of Transportation (Caltrans), amongst others, have worked together on a County pre-fire mitigation task force to address wildland fire evacuation planning for Butte County. Butte County has also taken steps to identify and learn from the evacuations during the 2018 Camp Fire and raise evacuation awareness in the County (Butte County, 2021; Butte County 2020).

Based on the analysis above and the analysis included in the Draft EIR, the potential threat associated with wildfire to public safety would not result in a significant increase in wildfire risk or other circumstances that public infrastructure, services, and regional evacuation plans are unable to accommodate. The project's impact on existing emergency response plans or evacuation plans remains less than significant.

Ignition Resistant Construction and Building Codes

Multiple commenters have also raised concern over whether ignition-resistant construction is sufficient and effective in preventing structural ignition. Additionally, some commenters have questioned whether mitigation measure WFIRE-2 is adequate and indicated that compliance with fire codes has not shown to improve fire safety or ignition reduction. However, there is evidence that ignition resistant construction and code compliance do both.

The likelihood of home ignition is principally determined by the home ignition zone and effective fire protection measures (Calkin et al., 2014). Additionally, structural characteristics play a large role in determining whether a home burns (Gorte 2011). The project would be required to meet the current CFC and CBC requirements that are in place at the time, which are effective in minimizing ignition of homes during a wildfire event. The CFC and CBC, specifically Chapter 7A of the CBC, include specific requirements for building materials and are regularly updated and performance tested, in order to reduce the likelihood of home ignition (ICC 2021). Ensuring homes are designed to minimize sources of ignition not only reduces the risk for individual homeowners but also the risk of wildfire across the landscape (Mockrin et al., 2020). Preventing home ignition in hazardous locations can result in reductions in further fire spread and is achievable in the WUI (Maranghides

& Mell, 2012). Research has found that structural characteristics, especially roofing, play a significant role in reducing a structure's vulnerability to fire and the likelihood of burning (Gorte, 2011; Kolden & Henson, 2019; Manzello et al., 2011; Syphard et al., 2017; Zhou, 2013). The project's compliance with the CFC and CBC, designed to minimize ignition, ensures the structural characteristics of the project buildings greatly reduce their vulnerability to fire. As previously discussed, the project's roadside fuel reduction would serve as ignition management against vehicle fires and placing structures within 150 feet of fire access roads greatly increases fire fighter access to an area increasing their ability to respond to a fire.

The Draft EIR includes mitigation measure WFIRE-2, which requires the VESP Firewise Guidelines be updated to include implementation of fuel treatments along all project roads and any trails proposed for fire apparatus use measuring 20 feet in width, locating all habitable structures within 150 feet of a fire apparatus access road, and ensuring that building materials and construction for all structures are in compliance with CFC Chapter 49, Section 4905 for all buildings, not just residents located in the WUI perimeter lots. CFC Chapter 49, Section 4905 requires compliance with the wildfire protection build construction requirements detailed in the CBC in Chapter 7A, California Residential Code, Section R337, and California Referenced Standards Code Chapter 12-7A. Therefore, all buildings in the VESP would meet Chapter 7A compliance, not just the perimeter buildings adjacent to open space. This would exceed the current building requirements for a moderate fire hazard area. Further, it is anticipated that CAL FIRE will be updating the requirements for development in fire hazard severity zones and require Chapter 7A compliance in all mapped fire hazard areas.

There is a comment that references a 2021 Study by Knapp et al. which found that 56% of the homes that burned in the 2018 Camp Fire were built during or after 2008. The comment then states that because there was no significant difference in survival of buildings between 1997-2007 and 2008-2018 compliance with fire codes have not shown an improvement in fire safety or ignition reduction. However, this is not an accurate representation of the study and misconstrues what the study examined and concluded. In the Town of Paradise over 86% of homes were built before 1990, and of those homes, only 11.6% of them survived the 2018 Camp Fire (Knapp et al., 2021). Meaning that that Town was significantly comprised of homes that were likely not built with ignition resistant materials. Prior to 1997 there were no consistent fire codes addressing ignition resistance construction material and methods. Homes built before 1990 (86% of the homes in Paradise) were not required to be built with ignition resistant materials and, as evident by the study, were significantly susceptible to home ignition impacts (Knapp et al., 2021). The first iterations of the fire-based building code requirements were issued in the mid-90s after the 1991 Oakland Firestorm, and predominantly focused on the banning of wood shake shingles and were effective in protecting communities such as Serrano Heights in southern California (Orange County Fire Authority, 2008). This fire code would later serve as the basis for the development of Chapter 7A of the CBC. Compared to the survival rate of 11.6% for pre-1990 homes, survival increased to 34.3% for homes that were built after the first iteration of the fire and building code requirements (1997-2007), and to 43% for homes built in compliance with Chapter 7A codes (2008-2018) (Knapp et al., 2021). While the research did find this trend regarding the survivability of homes, it is correct that the study did not find a significant difference when comparing the homes that were built between the two eras of fire and building codes (Knapp et al., 2021). However, the study also acknowledges that the sample size is very small (only 24% of homes were built from 2007-2018) and a larger sample size may produce different or significant results (Knapp et al., 2021). The study also examined the overall difference between homes that were built prior to significant fire and building codes (before 1997) to homes that were built after the adoption of fire and building codes (1997 – 2018), it was found that homes built between 1997 and 2018 were significantly more likely to survive than homes build prior to 1997 when fire codes were limited (Knapp et al., 2021).

The research does demonstrate that building codes make a significant difference in the likelihood of structural survivability in a wildfire event. Further, the study concludes that it is still possible to build and maintain buildings that have a high probability of surviving a worst-case scenario type of wildfire and that survivability is high when all components of risk (fuels, embers, and home ignitability) is sufficiently mitigated (Knapp et al., 2021). In the Knapp study this was a major factor in home ignitions as structures of varying age were in close proximity and those built prior to compliance with fire codes were significantly more likely to burn and spread to neighboring structures. However, the homes built as part of the VESP would have a very different composition from homes in Paradise. All homes would be Chapter 7A compliant which includes building materials that address home ignition through prevention of radiant heat impacts, convection, and ember intrusion. Since all homes would be complaint with Chapter 7A it would also reduce the likelihood that homes would be able to act as fuel and overcome fire protection features in adjacent structures. VESP Firewise Guidelines would also address adjacent wildland fuel, home ignition zones, and provide regular maintenance and enforceability of all fire protection features through the HOA.

Some comments also assert that the primary approach to minimize wildfire risk should be avoiding placing human infrastructure in high-fire prone areas and that developers should go above and beyond existing code requirements. In addition, one commenter states that defensible space is most effective within 5 to 30 feet of structures and the project's defensible space within 20-30 feet of structures has not been found effective in reducing ignition risk. The commenter goes on to state that defensible space is most effective in combination with ember-resistant vents and roofing. However, as previously discussed, not only is the project subject to comply with all code requirements and General Plan policies, but the project also includes Firewise Guidelines that exceed current building code requirements. As described on page 4.14-19 of the Draft EIR, the defensible space standard referenced in this comment would apply to the outer perimeter of a subdivision along the WUI and would be in addition to the defensible space required around homes and other structures within individual lots. The Draft EIR further describes that the areas surrounding the homes would be required to be landscaped with drought tolerant and fire resistive plants (Draft EIR p. 4.14-24). Contrary to the commenter's statement, the type of fuel modification proposed by the project has been proven effective in reducing ignition risk as explained above. Additionally, the project includes defensible space and fuel reduction methods, as well as code compliant ignition resistant construction which requires ember-resistant vents and roofing, per Chapter 7A of the CBC. Thus, as commenters have suggested, the combination of defensible space and ember-resistant vents and roofing, which are included in the project, would provide highly effective ignition resistance.

Therefore, as discussed above and throughout this Master Response, compliance with the most current fire and building codes is an effective means of preventing home ignition.

Effectiveness of Fire Resistance Measures in Residential Communities

As discussed above, preventing home ignition in hazardous locations can result in reductions in further fire spread (Maranghides & Mell, 2012). There have also been examples of communities that were designed with fire in mind or took steps to promote their ignition resistance and were successful in resisting fire. The unincorporated community of Montecito is classified by CAL FIRE as a very high fire hazard severity zone (VHFHSZ) and has significant fire history including home loss. However, when the 2017 Thomas fire in Santa Barbara County, which consumed over 1,000 homes during high wind events, reached Montecito the results were different (Kolden & Henson, 2019). Montecito experienced minimal damage and was largely passed over by the fire (Kolden & Henson, 2019). The reason was that two decades prior to the Thomas Fire the community took significant measures to reduce their vulnerability and increase their adaptive capacity through place-based reduction strategies (Kolden & Henson, 2019). These strategies focused on reducing

structural ignition potential, fire-resistant materials, structural modifications, increasing defensible space, fire scaping, and developing a fire protection code (Kolden & Henson, 2019). Section 4.5 of the VESP *Firewise Guidelines, Standards & Vegetation Management Requirements* uses similar strategies to establish an ignition-resistant community.

Another fire, the 2007 Witch Creek fire, was one of the most destructive fires in California's history and destroyed thousands of homes in San Diego County (Mutch et al., 2011). However, after the 1990 Paint Fire in Santa Barbara and the 1991 Oakland Hills Tunnel Fire the Ranch Santa Fe community (in San Diego County) started efforts to become adaptive to a very high fire hazard environment (Mutch et al., 2011). The community implemented fire codes, developed restricted defensible space rules, home hardening measures, and vegetation restrictions; all of which were maintained and enforced by the HOA (Mutch et al., 2011). As a result, when the Witch Creek fire spread to Rancho Santa Fe, in the five communities that adopted this approach no homes were lost, versus the older communities which were heavily impacted (Mutch et al., 2011). The Casino Ridge neighborhood in Yorba Linda had implemented ignition resistant construction and fire reduction strategies and when the 2008 Freeway Complex fire threatened the community it faired significantly better than the older surrounding communities (Orange County Fire Authority 2008).

In 2007, Serrano Heights in Anaheim Hills was threatened by a fire at Windy Ridge. Serrano Heights had implemented prevention and mitigation strategies such as fuel modification and structural hardening which saved the homes and aided firefighters in attacking the fire and better allocate resources as the "fire-hardened" structures were defensible (FEMA, n.d.). The only home to sustain significant damage was constructed without ignition resistant materials and had a wood shake roof (FEMA, n.d.). Having hardened homes that were defensible allowed for firefighters to safety engage with the fire and allowed for structures to have passive protection from the fire.

In summary, the evidence clearly supports ignition-resistant structures fare much better in a wildfire than those structures built without consideration of potential wildfire.

Exterior Sprinklers

There was a suggestion that exterior sprinklers be provided to further minimize the spread of wildfire. However, external sprinklers are not required by state law nor recognized by the National Fire Prevention Association as an approved fire protection system for structures. Further, exterior fire sprinklers require a sufficient water supply and pressure that may need to last for up to eight hours (NFPA, n.d). This would potentially impact water pressure and fire flow during a wildfire event and in turn affect critical water availability and fire flow for firefighters to utilize. The effectiveness of exterior fire sprinklers has not been proven and due to inherent limitations makes their use inappropriate when considering factors such as water requirements, high wind events, and methods for activation (NFPA, n.d). Therefore, exterior fire sprinklers are not recommended as a replacement nor as an addition for other proven approaches such as fuel reduction and the use of fire/ember resistant ignition building materials and design due to their potential to substantially impact the effectiveness of firefighting capabilities (NFPA, n.d).

Post Fire Ecologist

Commenters have also questioned the adequacy of mitigation measure WFIRE-3 because it does not state a requirement for a post-fire ecologist. In order to conduct a post-fire assessment, fire engineers would need to be on site immediately following a fire for safety purposes and to determine the level of damage and subsequent work required. Additionally, post-fire assessments are often supported by a federal Burned Area

Emergency Response Team (BAER) or a state Watershed Emergency Response Team (WERT) which can include fire ecologists, biologists, hydrologists, geologists, etc. Post-fire assessments would occur in coordination with CFD which may recommend the inclusion of a fire ecologist. Per the mitigation measure identified in the Draft EIR, the geologist would identify the risk and recommendations to address that risk. It would be the responsibility of the City to determine what work is needed. The mitigation has been revised to require a fire ecologist also be consulted, see Chapter 3, Changes to the Draft EIR, for the revised language.

Prescribed Burns

One commenter asserted that in order to build in a wildfire zone prescribed burning must be incorporated as an element of successful planning. While prescribed burning is an effective wildfire management tool it is not an appropriate use in a planned community. Prescribed burns must be executed by fire managers and agencies with specific training in order to execute a burn safely and appropriately for the ecological environment. Ill-prescribed burns can be detrimental to ecosystems and result in significant wildfire risk. Even when prescribed burns are conducted by fire agencies with training they can still escape and create an unintended wildfire, such as the recent Hermits Peak and Calf Canyon wildfires in New Mexico (Gabbert 2022a). These two fires were initially prescribed fires that were not properly extinguished and have burned over half a million acres (Gabbert 2022a). As a result, the U.S. Forest Service, an agency with extensive prescribed burning experience, has paused all prescribed fire operations in order to review the incidents (Gabbert 2022b). While prescribed fire can provide ecological benefit there are still risk associated with it and it is not practical nor advisable to assert that housing developments should be responsible for prescribed burning and include it in their long-term operations plan. Ultimately, it would up to Butte County Fire, CAL FIRE, and CFD to determine if a prescribed burn would provide ecological benefit, fuels reduction, and not present a public safety risk.

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Master Response 2: Butte County Meadowfoam

Several commenters noted discrepancies between EIR figures and text descriptions of proposed preserve areas surrounding Butte County meadowfoam (BCM) and wooly meadowfoam occurrences. Commenters also requested additional detail be provided regarding management, monitoring and funding of the meadowfoam preserves and how project proponents would ensure that the existing populations would be protected from indirect effects of surrounding development and public access to open space areas. Finally, commenters noted that the most recent BCM surveys were conducted in 2018 and requested new surveys be conducted.

BCM Figures and Preserve Size

Regarding the graphical presentation of the BCM preserves, the commenters are correct that the preserve area shown on Figure 2-3 on page 2-11 and Figure 4.3-4 on page 4.3-25 in the Draft EIR do not represent the 250-foot buffer from BCM populations that is described in the Draft EIR. These figures have been revised to reflect a minimum 250-foot buffer area from all mapped BCM populations and are provided in Chapter 3, Changes to the Draft EIR. However, these figures remain conceptual representations of the final preserve boundaries, which would be determined through formal Endangered Species Act (ESA) consultation with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW). CDFW suggested in its comment letter (see Letter 6) that the relatively small preserves proposed for protection of BCM may not be effective. It is true that when all else is equal, a larger preserve would better protect preserved species from indirect effects of surrounding development and human presence. However, the effectiveness of smaller preserves is dependent on the particular site and species involved. There are existing BCM preserves in the City of Chico that are small and adjacent to extensive urban development that continue to maintain healthy BCM populations. For instance, the Doe Mill-Schmidbauer Preserve adjacent to the project site and E. 20th Street is approximately 15 acres and maintains a significant BCM population with minimal buffers and no active management. According to Appendix D-2 of the Stonegate EIR, a total of 8,164 BCM were surveyed on the Doe Mill-Schmidbauer Preserve in 2018, 25 years after the City assumed fee title to the parcel. The preserve is protected by perimeter fencing and has simply been left alone over the years. BCM populations have also persisted for several years in roadside drainages in the City despite the effects of roadway runoff and the potential effects from being driven over by vehicles and the complete lack of a preserve or other management tools. Management required to maintain suitable conditions for BCM is modest, and does not pose the same challenges that can occur with more intensive management efforts at smaller sized preserves (e.g., access for equipment or grazing livestock).

Site conditions on the project site are unique though in that the naturally thin soils may not result in the build-up of thatch or influx of ants or other species that may be more problematic on richer soils. With the population of BCM on this site being so small and isolated, with a naturally small genetic pool it is difficult to guarantee a preserve or any adaptive management methods that could prevent "long-term impacts and potential extirpation of BCM" due to possible genetic bottlenecks and potential effects of climate change which cannot be controlled. For reference to the potential suitability of small preserves providing adequate protection of BCM populations, the City prepared a Plan for the Conservation of Butte County Meadowfoam by Jim Jokerst in 1989 which identified the following objectives for individual BCM preserves:

- Create individual preserves of at least 10 acres in size.
- Include in the preserve the upslope watershed area that contributes runoff to sites occupied by BCM.

- Incorporate into the preserve a 200-foot-wide buffer that extends beyond the watershed boundary. The 200-foot width can be decreased where the BCM preserve is bordered by an existing creek, canal, open space easement, park, or road.
- A seed bank for each BCM population should be developed.

In that plan, Jokerst identified delineating the watershed of BCM as being crucial. His method, although stating it was limited in scope, was to visit the site in winter to observe drainage/runoff patterns and combine this with fine scale topo/contours to determine the zone of hydrological influence on a preserved BCM population. This approach is currently proposed. This site-specific exercise is expected to occur during USFWS permitting, as noted in mitigation measure BIO-1. Indirect effects to off-site BCM preserves on the adjacent Stonegate site would not occur because, as the Draft EIR states, they are hydrologically separated from the project site (Draft EIR p. 4.3-50). The project site does drain toward the Stonegate property; however, the water enters a ditch that is below the elevation of the vernal swales and pools within the Stonegate BCM preserve and thus runoff from the project site could not enter the BCM habitat area of the preserve and would not cause direct or indirect effects to BCM populations.

Preserve Management

Various commenters requested that the EIR provide more detail regarding BCM preserve management, monitoring, and funding, as well as performance standards for the preserves that must be met. Various commenters also asserted that the lack of these details, as well as details for protection of Swainson's hawk as part of mitigation measure BIO-4 and protection of bats as part of mitigation measure BIO-5, constituted deferral of required mitigation in a manner not allowed under CEQA. Mitigation measure BIO-1 in the Draft EIR does state that the VESP Habitat Mitigation and Monitoring Plan would include, at a minimum, "management techniques to be used on the preserves; monitoring methods and frequencies to detect changes in Butte County Meadowfoam and allow for adaptive management; and a funding strategy to ensure that prescribed monitoring and management would be implemented in perpetuity to ensure efficacy of the preserves" (Draft EIR p. 4.3-54). Mitigation measure BIO-1 further states, "Management methods shall include controls on introduction and spread of invasive plant species, and requirements for fencing to control public access and pet entry into preserves". The mitigation gives the public and decision-makers a clear picture of what the specific plan and mitigation require in terms of avoiding meadowfoam habitat.

Importantly, as noted in the Draft EIR on page 4.3-34, the project must also obtain permits and authorizations from state and federal agencies for stream crossings and wetland impacts, and those permitting processes will involve formal Endangered Species Act clearances from the USFWS and CDFW. With USFWS typically in the leading role, the project biologist is required to provide detailed documentation based on years of survey data and identify all the details for a given preserve area deemed necessary by the resource agency. Mitigation measure BIO-1 affords *proper* deference to these subsequent permitting processes by describing the basic elements of the proposed avoidance strategy (establishing a wetland preserve around the resource) and leaving the precise details for the subject-matter experts at resource agencies to specify. See Response to Comment 52- 8 for more information about preserve creation and resource agency permitting processes.

However, additional detail has nonetheless been provided in mitigation measure BIO-1 on page 4.3-54 and mitigation measure BIO-4 and BIO-5 on page 4.3.-56 of the Draft EIR (see Chapter 3, Changes to the Draft EIR), including performance standards that must be met and assurance that the mitigation measure is enforceable through a legally binding instrument. Because no meadowfoam habitat restoration or creation activities are anticipated (the strategy is to simply avoid the resources), the Draft EIR revisions also clarify that the future

plan needed under mitigation measure BIO-1 is simply an "Operations Management Plan" as opposed to a "Habitat Mitigation and Monitoring Plan." These additional details ensure that mitigation measure BIO-1 meets the standard set by the courts regarding acceptable deferral of detailed mitigation: "'[W]hen a public agency has evaluated the potentially significant impacts of a project and has identified measures that will mitigate those impacts,' and has committed to mitigating those impacts, the agency may defer precisely how mitigation will be achieved under the identified measures pending further study." (*Oakland Heritage Alliance v. City of Oakland (2011) 195 Cal.App.4th 884, citing California Native Plant Society v. City of Rancho Cordova (2010) 172 Cal.App.4th 603.*)

Timing and Age of Rare Plant Surveys

Regarding the age of the BCM and other rare plant surveys, revised Draft EIR Figure 4.3-4 references the 2008, 2010, 2016 and 2017 survey dates. Gallaway biologists have been conducting surveys for BCM at the site since 2006, and BCM was first identified on the site in 2008 in the 3rd year of site botanical surveys. Therefore, the Draft EIR references 4 years of BCM surveys mapping the population size over a variety of conditions/rain years (some above average, some drought), which exceeds the typical requirement of 2 years of surveys to account for population variability. It is typical for agencies to consider rare plant surveys only valid for 2 years. However, for these plant populations with limited mobility it is reasonable to conclude that the population extent has not changed substantially, considering there have been so many surveys conducted over different years and they all demonstrate a similar footprint and that the plants occur within the same occupied swales. The statement from CDFW that the botanical surveys were "performed in conditions that do not maximize detection" is not accurate. BCM population sizes are well known to be variable within a specific microhabitat, but over 4 years of surveys, the variability should be considered well documented – at least clearly demonstrating the limits of the occupied habitat. Further, there is no evidence based on surveys that BCM populations are larger during wet years – 2020 was an extreme drought year and yet populations of BCM in the area were unusually large.

Regarding the importance of pollinators in the BCM lifecycle, the species is capable of setting seed without insect pollinators. In fact, because the sepals are partially fused by cottony hair that prevents the flowers from fully opening, it is thought that the plant is mostly self-pollinating (Hickman 1993). However, prolonged reproduction in this manner without the recombination facilitated by pollinators may threaten the genetic diversity of the BCM populations and their ability to tolerate stochastic disturbances. The exact pollinators of Butte County meadowfoam have not been identified, but other meadowfoam species are pollinated by native ground-nesting bees, honeybees, beetles, flies, true bugs, butterflies, and moths. Given this lack of knowledge about the pollinator species, the level of sensitivity of the species to pollinator reductions is uncertain. However, while it is true that habitat for pollinators will be removed through project, the planting palette used under the Specific Plan will emphasize use of native vegetation in landscape design and plantings of parks, streetscapes and common areas (Draft VESP, Action PROS-4.2). This, combined with the extensive grassland and oak woodland areas retained in preserves or permanent open space (approximately 2/3 would retain pervious surfaces) will ensure that habitat for a wide range of potential pollinator species remains relatively abundant within the project area. Nonetheless, text on page 4.3-50 of the Draft EIR has been added to supplement the analysis of impacts for BCM noting the potential for impacts to the species from reduction in pollinator species from site development. Please see Chapter 3, Changes to the Draft EIR for the revised language.

CDFW also expressed concerns that "the physical (i.e., 2018 Camp Fire) and climatic conditions within the project area have changed since the last botanical field survey was conducted." While the Camp Fire did burn through a portion of the project site including the area where BCM occurs on the property, BCM occurs in the

open grassland and it is evident by the burn scars on the trees surrounding the open grassland that the fire burning though this area was a lower intensity ground fire. Since BCM is endemic to the grasslands in northern California, there is no reason to believe that BCM is any different than most other California endemic plants in that they are sufficiently adapted to low intensity ground fires. There is also no evidence that the Camp Fire altered the hydrology of the area that supports BCM.

For all these reasons, new meadowfoam surveys are not necessary.

Comment Letter 1

Pacific Gas and Electric Company

Plan Review Team
Land Management

PGEPlanReview@pge.com

November 1, 2021

Mike Sawley
City of Chico
PO Box 3420
Chico, CA 95927

Ref: Gas and Electric Transmission and Distribution

Dear Mike Sawley,

Thank you for submitting the Valley's Edge plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities. 1-1

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review: 1-2

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.

2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services. 1-3

3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities. 1-4

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851filing is required. 1-5

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management

Pacific Gas and Electric Company

Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch

Pacific Gas and Electric Company

wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [24/2 + 24 + 36/2 = 54] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

Pacific Gas and Electric Company

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Pacific Gas and Electric Company

Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "**RESTRICTED USE AREA – NO BUILDING.**"

2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.

3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&'s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.

4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.

5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.

6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.

7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.

Pacific Gas and Electric Company

8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (https://www.dir.ca.gov/Title8/sb5g2.html), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

4.1 Response to Agency Comments

Response to Letter 1

Pacific Gas and Electric Company (Plan Review Team, Land Management)

1-1 This comment is an introduction for comments that follow. The comment states that Pacific Gas and electric Company (PG&E) will review the submitted plans in relationship to any PG&E facilities and will work with the City to ensure compatible uses and activities near PG&E facilities. The comment cites PG&E information and requirements related to gas and electric facilities and requests the City's review of the comment letter attachments.

1-2 Future development would be required to coordinate with PG&E for the installation of electrical facilities. The comment is noted and will be forwarded to the decision makers for their consideration. The comment details the plan review process and states that the City will need to continue to work with PG&E Service Planning regarding the application process for PG&E gas or electric service.

The project applicant is committed to fulfilling the application process for electric services and will continue to coordinate with PG&E to ensure all requirements are met. The comment is noted and will be forwarded to the decision makers for their consideration.

1-3 The comment provides additional information regarding the application process for PG&E gas or electric service. The comment states that PG&E's facilities are to be incorporated within any CEQA document and PG&E needs to verify whether the CEQA document identifies future PG&E services.

Section 4.12, Public Utilities, of the Draft EIR states the project would require connections to PG&E electric services as well as updated infrastructure in compliance with requirements of the California Public Utilities Commission (CPUC). The City and the applicant will continue to coordinate with PG&E regarding future utility services. The comment does not address adequacy of the Draft EIR; therefore, no further response is required.

1-4 The comment states that an engineering deposit may be required to review plans for a project depending on its size, scope, location, and whether it relates to rearrangement or new installation of PG&E facilities.

The project applicant will continue to coordinate with PG&E on items related to the application process for electricity services and anticipates fulfilling all requirements, including any required deposits and/or fees. The comment does not address adequacy of the Draft EIR; therefore, no further response is required.

1-5 The comment states that any proposed uses within the PG&E easement may include a CPUC Section 851 filing. PG&E will advise whether the Section 851 filing will be required. The comment also states that the comment letter does not constitute PG&E's consent to use any portion of its easement for any purpose.

The comment is noted and will be forwarded to the decision makers for their consideration.

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Comment Letter 2

Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Jared Blumenfeld
Secretary for
Environmental Protection

Gavin Newsom
Governor

November 16, 2021

Mr. Mike Sawley
City of Chico Community Development Department
Planning Division
411 Main Street, P.O. Box 3420
Chico, CA 95927
Mike.Sawley@Chicoca.gov

DRAFT ENVIRONMENTAL IMPACT REPORT FOR VALLEY'S EDGE SPECIFIC PLAN – DATED OCTOBER 2021 (STATE CLEARINGHOUSE NUMBER: 2019089041)

Dear Mr. Sawley:

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (EIR) for Valley's Edge Specific Plan (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site. 2-1

DTSC recommends that the following issues be evaluated in the EIR Hazards and Hazardous Materials section:

1. The EIR should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight. 2-2
2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. 2-3

This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR. 2-3 Cont.

3. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the EIR. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook 2-4

4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers*. 2-5

5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to *DTSC's 2001 Information Advisory Clean Imported Fill Material*. 2-6

6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)*. 2-7

DTSC appreciates the opportunity to comment on the EIR. Should you need any assistance with an environmental investigation, please visit DTSC's Site Mitigation & Restoration Program page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at DTSC's Brownfield website. 2-8

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

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Response to Letter 2

California Department of Toxic Substances Control
(Gavin McCreary, Project Manager, Site Evaluation and Remediation Unit)

2-1 This comment is an introduction to comments that follow. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

2-2 The comment states that the Draft EIR should acknowledge the potential for historic or future activities to result in the release of hazardous materials on or near the project site, conduct further studies where needed, and identify mechanisms to investigate and/or remediate hazardous materials release.

The potential adverse effects on the environment due to exposure to or release of hazards or hazardous materials that could result from implementation of the project are discussed in Section 4.8, Hazards and Hazardous Materials of the Draft EIR. A summary of the existing (historic) conditions on the project site are discussed on pages 4.8-3 and 4.8-4 of the Draft EIR. The Phase 1 Environmental Site Assessment prepared for the project (Draft EIR, Appendix G) did not identify any evidence of hazardous waste generation or storage, petroleum hydrocarbon products, chemical usage, stained soils, on the project site or on adjacent properties with the exception for asbestos-containing materials and lead-based paint to be present in the remaining buildings within the former ranch (see Appendix G). Because no recognized environmental conditions (RECs) identified as the presence (or likely presence) of hazardous substances or petroleum products under conditions that indicate an existing or past release, or material threat of a release into structures or into the ground, groundwater, or surface water were identified a Phase II Environmental Site Assessment was not required (Draft EIR p. 4.8-3).

The analysis of potential impacts associated with the use, transport, storage and handling of hazardous materials is included under Impact 4.8-1 starting on page 4.8-13. During construction and operation of the project all hazardous substances, such as gasoline, diesel fuel, lubricating oil, grease, and solvents used during construction would be used, stored and transported in compliance with all applicable federal, state, and local laws and regulations. During project operation, common household hazardous wastes used by residents, such as paints, cleansers, pesticides, and fertilizers would be stored, used and transported in compliance with the label instructions provided. In determining the level of significance, the analysis assumes that the proposed project would comply with all applicable state and local ordinances and regulations and impacts were determined to be less than significant. Mitigation measure HAZ-1 is required to address the potential for any asbestos or lead based paint to be present in the former ranch buildings and includes specific actions, precautions, and abatement measures in the event any asbestos or lead-based paint is encountered.

2-3 The comment raises a concern regarding aerially deposited lead (ADL) in soils adjacent to roadways and recommends soil sampling be conducted for lead prior to construction activities.

The California Department of Transportation or Caltrans currently has an agreement with DTSC regarding management of impacted soils for roadway projects that may contain lead. In areas where road construction will occur, Caltrans has found levels of lead within 30 feet of the edge of

the pavement (DTSC 2016). The project site is undeveloped and located at the edge of the City limits in the unincorporated County. As shown on Figure 2-2 in Chapter 2, Project Description (Draft EIR p. 2-5) the eastern and western portions of the project site are adjacent to undeveloped land and a bike path. A small portion of the northern boundary of the site is adjacent to E. 20th Street, a local neighborhood road that was developed in the early 2000's when the residential neighborhood was constructed. Because this roadway was constructed after 1992 the potential for any ADL in the soils is very low. A small portion of Skyway is adjacent to the southern boundary of the site along with a segment of Honey Run Road. As shown on Figure 2-3 on page 2-11, development in the southern portion of the site is limited to open space with only a small area designated for residential uses that is set back over 100+ feet from Skyway or Honey Run Road due to the underlying topography. Due to the distance from the roadways the potential to encounter any soils contaminated with lead is highly unlikely. The portion of the project site adjacent to Skyway is small and, as shown on the figure, proposed for commercial uses. Because tentative maps and site plans are not available it is not known if development would occur within 30 feet of Skyway. To ensure the potential for ADL is addressed mitigation measure HAZ-1 on page 4.8-15 of the Draft EIR is revised to require a soil survey be completed prior to development of the commercial uses along Skyway. The revisions are provided in Chapter 3, Changes to the Draft EIR.

2-4 The comment states that if any sites within the project area or vicinity have been used for mining activities, proper investigation for mine waste should be discussed in the EIR. The comment also cites the DTSC 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook.

As described in the Notice of Preparation (NOP) for the project released on August 14, 2019 (Draft EIR, Appendix A), and Chapter 1, Introduction and Scope of the Draft EIR, there are two designated mineral resource zones within Butte County. The Green Rock Quarries Oroville Plant No.1, located about 7 miles north of the City of Oroville, has been classified as MRZ-2a for railroad ballast for part of the property, and either MRZ-2b or MRZ-1 for railroad ballast for the remainder. The Power House Aggregate project site, located about 7 miles southwest of the City of Oroville, has been classified as MRZ-2 for construction aggregate. There are no active mines or known mineral resource zones occurring within the City of Chico city limits or within the plan area according to California Department of Conservation (DOC) resource maps (DOC 2022). Therefore, no sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, and further investigation is not required.

2-5 The comment states that if buildings or other structures are to be demolished, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. The comment also states that removal, demolition, and disposal of any of these chemicals should be conducted in compliance with California environmental regulations and policies.

As discussed in Section 4.8, Hazards and Hazardous Materials, the proposed project would involve the construction of new buildings, and demolition of the existing barns associated with the former ranch. The Phase I Environmental Site Assessment conducted to support the hazardous materials discussion of the EIR evaluated the buildings proposed for demolition for the presence of harmful materials. As described under Impact 4.8-1 on page 4.8-14 of the Draft EIR, the Phase I Environmental Site Assessment did not note any evidence of petroleum hydrocarbon products, chemical usage, stained

soils, volatile organic compounds, naturally occurring asbestos, radon gas, or other hazardous wastes or materials. The Phase I Environmental Site Assessment did indicate the potential for asbestos-containing materials and lead-based paint to be present in the remaining buildings within the former ranch. The Draft EIR discloses that removal of these structures could potentially cause a release of these materials to the environment and identified a potentially significant impact because the buildings slated for demolition have not been surveyed for the presence of asbestos-containing material (ACM) or lead paint.

All potentially hazardous substances would be handled in accordance with federal, state, and local regulations, including those from the Cal/OSHA and the EPA. As discussed in the Regulatory Setting of Section 4.8, Hazards and Hazardous Materials, the EPA and Cal/OSHA include regulations and requirements for the demolition of buildings with ACMs, which includes using construction workers trained in the removal of ACMs. Further, mitigation measure HAZ-1 requires a hazardous material building survey prior to removal to determine whether ACMs and lead-based paints are present within the former ranch buildings. If found, all of the aforementioned actions and precautions would be followed during construction and demolition. Therefore, mitigation measure HAZ-1 ensures that in the event any ACMs or lead-based paints are present, abatement procedures would be included to ensure the impact is reduced to a less-than-significant level. The Draft EIR therefore provides an adequate discussion of the potential presence of lead-based paints or products, ACMs, and other hazardous materials.

2-6 The comment states that if any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination, consistent with DTSC's Information Advisory Clean Imported Fill Material Fact Sheet.

A site-specific Geotechnical Report was prepared for the project (Draft EIR, Appendix E). Future development would be required to comply with all federal, state and local requirements that pertain to both construction and operational activities. Section 16.28.030 of the Chico Municipal Code states that an application for a grading permit requires submittal of a soils and/or geotechnical report if required by the building official. Any recommendations included in geotechnical or soils reports, if applicable, shall be a part of the grading plan submittal (Draft EIR p.4.6-15). The California Building Code requires a preliminary soils report be prepared for all subdivisions creating five or more parcels. It is anticipated as developers submit tentative maps to the City a site-specific Geotechnical Report or soils report, at a minimum, would be prepared and compliance with the requirements set forth in the report, including testing soils to be imported to ensure no contaminated soils would be used would be required by the City.

2-7 The comment states that if any sites included as part of the project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. The comment also cites the DTSC 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision).

As discussed in the NOP released for the project on August 14, 2019 (Draft EIR, Appendix A), the VESP planning area is not located in or near an area that supports or historically supported crop production or weed abatement activities. The project site is designated as grazing land by the DOC Farmland Mapping and Monitoring Program (FMMP), which indicates that the site contains land

on which the existing vegetation is suited to the grazing of livestock, and does not support crop cultivation (DOC 2018). Due to the underlying soils the project site has never been used for crop production nor has there been any weed abatement pesticides applied to the site. Further, the potential adverse effects on the environment due to exposure to or release of hazardous materials, including pesticides, that could result from implementation of the project are discussed in Section 4.8, Hazards and Hazardous Materials. Therefore, the Draft EIR provides an adequate discussion of potential impacts related to pesticide use and further investigation regarding previous on-site activities or the presence of organochlorinated pesticides is not warranted.

2-8 This comment concludes the preceding comments and provides additional DTSC information and resources.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

Comment Letter 3

Department of Development Services

Paula M. Daneluk, AICP, Director
Curtis Johnson, Assistant Director

7 County Center Drive
Oroville, California 95965

T: 530.552.3700
F: 530.538.7785

buttecounty.net/dds

December 8, 2021

Mike Sawley, AICP
Principal Planner
411 Main Street, 2nd Floor
Chico, CA 95927

Re: Butte County Planning Division Comments on the Valley's Edge Draft EIR.

Dear Mike Sawley,

The Butte County Doe Mill / Honey Run Specific Plan will determine the mix of uses that will occur in a 1,444-acre area located east of Chico. The Specific Plan will allow mixed residential development and some commercial uses. (Butte County General Plan 4-(33-34)). Upon review of the Draft Environmental Impact Report for the Valley's Edge Specific Plan, which is similar in scope to the Butte County Doe Mill / Honey Run Specific Plan, Butte County Planning has the following comment: 3-1

Per Division 7 of the Butte County Zoning Ordinance, we recommend the 300' agricultural buffer be enforced along the north eastern section approximately 1,800 feet in length adjacent to parcel APN: 018-390-008 from project parcel APN: 018-390-007. We note that per page 3-2 and Figure 2-3 of the DEIR the 300' agricultural buffer is in effect for the eastern boundary, and meets the requirement. The Agricultural Buffer is intended to protect agricultural lands from the negative impacts of residential development and activities. The 300-foot buffer is placed upon the developed parcel, and restricts residential development. Other uses that do not involve the construction of residences are permitted within the buffer area. 3-2

If you have any questions about this comment please contact me at 530.552.3685 or tweems@buttecounty.net.

Sincerely,

Tristan Weems, AICP
Associate Planner

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Response to Letter 3

Butte County Department of Development Services
(Tristan Weems, AICP, Associate Planner)

3-1 The comment provides an introduction to the comment below addressing agricultural buffers. The comment is noted and will be forwarded to the decision makers for their consideration.

3-2 The comment cites the Butte County zoning ordinance regarding agricultural buffers and recommends a 300-foot agricultural buffer be provided along the northeastern portion of the project site to protect agricultural activities in the County from nuisance concerns from future residents.

The County's Zoning Ordinance requires that a 300-foot setback be provided from any property line that abuts Agriculture zones (Division 7, Agricultural Buffers, Butte County 2018). As shown on Figure 2-3 in Chapter 2, Project Description, in the Draft EIR the proposed project includes a 150–foot setback along the northern boundary adjacent to unincorporated areas of Stilson Canyon and a 300-foot setback along the eastern boundary. However, if the project is approved and is annexed into the City it would be subject to the City's requirements and the County's ordinance would not apply. The City's Agricultural Preservation Standards (Chico Municipal Code Chapter 19.64) supports and encourages agricultural activities in the vicinity of the City and requires a disclosure be provided to property owners within 1,000 feet of land used or zoned for agricultural uses. The code also requires a 100-foot buffer between commercial crop production within the City's Sphere of Influence Boundary and any habitable structure. In addition, the City's 2030 General Plan Policy LU-2.6 (Agricultural Buffers) requires buffering for new urban uses along the City's Sphere of Influence adjacent to commercial crop production. Since the VESP's land use plan includes setbacks would meet applicable City agricultural setbacks, no changes to the Draft EIR are necessary.

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Comment Letter 4

BUTTE LOCAL AGENCY FORMATION COMMISSION

1453 Downer Street, Suite C ♦ Oroville, California 95965-4950
(530)538-7784 ♦ Fax (530)538-2847 ♦ www.buttelafco.org

December 8, 2021

Mike Sawley, Principal Planner
Planning Services Department
City of Chico
PO Box 3420
Chico, CA 95927

RE: Review of the Valley's Edge Specific Plan Draft EIR

Dear Mr. Sawley:

The Butte Local Agency Formation Commission (LAFCo) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) prepared for the Valley's Edge Specific Plan project, which would require annexation to the City of Chico, under the authority of the Butte LAFCo.

General Comments

As LAFCo has not yet received an annexation application for the project, our comments at this time are not to be considered as a measure of completeness for the anticipated annexation application. The following comments are provided in order to allow the City of Chico the opportunity to address LAFCo concerns related to the project description, environmental review and issues related to impacts to other agencies should this be necessary to effectively process the annexation request. At such time an annexation application is formally submitted, LAFCo will review all materials and make a completeness determination, which may require the submittal of additional information in order to effectively evaluate the proposed annexation.

Government Code Section 56668 lists the fourteen factors that LAFCo's must consider in the review of a proposal. These factors are:

a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.
b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of Steve Peterson March 20, 2007 Page 2 of 5

4-1

c) Alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services, which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.
d) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.
e) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.
f) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.
g) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
h) Consistency with city or county general and specific plans.
i) The sphere of influence of any local agency, which may be applicable to the proposal being reviewed.
j) The comments of any affected local agency or other public agency.
k) The ability of the newly formed or receiving entity to provide the services, which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.
l) Timely availability of water supplies adequate for projected needs as specified in Section 5352.5.
m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.
n) Any information or comments from the landowner or owners.
o) Any information relating to existing land use designations.

4-1 Cont.

LAFCo staff encourages the City to review the above factors and ensure that the Specific Plan is consistent with and addresses these factors in the DEIR.

Please accept the following specific comments regarding the DEIR:

Agricultural Issues

The proposal would result in the conversion of land identified as Agriculture by the Butte County General Plan. Pursuant to Butte LAFCO Policy 2.13.1, LAFCO will apply a heightened level of review when considering proposals for changes of organization or reorganization that are likely to result in the conversion of prime agricultural/open space land use (as defined in Government Code Section 56560) to other uses. Only if the Commission finds that the proposal will lead to planned, orderly, and efficient development, will the Commission approve such a conversion. For purposes of this

4-2

standard, a proposal leads to planned, orderly, and efficient development only if all of the following criteria are met:

- The land subject to the change of organization or reorganization is contiguous to either lands developed with an urban use or lands within the sphere and designated for urban development;
- The proposed development of the subject lands is consistent with the Sphere of Influence Plan, including the Municipal Service Review of the affected agency or agencies and the land subject to the change of organization is within the current 10-year Sphere of Influence boundary;
- The land subject to the change of organization is likely to be developed within five years. In the case of very large developments, annexation should be phased wherever feasible. If the Commission finds phasing infeasible for specific reasons, it may approve annexation if all or a substantial portion of the subject land is likely to develop within a reasonable period of time;
- Insufficient vacant non-prime or open space land exists within the existing agency boundaries or applicable 10-year Sphere of Influence that is planned and developable for the same general type of use; and,
- The proposal will have no significant adverse effect on the physical and economic integrity of other agricultural/open space lands.

4-2 Cont.

Further, pursuant to LAFCo policy 2.13.4, in making the determination whether conversion will adversely impact adjoining prime agricultural or open space lands, LAFCO will consider the following factors:

- The agricultural/open space significance of the subject and adjacent areas relative to other agricultural/open space lands in the region;
- The use of the subject and the adjacent areas;
- Whether public facilities related to the proposal would be sized or situated so as to facilitate the conversion of adjacent or nearby agricultural/open space land, or will be extended through or adjacent to any other agricultural/open space lands which lie between the project site and existing facilities;
- Whether natural or man-made barriers serve to buffer adjacent or nearby agricultural/open space land from the effects of the proposed development; and,
- Applicable provisions of the County's General Plan Agricultural Element, Open Space and Land Use Elements, applicable growth-management policies, or other statutory provisions designed to protect agriculture or open space. (Refer to www.buttecounty.net/dds/planning,htm to locate Butte County's General Plan.)

The Draft EIR does not address the topic of agriculture as "impacts in these areas would be less than significant or no impacts would occur". While LAFCo staff agrees the proposed project would not impact or convert Prime Agricultural Land, no determination is made that the project area does/does not qualify as Open Space Land as defined in Government Code Section 56560. Further discussion of this topic is needed to ensure that the project meets all LAFCo policies. 4-3

Sincerely,

Shannon Costa

Shannon Costa
Local Government Planning Analyst
Butte LAFCo

Response to Letter 4

Butte County Local Agency Formation Commission
(Shannon Costa, Local Government Planning Analyst)

4-1 The comment provides an overview of the LAFCo requirements for annexation and notes Butte County LAFCo has not yet received an application for annexation of the project site into the City of Chico.

The comment is noted and will be forwarded to the decision makers for their consideration.

4-2 The comment provides background on how LAFCo reviews conversion of land designated for Agriculture and the specific LAFCo criteria to ensure the planned, orderly and efficient development of the site.

The comment lists LAFCo criteria required to be met to approve an annexation. Most of the factors are not CEQA related but with respect to the environmental issues that are mentioned (e.g., land use, public facilities, and growth) please see Draft EIR Chapter 3, Land Use and Planning and Sections 4.11, Public Services and Recreation and 4.12, Public Utilities and Chapter 5, CEQA Considerations for an analysis of growth inducing impacts. As explained in the Notice of Preparation (Draft EIR, Appendix A), the proposed project would not impact any protected agricultural resources; therefore, the Draft EIR does not include any additional analysis of agricultural resources. Also see Response to Comment 4-3.

4-3 The comment asserts that the Draft EIR does not address the conversion of agriculture and notes no determination has been made that the project site does not qualify as Open Space, as defined in Government Code Section 65560.

As described in the Notice of Preparation (Draft EIR, Appendix A), land within the boundaries of the plan area is designated grazing land by the California Department of Conservation Farmland Mapping and Monitoring Program. The plan area is not located in or near an area that supports crop production and would not convert any Prime Farmland, Farmland of Statewide Importance, or Unique Farmland to developed uses and would not encroach on any other protected resource lands such as those under Williamson Act contracts. Therefore, impacts were determined to be less than significant, and an analysis of agricultural resources was not further evaluated in the Draft EIR.

The Draft EIR addresses requirements for annexation in Chapter 3, Land Use and Planning. LAFCo's regulatory requirements are provided in detail starting on page 3-5. The land use consistency evaluation reviews the proposed project for consistency with applicable Butte County LAFCO policies. Physical environmental impacts resulting from development of the project site are discussed in the applicable technical sections in Chapter 4 of this Draft EIR. An analysis of LAFCo's policies is included in Table 3-1 starting on page 3-24. The analysis concludes the project meets LAFCo's policies for annexation.

Government Code Section 65560 addresses open space lands and defines open space as any parcel or area of land or water that is devoted to an open-space use designated on a local, regional, or state open-space plan as open space for the preservation of natural resources; for the managed

production of resources, including, but not limited to, forest lands, rangeland, agricultural lands; outdoor recreation; public health and safety; military installations; or for the protection of places, features, and objects. The project site is identified in both the Butte County and the City of Chico General Plans as an area designated to accommodate residential and commercial growth. It is not designated open space for the preservation of natural resources, production of resources, or for outdoor recreation. Thus, the project does not meet the definition of open space set forth in Government Code Section 65560. An evaluation of compliance with all LAFCo requirements will be required as part of the annexation application process where a determination will be made regarding whether the site will be annexed into the City.

Comment Letter 5

629 Entler Avenue, Suite 15
Chico, CA 95928

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

Butte County Air Quality Management District

Stephen Ertle
Air Pollution Control Officer

December 9, 2021

City of Chico Community Development Department
Attn: Mike Sawley, Principal Planner
P.O. Box 3420
Chico, CA 95927

RE: Draft Environmental Impact Report - Valley's Edge Specific Plan

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 Valley's Edge Specific Plan (VESP). Based on the information reviewed, the District has the following comments:

1. Pages 4.2-8, 4.2-9, 4.2-29 (*clarification*): Butte County was designated attainment for the 24-hr PM2.5 national ambient air quality standard by US EPA effective August 10, 2018. 5-1
2. Page 4.2-16 (*clarification*): US EPA officially determined that the Chico / Butte County nonattainment area had attained the 24-hour PM2.5 NAAQS on September 10, 2013. US EPA approved the Chico / Butte County redesignation request and maintenance plan on July 11, 2018, effective August 10, 2018. The first sentence in that bulleted item is correct. 5-2
3. Page 4.2-21 (*typo*): Action C-1.5 is listed twice on this page. 5-3
4. Page 4.2-32: The District concurs that impacts from construction-related criteria emissions are expected to be less than significant based on the information provided. 5-4
5. Page 4.2-38: The District concurs that impacts from construction-related toxic air contaminant (TAC) emissions are expected to be less than significant with the implementation of Mitigation Measures AQ-6 and AQ-7. 5-5
6. Pages 4.2-34, 4.2-41: The District concurs that operational-related emissions and the project's cumulative impact are expected to be less than significant with the implementation of Mitigation Measures AQ-2, AQ-3, AQ-4, and AQ-5. The District can participate as needed with an off-site mitigation program. 5-6
7. Page 4.2-35: The District recommends that on-site measures that reduce ROG, NOx, and PM_{10} emissions be prioritized over off-site mitigation measures where feasible. Actions from the VESP resulting in emission reductions of ROG, NOx, and PM_{10} that are currently not quantified in the DEIR (such as electric vehicle infrastructure) should be quantified as best as possible prior to participation in an off-site mitigation program. 5-7

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

Sincerely,

Jason Mandly
Senior Air Quality Planner

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Response to Letter 5

Butte County Air Quality Management District
(Jason Mandly, Senior Air Quality Planner)

5-1 The commenter notes an update to the attainment status in Butte County, shown on Table 4.2-1 in the Draft EIR needs to be corrected.

The text in Table 4.2-1 on page 4.2-8 of the Draft EIR has been revised along with text updates where this information is mentioned in other areas of the analysis. The revisions are shown in Chapter 3, Changes to the Draft EIR.

5-2 The commenter notes the US EPA officially determined that the Chico/Butte County nonattainment area had attained the 24-hour $PM_{2.5}$ NAAQS on September 20, 2013. The US EPA approved the Chico/Butte County redesignation request and maintenance on July 11, 2018, effective August 10, 2018.

The Draft EIR text on page 4.2-9 has been revised to reflect the most recent Chico/Butte County attainment status and is provided in Chapter 3, Changes to the Draft EIR.

5-3 The commenter notes a typographical error on page 4.2-21 of the Draft EIR, Action C-1.5 is listed twice.

Revisions were made to page 4.2-21 of Section 4.2, Air Quality, of the Draft EIR, in which the duplicate Action C-1.5 was removed. Please see Chapter 3, Changes to the Draft EIR for this correction.

5-4 The commenter concurs that the construction emissions presented on page 4.2-32 of the Draft EIR would be less than significant.

The comment is noted.

5-5 The commenter concurs that the conclusions identified on page 4.2-38 of the Draft EIR regarding construction-related toxic air containment emissions are expected to be less than significant with implementation of mitigation measures AQ-6 and AQ-7.

The comment is noted.

5-6 The commenter concurs that the operational conclusions identified on pages 4.2-34 and 4.2-41 of the Draft EIR are expected to be less than significant with implementation of mitigation measures AQ-2, AQ-3, AQ-4, and AQ-5. The commenter also notes that the District can participate, as needed, with an off-site mitigation program (required by mitigation measure AQ-4).

The comment is noted.

5-7 The comment recommends that on-site measures that reduce ROG, NO_x, and PM_{10} emissions be prioritized over off-site mitigation measures where feasible, and that actions from the VESP resulting in emission reductions of ROG, NO_x, and PM_{10} be quantified as best as possible prior to participation in an off-site mitigation program.

As discussed in Section 4.2, Air Quality in the Draft EIR, the VESP includes many goals, policies, and actions related to improving air quality, in addition to Title 24 building code requirements that address air quality. VESP Actions C-1.5, C-1.7, and C-1.8 would promote alternative methods such as walking and biking and requires that the project develop electric vehicle (EV) infrastructure (Draft EIR p. 4.2-33), all of which would reduce criteria air pollutant emissions associated with gasoline-fueled transportation sources. The project is encouraging the use of neighborhood electric vehicles or NEVs by providing Class II on-street routes that are designed to accommodate both NEV and bicycles to connect the residential areas to the village core. However, because the extent to which residents, employees, and visitors would use these alternative methods is unknown, the associated reductions cannot be specifically quantified. Furthermore, buildings constructed under the VESP would comply with the Butte County Air Quality Management District Rules 230 (Architectural Coatings) and 231 (Cutback and Emulsified Asphalt) in order to limit the generation of volatile organic compounds (VOC) emissions. Therefore, reductions associated with operational-related emissions pertaining to compliance with the VESP goals, policies, and actions cannot be quantified and no changes to the Draft EIR are required.

Comment Letter 6

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State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

December 15, 2021

City of Chico Community Development Department
Mike Sawley, Principal Planner
411 Main Street, P.O. Box 3420
Chico, California 95927
mike.sawley@chicoca.gov

RE: VALLEY'S EDGE SPECIFIC PLAN (PROJECT)(VESP)
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) SCH#2019089041

Dear Mr. Sawley:

The California Department of Fish and Wildlife (CDFW) received and reviewed the DEIR from the City of Chico (City) pursuant the California Environmental Quality Act (CEQA) statute and guidelines[1].

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code. 6-1

CDFW ROLE

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

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 6-2

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870

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alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

6-2 Cont.

PROJECT DESCRIPTION SUMMARY

The approximately 1,448-acre Project site is located in unincorporated Butte County within the City's Sphere of Influence, at the transition of the valley floor and lower foothill region. The proposed Project includes a mixed-use community with a range of housing types, commercial uses, parks, trails and recreation and open space areas. The residential component would consist of approximately 1,392 multi-generational or family housing residential units and 1,385 age-restricted (55+) residential units. The commercial portion includes approximately 56 acres designated for a mix of professional and medical offices, neighborhood retail shops and services, multi-family apartments, day care, and hospitality uses. Approximately 672 acres would be designated as parks, trails, open space and preservation, including a large regional park, a community park, neighborhood parks, mini parks and tot lots, and an active adult park.

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.

ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

Cumulative Impacts

Section 4.3-5 of the DEIR discusses the Project's cumulative effects to natural resources including special-status plant and animal species; however, the DEIR only focuses on Project impacts in relation to the unadopted Butte Regional Conservation Program (BRCP). The DEIR argues that the Project would not exceed any of the applicable maximum allowable removal thresholds established by the BRCP, and therefore, cumulative impacts to biological resources would be less than significant. The BRCP is not final or adopted and thus it should not be used in the cumulative analysis for this Project. The DEIR should include a complete cumulative impact analysis that does not rely on the BRCP.

6-3

Cumulatively, the Oak Valley Phase 1, Meriam Park, Belvedere Heights Phase 2, and Stonegate residential developments and the Canyon View High School site have already had a significant impact on local biological resources. If approved, the proposed

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Project will bring the total of permanently impacted habitats to nearly 1,000 acres of grassland habitat and several acres of sensitive aquatic habitat including vernal complexes, drainages, and seasonal wetlands. As addressed in this comment letter, many of Mitigation Measures BIO-1 through BIO-10 are unenforceable, based on outdated information, and/or fail to explain how the measures as implemented will be effective in reducing the impacts. For these reasons the implementation of Mitigation Measures BIO-1 through BIO-10 are insufficient to reduce the Project's cumulative impact to a less-than-significant level. The Project's contribution to cumulative impacts to biological resources as proposed will be cumulatively considerable resulting in a potentially significant cumulative impact. CDFW recommends that the Project alternatives are modified to ensure they avoid, minimize, or mitigate these cumulative impacts to natural resources described in Section 4.3-5 of the DEIR.

6-4 Cont.

Deferred Mitigation

CEQA Guidelines §15126.4 (a)(1)(B) states that formulation of mitigation measures should not be deferred until some future time. The DEIR lists a number of mitigation measures for biological resources that rely on future approvals or agreements as a means to bring identified significant environmental effects to below a level of significance. Because there is no guarantee that these approvals or cooperation with all of the involved entities will ultimately occur, the mitigation measures are unenforceable and may not reduce the impacts to biological resources to a less-than-significant level. Mitigation measures should establish performance standards to evaluate the success of the proposed mitigation, provide a range of options to achieve the performance standards, and must commit the lead agency to successful completion of the mitigation. Mitigation measures should also describe when the mitigation measure will be implemented and explain why the measures are feasible. Therefore, CDFW recommends that the DEIR include measures that are enforceable and do not defer the details of the mitigation to the future. The DEIR defers mitigation for impacts to aquatic features, Butte County meadowfoam (*Limnanthes floccosa ssp. californica*) (BCM), and the removal of mature trees (addressed below). The DEIR should give an accurate and detailed explanation of proposed avoidance measures and compensatory mitigation to offset permanent impacts to these resources.

6-5

Impacts to Hydrologic Features and Associated Habitats

The DEIR should identify all perennial, intermittent, and ephemeral rivers, streams, and lakes within the Project footprint and any habitats supported by these features such as wetlands and riparian habitats that are subject to section 1600 et seq. of the Fish and Game Code. The DEIR should identify any potential impacts to fish and wildlife resources dependent on those hydrologic features; and estimate the footprint area that will be temporarily and/or permanently impacted by the proposed Project by hydrologic feature and habitat type. The maps in the DEIR do not clearly show the impact to these habitats which makes it difficult to know what will be impacted and what regulatory permits may be required. CDFW recommends updating the maps to provide this clarity.

6-6

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Notification to CDFW may be required, pursuant to Fish and Game Code, section 1602 if the Project proposes to: divert, obstruct, or change the natural flow or the bed, channel or bank of any river, stream, or lake; use material from a streambed; or result in the disposal or deposition of debris, waste, or other material where it may pass into any river, stream, or lake. The construction of recreational trails in riparian areas may also be an activity subject to Fish and Game Code, section 1602. In these cases, the DEIR should propose mitigation measures to avoid, minimize, and mitigate impacts to fish and wildlife resources.

Please note that CDFW definition of wetlands as well as extent of the areas regulated under Fish and Game Code, section 1602 differs from other aquatic resource regulatory agencies.

6-7

Butte County Meadowfoam

Butte County Meadowfoam is endemic to Butte County and is restricted to a narrow 25-mile strip along the eastern flank of the Sacramento Valley from central Butte County to the northern portion of the City. BCM populations and its habitat have been substantially reduced in number and fragmented by development.

In 2009 a genetic study of BCM throughout its range (Sloop, 2009) identified that the isolated, unconnected occurrences of BCM surrounding the City of Chico are genetically unique from occurrences north of and south of the City highlighting the importance of preserving the viability of smaller BCM populations.

The DEIR's proposed BCM mitigation measures are inadequate to reduce Project impacts to less-than-significant levels for the following reasons: a) assessment of Project impacts on BCM is based on survey results that are outdated and performed during periods of historic drought; and b) BIO-1 does not set specific performance criteria to ensure that the measure, as implemented, will be effective.

6-8

a) Protocol-level BCM Surveys

BCM is an annual species which occurs in habitat subject to annual fluctuations such as drought; therefore, BCM may not be evident and identifiable every year. Both the physical (i.e. 2018 Camp Fire) and climatic conditions within the Project area have changed since the last botanical field survey was conducted in 2017. Botanical surveys that are older than two years and performed in conditions that do not maximize detection may overlook the presence or actual density of BCM on the Project site. CDFW recommends additional protocol level botanical surveys be conducted at the appropriate time of year with proper weather conditions and the results be incorporated into the DEIR for review and comment. Both current and past survey results should be used to provide an accurate assessment of the BCM populations that may be impacted. (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).) If after updating the surveys, it is determined that the project may have the potential to result in "take", as defined in the

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Fish and Game Code, section 86, of a State-listed species, the DEIR should disclose that an Incidental Take Permit (ITP) (Fish & G. Code, § 2081) should be obtained from CDFW prior to starting construction activities. The DEIR should include all avoidance and minimization measures that will be employed to reduce impacts to a less than significant level. If take of listed species is expected to occur even with the implementation of these measures, an ITP will include additional minimization and mitigation to fully mitigate the impacts to State-listed species (Cal. Code Regs., tit. 14, § 783.2, subd.(a)(8)).

6-9 Cont.

***b)* BCM Habitat Mitigation and Monitoring Plan**

BIO-1 calls for the establishment of on-site preserves and requires the developer to prepare a Habitat Mitigation and Monitoring Plan, record easements, and complete other requirements, as necessary, to establish the two Butte County Meadowfoam preserves and the other preserve on the VESP project site in compliance with all applicable state and federal resource agency permits. The preserves shall be separated from any development by a minimum of 250 feet unless site-specific hydrological analysis accepted by the U.S. Fish and Wildlife Service demonstrates that a reduced separation would still prevent direct or indirect effects to Butte County meadowfoam within the preserve. No development shall be approved by the City within 500 feet of the avoidance area until the preserves are established.

6-10

Throughout the DEIR the "on-site preserves" for BCM are referred to inconsistently as either "Primary Open Space/P-OS" or "preserves." The DEIR does not clearly define the locations of the on-site preserves graphically. The "preserve" limits and designations in Figure 4.3-4 of the DEIR conflict with those shown in Figure 2.5. In addition, the "preserves" shown on Figure 4.3-4 do not appear to extend 250 feet from all BCM occurrences as described in the DEIR. Without a static legal description and an accurate visual representation of the "preserves'" it is impossible to determine whether their establishment is sufficient to avoid impacts to BCM populations.

Further, the DEIR provides no scientific evidence or assessment of whether such a small preserve is sufficient to successfully avoid all potential long-term impacts to BCM to a less-than-significant level within the project area. Construction of low-density residential development will abut the "on-site preserves" with no assessment provided of potential adverse impacts from project-related construction, maintenance, and fuel modification activities. Adverse impacts that could occur include but are not limited to edge effects such as a permanent change in year-round hydrology, exposure to herbicides, and introduction of invasive ant species onto the habitats occupied by these plants, which could interfere with pollination and dispersal. Without science-based evidence that a preserve of this size is sufficient to prevent long-term impacts and potential extirpation of BCM, impacts from adjacent development will continue to be significant. In addition to this, the small size of the preserves may make adaptative management difficult and could result in the extirpation of BCM at this location. CDFW

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recommends that additional biological studies including appropriate hydraulic studies are prepared to establish the minimum BCM preserve size. 6-11 Cont.

The DEIR defers formulation of certain components of BIO-1 without setting specific performance criteria to ensure that these measures, as implemented, will be effective. For instance, BIO-1 mandates the "VESP Habitat Mitigation and Monitoring Plan shall include at a minimum: management techniques to be used on the preserves; monitoring methods and frequencies to detect changes in Butte County Meadowfoam and allow for adaptive management; and a funding strategy to ensure that prescribed monitoring and management would be implemented in perpetuity to ensure efficacy of the preserves." Yet the DEIR does not specify performance standards for evaluating the efficacy of the Habitat Mitigation and Monitoring Plan. Additionally, BIO-1 does not provide for any feasible alternatives should the long-term, irreversible impacts from the project result in impacts to BCM. Given the high variability of BCM populations, CDFW recommends annual BCM surveys are part of the long-term management plan to establish the long-term viability of the population and that the DEIR includes measures that will be implemented if BCM population declines are detected within the preserves. 6-12

Rare Plants

a) Protocol-level Rare Plant Surveys

The DEIR does not explain why it was infeasible for the project proponent to perform protocol-level rare plant surveys within the last two years so an accurate assessment of project impacts can be conducted (CEQA Guidelines, § 15126.4, subd. (a)(1)(B)). Both the physical (i.e. 2018 Camp Fire) and climatic conditions within the Project area have changed since the last botanical field survey was conducted in 2017. Botanical surveys that are older than two years and performed in conditions that do not maximize detection may overlook the presence or actual density of rare plants on the Project site. CDFW recommends additional protocol-level rare plant surveys be conducted at the appropriate time of year with proper weather conditions, and the results incorporated into the DEIR for review and comment. Protocol-level surveys shall be conducted in compliance with CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (2021).* 6-13

b) Shield-bracted Monkeyflower and Bidwell's Knotweed

Populations of shield-bracted monkeyflower (*Erythranthe glaucescens*) and Bidwell's knotweed (*Polygonum bidwelliae*) occur on the site (DEIR - Attachment C). Given the specialized habitats and limited range and distribution of these species they should be considered species of regional and local significance (§ 21155. 1, subd. (a)(2)(c)(iii)). CDFW recommends the avoidance and minimization measures provided for these species in the 2018 Biological Resource Assessment be incorporated into the DEIR to reduce project impacts to shield-bracted monkeyflower and Bidwell's knotweed. 6-14

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Western Spadefoot

The DEIR does not explain why the project proponent has not performed focused surveys for spadefoot toads (*Spea hammondii*). CDFW recommends focused multi-year surveys for spadefoot toads be conducted at the appropriate time of year with proper weather conditions. Survey methods and results should be incorporated into the DEIR for review and comment. 6-15

The DEIR states, "habitat for western spadefoot is limited to the northwestern portion of the project site where there are deeper soils and aquatic habitat." However, burrow depths can be quite shallow ranging from approximately 1/3 inch to 7 inches (Baumberger et. al 2019); therefore, suitable upland habitat for western spadefoot may be found throughout the site, not just in the northwestern portion. Western spadefoot are primarily terrestrial and have been recorded occupying upland habitat as far as 859 feet from the nearest aquatic breeding pool (Baumberger et. al 2019). To reduce impacts to western spadefoot, preserved habitat in the northwestern portion of the site should expand a minimum of 859 feet from all aquatic features. Preserved habitat should be placed in a conservation easement and fenced to prevent public access. In addition, potential long-term edge effects on preserved habitat including but not limited to altered hydrology, exposure to pesticides, and light pollution should be assessed and included in the DEIR for public review and comment. 6-16

Ringtail

CDFW recommends avoidance and minimization measures are implemented to mitigate potential impacts to ringtail (*Bassariscus astutus*) to less-than-significant. The DEIR states that only the riparian habitat within the Project site provides habitat for ringtail. The DEIR goes on to state, "the likelihood of denning is reduced because the project site does not have extensive riparian habitat (less than 1% of project site) and lacks permanent, year-round water."

Research shows that contrary to the popular conception that ringtails require open, permanent water for survival, studies have found many ringtail home ranges had no water source within them, and no ringtail were observed in the vicinity of water (Harrison 2012). Ringtails can be found in habitats lacking drinking water and are capable of producing urine concentrations among the highest known with the Procyonidae family which allows for water economy comparable to that of the desert kit fox (*Vulpes macrotis*) (Chevalier 2005). Ringtail are known to occupy oak woodland habitat with relatively large home ranges (Harrison 2012). Based on ringtails' ability to occupy a variety of habitats regardless of the presence of permanent water, all 487 acres of blue oak foothill pine habitat onsite is also suitable ringtail habitat. Habitat fragmentation of blue oak foothill pine habitat and removal of an estimated 200 acres of oak woodland proposed by the Project may have a significant impact on any ringtails occupying the site. In addition, the impacts from the construction of trails throughout riparian and blue oak foothill pine habitat and light pollution from project development may be significant 6-17

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impacts to resident ringtail and should be assessed and included in the DEIR for review and comment. 6-17 Cont.

CDFW recommends a thorough and accurate assessment of direct project related impacts on ringtail and its habitat be included in the DEIR prior to Project approval. To minimize long-term impacts to ringtail and their habitats, CDFW recommends the 487 acres of blue oak foothill pine habitat and 13 acres of valley foothill riparian be avoided as much as possible. These avoided habitats should be placed in a conservation easement and fenced to prevent public access. In addition, avoidance and minimization measures to reduce the effect of light pollution on these avoided habitats should be included in the DEIR. Please note that ringtails are fully protected species and CDFW cannot authorize take to this species. 6-18

Nesting Bird Surveys.

The nesting bird season is generally defined as February 1 through August 31; however, earlier nesting may occur based on several factors including species, altitude, and weather. Fish and Game Code section 3503 protects the nests and eggs of all birds, not just migratory birds and birds of prey, regardless of the time of year. To minimize the chances of missing nests, pre-construction surveys for nesting birds may need to be performed outside of the general nesting bird season.

In addition, CDFW recommends BIO-2(b) be revised to read as follows: "If any active nests are observed during surveys, a qualified biologist shall establish a suitable avoidance buffer from the active nest. The buffer distance *shall be a minimum of 250 feet for passerines and 500 feet for raptors. Buffer distances may be increased or reduced* based on factors such as the species of bird, topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule *as determined by the qualified biologist*. Limits of construction to avoid active nests shall be established in the field with flagging, fencing, or other appropriate barriers and shall be maintained until the chicks have fledged, are foraging independently, and are no longer dependent on the nest, as determined by the qualified biologist. *The qualified biologist shall regularly monitor the nest and shall have stop work authority if construction activities are having an adverse impact on the nest.* CDFW shall be consulted if active nests are observed during the pre-construction survey." 6-19

Bird Enhancement and Mortality Reduction Strategies in Project Design and Implementation.

Proposed development will ultimately border existing open space areas and drainages onsite. These open space areas provide suitable habitat for nesting birds. Placement of buildings adjacent to suitable nesting bird habitat may adversely affect bird populations by introducing sources of common bird mortalities such as reflective windows that birds may collide with. Given declines in segments of the overall bird population and 6-20

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ecological benefits of healthy bird activity, CDFW recommends consideration of bird enhancement and mortality reduction strategies in project design and implementation. Incorporation of these strategies can reduce anthropogenic effects on birds and promote sustainable development in California.

6-20 Cont.

Collisions with clear and reflective sheet glass and plastic is also a leading cause in human-related bird mortalities. Many types of windows, sheet glass, and clear plastics are invisible to birds resulting in casualties or injuries from head trauma after an unexpected collision. Birds may collide with windows as little as one meter away in an attempt to reach habitat seen through, or reflected in, clear and tinted panes (Klem 2014), so even taking small measures to increase visibility of windows to birds can make a substantial difference in minimizing long-term impacts of urban development near natural environments.

Incorporation of bird and wildlife strategies not only promotes environmental stewardship but also facilitates compliance with State and federal protections aimed at preserving bird populations. CDFW recommends that the City includes in the DEIR bird and wildlife friendly strategies for all windows within the project:

- Install screens, window patterns, or new types of glass such as acid-etched, fritted, frosted, ultraviolet patterned, or channel. Additional information can be found at https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/buildings-and-glass.php.

6-21

Mitigation to Minimize Artificial Lighting Impacts

Artificial light is another outcome of development. Roads and buildings typically include exterior night lighting and therefore have potential to introduce or increase light pollution to adjacent fish and wildlife habitat. The adverse ecological effects of artificial night lighting on terrestrial, aquatic, and marine resources such as fish, birds, mammals, and plants are well documented (Johnson and Klemens 2005; Rich and Longcore 2006). Some of these effects include altered migration patterns and reproductive and development rates, changes in foraging behavior and predator-prey interactions, altered natural community assemblages, and phototaxis (attraction and movement towards light). Light pollution disrupts the ability of night-foraging birds (CDFW 2007).

Illumination of riparian corridors by night lighting has the potential to adversely affect birds. Physiological, developmental, and behavioral effects of light intensity, wavelength, and photoperiod on bird species are well documented. In the wild, urban lighting is associated with early daily initiation of avian song activity (Bergen and Abs 1997). Avian species are known to place their nests significantly farther from motorway lights than from unlighted controls (de Molenar et al, 2000). Placement of nests away from lighted areas implies that artificial light renders part of the home range less suitable for nesting. If potential nest sites are limited within the bird's home range, reduction in available sites associated with artificial night lighting may cause the bird to use a suboptimal nest

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site that is more vulnerable to predation, cowbird parasitism, or extremes of weather. Artificial lighting generally threatens wildlife by disrupting biological rhythms and otherwise interfering with the behavior of nocturnal animals (contributions from Artificial Night Lighting Conference, 2002). Nocturnal and migrating birds, migrating bats, insects, fish, and amphibians are particularly affected by artificial night lighting (Evans Ogden 1996 and citations therein). Billions of moths and other insects are killed from lights each year. Nocturnal birds use the stars and moon for navigation during migrations. When these birds fly through a brightly lit area, they can become disoriented, which can lead to injury and/or death. In addition, artificial lighting can affect aquatic invertebrates that are prey for other animals. Other references that may provide useful insight into the analysis of indirect impacts include Longcore and Rich (2001) and the National Cooperative Highway Research Program (2002). 6-22 Cont.

As described in the DEIR, it would be difficult, if not impossible, to orient the lights in a manner that obstructs all light from reaching wildlife and their habitats onsite. The glow cast from headlights and streetlights would spill into sensitive habitats. In an area that now experiences minimal urban lighting (sky glow) and almost no direct lighting, this would likely constitute a significant biological impact. CDFW recommends the DEIR include minimum setbacks between artificial lights and adjacent woodland and riparian habitats to reduce this potentially significant impact.

Oak Woodland

The proposed oak woodland impacts listed in the DEIR contradict the acreages of habitat provided in the 2018 Biological Resource Assessment (BRA) (DEIR-Attachment C). Section 4.3-2 of the DEIR states. Please clarify this discrepancy, the DEIR should accurately present and analyze impacts to all habitats present onsite. 6-23

Per the DEIR, the Project will convert an estimated 200 acres of blue oak foothill pine woodland to development while preserving 80% of the existing oak canopy onsite; however, based on the information provided in the 2018 BRA, the project site only contains 485.7 acres of blue oak foothill pine habitat. Therefore, the Project is proposing to permanently convert approximately 40% of the existing blue oak foothill pine habitat to development. 6-24

The Oak Woodland section on page 29 of the 2018 BRA states, "An oak canopy evaluation was conducted within the BSA by Gallaway Enterprises in 2017. This oak canopy evaluation involved the GIS mapping of the oak canopy within the BSA and the use of survey plots to ground truth and collect data to estimate the number of trees within the oak canopy mapped. The resulting acres of oak canopy mapped was a total of 239 acres with the average of 23 trees per an acre of canopy. The DEIR does not provide a figure showing where the 239 acres of oak woodland is located. Without knowing the location of this oak woodland, direct and indirect project impacts on the woodland cannot be analyzed. CDFW recommends a map of the 239 acres of oak woodland be included in the DEIR. 6-25

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The VESP concludes that Project developer(s) shall appropriately mitigate for trees removed and/or damaged by the Project in accordance with the VESP Oak Woodland Mitigation and Monitoring Program (OWMMP) (such as planting onsite, off site, or paying an in-lieu fee). Mitigation ratios provided in the OWMMP vary from 1:1 to 9:1 with differing years of monitoring required. The 9:1 ratio would require planting 9 acorns for each tree removed. These mitigation ratios are inadequate for the replacement of mature native oak trees. The OWMMP goes on to state, "Replacement trees shall be of similar species, unless otherwise approved by the Director or their designee, and shall be placed in areas dedicated for tree plantings such as open space corridors, gateway areas, center medians, parks, and recreational areas." Planting trees of a different species in center medians, parks, and recreational areas is inadequate mitigation for the replacement of native oak trees and woodlands. Oak trees are characterized by large, spreading canopies that provide shade and perching, nesting, and foraging habitat for a wide variety of wildlife. Planting the trees in medians, park and recreational areas does not provide the same habitat values as the oak woodland impacts caused by the Project and is not adequate mitigation to offset Project impacts.

Oak trees typically have a very slow growth rate. The mitigation ratios proposed by the DEIR, would not adequately replace the habitat value that would be lost as a result of the removal of these types of trees. There would be a temporal loss of this habitat, due to the fact that replacement oak trees would not attain comparable size and structure until many decades or more. CDFW recommends the DEIR provide analysis showing that BIO-9 would be likely to succeed in recreating or restoring the oak woodland lost to project development. In addition, the DEIR should include specifics of where the mitigation trees will be planted, establish success criteria for mitigation plantings. CDFW recommends these oak mitigation areas be permanently protected via a conservation easement to ensure the perpetual existence of oak woodland and riparian corridors within the Project site.

6-26

The OWMMP also defers formulation of the in-lieu fee program as an alternative to onsite tree replacement. An in-lieu fee to mitigate impacts to oak woodland within the City does not exist. The OWMMP provides no explanation as to whether the in-lieu fee payment will be used to mitigate impacts to oak woodland. The OWMMP does not specify the fees to be paid or the number of trees to be planted offsite, nor does it identify whether any other sites might be available to the City for the planting of new oak trees. The DEIR also does not contain any analysis of the feasibility of an offsite tree replacement program. Similarly, the Regeneration Banking option provided in the OWMMP offers no information as to where oak trees will be planted. CDFW recommends the DEIR provides additional details needed to implement the Regeneration Banking as an oak woodland mitigation option.

CDFW is concerned that the OWMMP appears to exempt tree mitigation for trees removed as part of wildfire risks (section E.2(1) of OWMMP) and those in open space areas (section E.2(4) of OWMMP). The DEIR does not include information on how many

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trees these exemptions may apply to, and therefore an accurate assessment of the significance of these exemptions on existing oak woodland cannot be performed. CDFW recommends that all trees impacted by the project are mitigated.

Additionally, throughout the OWMMP the Community Development Director or their designee is granted the authority to deem trees exempt from the OWMMP (section E.2 (1, 4) of OWMMP), waive and adjust mitigation requirements for trees removed (section E.6 (4) of OWMMP), and determine species of replacement trees (section E.6 (5) of OWMMP). CDFW recommends the OWMMP be redrafted to remove all exemptions and authorities granted the Community Development Director to ensure trees removed are mitigated.

6-27 Cont.

ENVIRONMENTAL DATA

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

6-28

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.)

6-29

CONCLUSION

Pursuant to Public Resources Code §21092 and §21092.2, CDFW 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 or emailed to R2CEQA@wildlife.ca.gov.

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Due to information in the public record, previous biological surveys conducted for the Project site, and the sensitivity of the biological resources present within the direct Project footprint, CDFW concludes that the Project as proposed will result in a significant impact to the environment. CDFW respectfully recommends the comments included in this letter be addressed. CDFW requests to be consulted when the City addresses these comments to ensure that the project will adequately mitigate the potential impacts to special-status species present within the Project area. 6-31

CDFW appreciates the opportunity to provide comments on the Project and we hope you will contact us to discuss our concerns, comments, and recommendations in greater detail. If you have any questions, please contact Melissa Murphy, Senior Environmental Scientist (Specialist), at melissa.murphy@wildlife.ca.gov.

Sincerely,

DocuSigned by:
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CEQA Comment Letters
California Department of Fish and Wildlife

State Clearinghouse

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Response to Letter 6

California Department of Fish and Wildlife (Kevin Thomas, Regional Manager)

6-1 The comment provides introductory text to the comments below and notes CDFW's appreciation of the opportunity to provide comments and recommendations.

The comment is noted.

6-2 The comment provides introductory text noting CDFW's role as a trustee agency under CEQA, and potentially as a regulatory authority for discretionary approvals.

The comment is noted.

6-3 The comment questions the Draft EIR's evaluation of cumulative impacts in the context of the Butte Regional Conservation Program (BRCP) allowable removal thresholds, based on the fact that the BRCP has not yet been adopted.

The City is aware of the BRCP status but opted to include the BRCP thresholds because they are a product of a detailed regional planning and analysis effort that carefully considered cumulative effects to biological resources. This existing analysis represents several years of effort by local, state and federal experts and represents a valid threshold for evaluation of cumulative effects to biological resources.

6-4 The comment notes that several projects in the vicinity of the proposed project have resulted in permanent impacts to grassland habitat and other natural resources. The comment further suggests that mitigation measures BIO-1 through BIO-10 are not sufficient to mitigate project contributions to cumulative impacts to a less-than-significant level, and that project alternatives should be modified to reduce cumulative impacts.

The comment does not provide details on asserted deficiencies in the mitigation measures or specific suggestions for alternatives, which are provided in subsequent comments. Please see Chapter 3, Changes to the Draft EIR for updates to the biological resource mitigation measures. Please also see Responses to Comments 6-5, 6-19, 6-25 and Master Response 2 related to comments on the adequacy of proposed mitigation measures, and Responses to Comments 9-83 and 9-86 related to project alternatives.

6-5 The comment asserts that some mitigation measures presented in the Draft EIR, specifically for aquatic features, Butte County meadowfoam (BCM), and removal of trees, constitute deferral of mitigation under CEQA Guidelines §15126.4 (a)(1)(B). CDFW asserts these are deferred because they rely on future approvals or agreements to bring identified significant environmental effects below a level of significance.

Please refer to Master Response 2 regarding BCM and adequacy of identified mitigation, as well as revisions to mitigation measure BIO-1 in Chapter 3, Changes to the Draft EIR, which provide more specificity for BCM mitigation. Avoidance and minimization of impacts related to tree removal are specified in the Oak Woodland Mitigation and Management Plan (OWMMP). Refer to Response to Comment 6-25 regarding mitigation measure BIO-9 and the role of the OWMMP.

6-6 The comment requests that the Draft EIR provide additional detail on aquatic features within the project footprint, including changes to mapping to specifically identify perennial, intermittent and ephemeral rivers, streams and lakes, and quantification of project impact footprints on each type of aquatic resource.

The description of and mapping of aquatic resources in the Draft EIR is based on the Aquatic Resources Delineation (Draft EIR, Appendix C) prepared for the project which was reviewed and verified by the Army Corps of Engineers. That delineation did not distinguish between perennial, intermittent or ephemeral streams; however, the Biological Resources Assessment describes them as "several ephemeral and 2 intermittent drainages". The habitat value of these two types of drainages is essentially the same, so the distinctions were not relevant when evaluating potential impacts to plants, wildlife, or fish. When preparing the Draft EIR, the conceptual land use plan for the project was compared against the verified delineation and impacts to wetlands and waters were estimated. In general, and as noted on page 4.3-61 of the Draft EIR, the proposed VESP land use plan appears to avoid impacts to most wetlands and drainages on the site with the exception of road crossings, 0.11 acre of Very Low Density Residential, and 1.25 acres of other development. However, given the conceptual nature of the VESP, impacts were assumed to be significant and must be mitigated through detailed project-level permitting included in mitigation measure BIO-10. That measure requires future project developers to create, preserve, or restore jurisdictional waters of the U.S. and state consistent with applicable no-net-loss policies. Required avoidance and mitigation acreages would be determined based on detailed project-level plans through consultation with Army Corps of Engineers, Regional Water Quality Control Board, and CDFW, as required.

6-7 The comment describes the statutory authority of CDFW under Section 1602 of the Fish and Game Code and how that authority differs from those of other aquatic resource regulatory agencies. The comment also notes that construction of recreational trails in riparian areas may be an activity subject to Section 1602. Finally, the comment requests that that Draft EIR propose measures to avoid, minimize and mitigate impacts to fish and wildlife resources.

The Draft EIR states on page 4.3-30 that "Valley oak riparian woodland associated with the two intermittent drainages on site is protected under Section 1602 of California Fish and Game Code. Any impacts to this community to accommodate stream crossings would potentially require authorization from CDFW in the form of a lake or streambed alteration agreement." The Draft EIR also notes on page 4.3-36 that "The project site supports 11.183 acres of channels protected under Fish and Game Code Section 1600. If proposed project implementation would impact any of these channels, the provisions of Fish and Game Code Section 1602 would apply to the proposed project." The Draft EIR includes mitigation to protect Sensitive Natural Communities (mitigation measure BIO-8) and mitigate impacts to aquatic resources (mitigation measure BIO-10) that are regulated by CDFW. These measures would avoid or substantially reduce impacts to fish and wildlife habitat provided by the riparian areas on the project site to a less-than-significant level.

6-8 The comment provides a brief overview of BCM and where it is present in the Sacramento Valley and suggests the Draft EIRs BCM mitigation measures are inadequate based on assertions of outdated surveys and lack of specific performance criteria to ensure the measure will be effective.

Please see Master Response 2 that addresses the concerns raised regarding BCM.

6-9 The comment further elaborates on the rational why additional protocol level botanical surveys be conducted and if there is any potential to result in 'take' an Incidental Take Permit would be required by CDFW.

Please see Master Response 2 which addresses the request for additional BCM surveys.

6-10 The comment is addressing proposed BCM preserves and the adequacy of mitigation measure BIO-1.

Please see Master Response 2 which addresses these concerns.

6-11 The comment goes into further specificity regarding the size of the proposed BCM preserves and expresses a concern regarding proximity of proposed development and recommends additional biological and hydraulic studies be prepared to determine the minimum preserve size.

Please see Master Response 2 which addresses these concerns.

6-12 The comment is addressing mitigation measure BIO-1 and recommends annual BCM surveys be included in the mitigation measure to determine the long-term viability of the preserves.

Please see Master Response 2 and revisions to mitigation measure BIO-1 on page 4.3-54 of the Draft EIR provided in Chapter 3, Changes to the Draft EIR.

6-13 The comment notes that rare plant surveys referenced in the Draft EIR are more than two years old and requests that new surveys be conducted, in compliance with CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (2021). The comment also suggests that climatic and physical conditions of the site have changed since the most recent botanical survey in 2017.

Please see Master Response 2.

6-14 The comment requests that the Draft EIR include mitigation for potential impacts to shield-bracted monkeyflower and Bidwell's knotweed.

These species are CNPS Rank 4 species, which do not meet the Draft EIR's definition of special-status plant species (Draft EIR p. 4.3-17). CNPS Rank 3 species are considered "plants about which more information is needed" and Rank 4 species are "plants of limited distribution" but are not considered rare, threatened or endangered in California. As stated on page 4.3-38 of the Draft EIR, "Based on the results of prior rare plant surveys of the project site, as well as a review of relevant literature, Butte County meadowfoam is the only plant present on the project site that is protected under the California Native Plant Protection Act." However, adverse effects to these and other potentially occurring CNPS List 3 or 4 species would be reduced and offset through designation, management, and monitoring of on-site preserves and designation of open space areas within the project site, including management of invasive species that can out-compete native species. Additional protective measures specific to these two species have been added to mitigation measure BIO-1 as requested. See Chapter 3, Changes to the Draft EIR for the revised language.

6-15 The comment questions why focused multi-year surveys were not conducted for western spadefoot toad.

A significant portion of the potentially suitable western spadefoot habitat would be preserved as part of the avoided vernal pool area in the northwest corner of the project site. Due to the extended timeline and large scope of the project, multi-year protocol-level surveys are unlikely to provide meaningful additional information as the presence of this species is already assumed. The explanation for not conducting surveys prior to EIR preparation is stated on page 4.3-50 in the Draft EIR: "this species is nocturnal, cryptic, and unlikely to be detected during general biological surveys." Please also see Response to Comment 6-16 detailing that western spadefoot are unlikely to occur outside the preserved area on the project site.

6-16 The comment states that suitable upland habitat for western spadefoot toad is located throughout the project site, and that an 859-foot development buffer should be established surrounding all aquatic features to protect western spadefoot toad.

Please see Response to Comment 6-15. Regarding the study cited in the comment (Baumberger et al. 2019), that reference documents a very limited study with a low sample size in a coastal environment. The findings of that study are not necessarily applicable to the habitat present on the project site, where topsoil more remote from the aquatic resources is generally very thin and soil layers below are clayey, which would prevent digging by spadefoot toad. As noted in Baumberger et al., spadefoots strongly select against burrowing in soils with higher clay content – preferring instead friable soils with high sand/loam content. Therefore, because suitable soil for western spadefoot is limited to the northwestern portion of the project site, its habitat is unlikely to exist throughout the project site. While there is no regulatory requirement to provide a buffer distance from aquatic habitat for western spadefoot, the vernal pool preserve established to protect BCM populations and associated upland areas would also function to preserve a substantial portion of potential upland habitat for western spadefoot.

6-17 The comment recommends that the EIR provide additional avoidance and minimization measures for impacts to ringtail. The comment provides literature references that suggest ringtail habitat is not limited to areas with permanent water sources and can occupy oak woodland and blue-oak foothill pine habitats, which are more abundant on site. The comment also requests that the EIR analyze effects of trail construction and light pollution from site development on ringtail that may occupy these habitats after development.

The Draft EIR does not state that ringtail could not occur within the project site; in fact, the Draft EIR states that ringtail has a moderate potential to occur and notes the occurrence nearby at the Butte Creek Ecological Preserve (Draft EIR p. 4.3-28). Although ringtail can occupy habitat without permanent water sources, it remains correct to state, as the Draft EIR does on page 4.3-28, that the likelihood of denning is reduced by the lack of extensive riparian cover or permanent water, plus the expansive open areas with minimal cover. The species profile compiled by CDFW for the California Wildlife Habitat Relationship System states that the species is "usually not found more than 1 km (0.6 km) from permanent water". As the Draft EIR states, the riparian habitat of most value to the ringtail would be preserved within an approximately 370-acre regional park (Draft EIR p. 4.3-52, the Regional Park is now 420 acres, see Chapter 3, Changes to the Draft EIR). Although this designation would allow some recreational activities on designated trails, the nocturnal habits of the ringtail would prevent direct conflicts with trail users. However, please note that the impact

conclusion for ringtail has been changed to Less than Significant instead of No Impact. Please see revisions to the impact analysis for ringtail in Chapter 3, Changes to the Draft EIR.

Regarding effects of lighting on the regional park area and riparian habitat, the VESP includes action LU-4.4, which requires the project to "Minimize light pollution by eliminating streetlights where not necessary for public and personal safety, and by employing dark sky best practices and fixtures such as maximum hardscape lighting of approximately .030 W/ft^2 (except for high security areas)". Dark sky guidelines are also included in Appendix A to the VESP, which states in Section A.3.3 Subsection b "All exterior lighting shall be low intensity and directed downward, below the horizon plane of the fixture, to prevent objectionable brightness or light trespass onto adjacent properties". Implementation of the required lighting standards is consistent with the Butte Regional Conservation Plan (BRCP) avoidance mitigation measure (AMM) 7 which provides direction to use low-glare lighting adjacent to habitat areas. The VESP lighting policies and design guidelines would avoid and/or minimize effects to potential ringtail habitat within riparian areas of the project site (Draft EIR p. 4.3-43).

6-18 The comment requests additional analysis of project-related impacts on ringtail and potential ringtail habitat be provided in the EIR, and that the blue oak foothill pine and valley foothill riparian potential habitat be avoided as much as possible during development. The comment suggests that those habitat areas be put in a conservation easement and fenced to prevent public access. Finally, the comment requests avoidance and minimization measures to minimize light pollution on any avoided habitat areas.

Please see Response to Comment 6-17.

6-19 The comment suggests several adjustments to Draft EIR mitigation measure BIO-2(b) to provide more specific requirements for pre-construction nesting bird surveys.

These revisions have been incorporated into mitigation measure BIO-2(b) on page 4.3-54 of the Draft EIR and are provided in Chapter 3, Changes to the Draft EIR.

6-20 The comment requests that the project consider bird enhancement and mortality reduction strategies in project design and implementation. Please refer to revisions to mitigation measure BIO-2 that incorporate those measure to reduce effects to nesting birds, and indirectly to other birds.

6-21 The comment continues from 6-20 and suggests that the Draft EIR incorporate requirements for window designs that minimize risks for bird and wildlife collisions such as using screens, window patterns, or new types of acid-etched, fritted, frosted, ultraviolet patterned, or channel.

These suggestions are acknowledged, however, the generalized impact of bird collisions with future windows within the project is not sufficiently linked to a potentially significant environmental impact that would justify adding mitigation to the EIR. There will likely be some future instances of reflective windows on future residences facing open space areas that contain trees which support nesting birds. According to the study referenced in the comment, the most likely avian species to collide with windows are those that are most locally abundant, and windows that pose the most hazard are larger, reflective, and positioned to reflect outside vegetation. Therefore, such future

bird collisions within the project would likely occur among the 38 bird species observed during biological field surveys (e.g., scrub jay, lesser gold finch, common yellowthroat, etc.), or the subset of those common species that remain following development of nearby residences. Since none of those bird species are deemed sensitive using the applicable EIR criteria, there is not sufficient justification to consider future bird collisions with buildings within the project a significant impact. The City will, however, encourage the applicant to include information to homebuilders and future homebuyers to alert them of this concern and to encourage optimal land stewardship by using window treatments that minimize bird collisions, especially on larger window panes that face open space areas.

6-22 The comment summarizes literature regarding indirect effects of lighting on adjacent habitat areas and wildlife and suggests the Draft EIR include minimum setbacks between artificial lighting and adjacent woodland and riparian areas to reduce the effects.

As noted in the Draft EIR (Draft EIR p. 4.3-64), the VESP includes an Action under Goal LU-4 (Minimize Visual Impacts) to "Minimize light pollution by eliminating streetlights where not necessary for public and personal safety, and by employing dark sky best practices and fixtures such as maximum hardscape lighting of approximately .030 W/ft^2 (except for high security areas)." Design Guidelines for the VESP also include dark sky compliant exterior lighting standards as described in VESP Appendix A, Section A.3.2. These design measures are expected to minimize light spillover into preserved habitat and reduce impacts to less than significant.

6-23 This comment summarizes statements that are detailed in subsequent comments (see comments 6-23 and 6-24), involving perceived discrepancies between "oak woodland impacts" described in the Draft EIR and the acreages of habitat provided in the Biological Resource Assessment (BRA) in Appendix C of the Draft EIR. The comment states that the Draft EIR should accurately present and analyze impacts to all habitats present on the project site.

The Biological Resources section of the Draft EIR relies on the BRA for the relative amounts of mapped habitat on site, and the information is consistent in both documents. Table 4.3-2 and Figure 4.3-1 on pages 4.3-4 and 4.3-5 of the Draft EIR list the following vegetation communities and landcover types: annual grassland (938.694 acres), blue oak foothill pine woodland (485.819 acres), valley foothill riparian woodland (12.949 acres), riverine (11.266 acres) and barren (2.512 acres). Figure 5 of the BRA lists the following habitat types: annual grassland (939.8 acres), blue oak foothill pine (485.7 acres), valley foothill riparian (13 acres), and riverine (11.2 acres) and barren (1 acre). These relative amounts of habitat on the 1,450-acre site are nearly identical between the two documents, with negligible differences due to computer mapping details and rounding of quantities. It is noted that the Draft EIR accounts for approximately one additional acre of barren land that coincides with old Doe Mill Road, which was surveyed in Gallaway's work but not reflected on the computer mapping data layers used for the figures in the BRA.

6-24 This comment notes that the Draft EIR states the project would convert an estimated 200 acres of blue oak foothill pine woodland to development while preserving 80% of the existing oak canopy on site. The comment then compares those statements to the BRA (Appendix C of the Draft EIR), which states that the site contains 485.7 acres blue oak foothill pine habitat. Based on dividing the amounts of acreage, the comment concludes that the project is proposing to convert approximately 40% of the existing blue oak foothill pine habitat to development.

This comment is correct in its approximate calculations; however, it conflates statements made in the Draft EIR regarding the removal of oak canopy versus removal of blue oak foothill pine woodland. Not all oak canopy on site is located within blue oak foothill pine woodland, and not all blue oak foothill pine woodland areas of the site are covered in oak canopy. Oak tree canopy also exists in the valley foothill riparian woodland area and, though sparsely, in the areas mapped as annual grassland. Within the blue oak foothill pine woodland, oak canopy is interspersed with grassland, shrubs and pine trees that also comprise land cover within this vegetation community.

The analysis under Impact 4.3-2 (Draft EIR p. 4.3-58), explains that an estimated 200 acres of the 486 acres of blue oak foothill pine woodland may be converted to permanent development. The analysis also explains that, although approximately 80% of the oak tree canopy would be retained pursuant to VESP policies, the removal of individual trees associated with the VESP would be potentially significant and mitigation measure BIO-9 is necessary to ensure adequate protection of trees slated for preservation.

6-25 This comment references the BRA's description of evaluating oak canopy at the site and notes that the Draft EIR does not contain a figure showing where the "239 acres of oak woodland is located" on the project site. The comment further suggests that direct and indirect impacts to the oak woodland cannot be analyzed without knowing the location of the oak woodland and recommends including a map of the "239 acres of oak woodland."

The technical measurement of "oak canopy" within the project site (i.e., where leaves reflect sunlight, or 239 acres) and discussions of "oak woodland" in the context of a vegetation community or habitat at the site are distinct types of measurements with overlapping subjects. The BRA mapped approximately 486 acres of blue oak foothill pine woodland (or oak woodland) at the VESP site. Using a separate process to serve a separate purpose, the BRA also calculated that there is 239 acres of oak tree canopy at the site. Not all oak canopy on site is located within oak woodland, and not all oak woodland areas are covered in oak canopy. Within the oak woodland, oak canopy is interspersed with grassland, shrubs and pine trees that also comprise land cover within this vegetation community.

The oak canopy evaluation was conducted for the purpose of estimating individual tree removal associated with the proposed specific plan, not for mapping oak woodlands or assessing project impacts to oak woodlands. The 239 acres referenced under this comment refers to the area of the site covered by oak tree canopy under "leaf on" conditions. It was derived by using remote sensing (aerial and/or satellite) imagery to identify the spectral signature of oak trees versus grassland or other land cover types and calculating the portion of the area that is covered in oak tree canopy. A figure depicting the 239 acres of oak canopy would look a lot like the aerial photograph on Figure 2-2 of the Draft EIR, which shows dark spots and dark ribbons of oak trees across the lighter-colored grassland. These dark spots and ribbons, or tree signatures, are visible on several other Figures in the EIR as well, including the Land Use Plan (Figure 2-3), which shows that most of the tree cover on the site coincides with areas set aside as open space.

Project impacts to oak woodlands are described under Impact 4.3-2 (Draft EIR p. 4.3-58), which explains that an estimated 200 acres of the 486 acres of blue oak foothill pine woodland may be converted to permanent development.

6-26 This comment references the "Oak Woodland Mitigation and Monitoring Program," by which it means the Oak Woodland Mitigation and Management Plan (OWMMP) contained in Appendix E of the VESP. Specifically, the comment states that the mitigation ratios for replacement trees that range from 1:1 to 9:1 with differing years for monitoring are inadequate for the replacement of mature native oak trees. The comment also disagrees with the use of tree species other than oaks in medians and parks to mitigate the loss of native oak trees and woodlands. The comment goes on to describe the biological values of oak trees in a woodland setting and notes that replacement trees in medians, parks and recreational areas would not adequately replace the habitat values lost with the removal of oak woodlands. The comment also notes that oak trees have a very slow growth rate and states that the "mitigation ratios proposed by the Draft EIR" would not adequately replace the habitat value lost because replacement oak trees would not attain comparable size and structure for many decades or more. The comment recommends providing an analysis showing that mitigation measure BIO-9 would likely be successful at recreating or restoring the oak woodland lost to project development. Lastly, the comment asserts that the Draft EIR should include specifics regarding where the mitigation trees would be planted, establish success criteria for mitigation plantings, and permanently protect oak mitigation areas with a conservation easement.

This comment appears to be based on a misunderstanding that the tree replacement requirements of the OWMMP are intended to provide the same habitat values as the oak woodland impacts caused by the project. The OWMMP is largely modeled after the City's Municipal Code Chapter 16.66 (Tree Preservation Regulations). The Introduction of the OWMMP states the following: *"In establishing these regulations, it is the intent of the Valley's Edge Specific Plan (VESP) to preserve the maximum number of trees possible, with the reasonable use and enjoyment of private property, and to provide for a healthy urban forest that will absorb carbon dioxide, helping reduce urban impacts on global warming."*

In other words, the main purpose of the OWMMP is to disincentivize excessive removal of individual trees during the initial phases of project development, and to require replacement trees when removal is necessary or otherwise occurs during project buildout. Where tree preservation is not possible, replacement trees are required to help provide a healthy urban forest that will support carbon sequestration. The OWMMP also offers that replacement trees in the VESP can enhance and/or expand oak woodlands at the project site by selectively planting in open space areas set aside by the Land Use Plan. To avoid this sort of misunderstanding in the future, the name of Appendix E of the VESP will be changed to the "Valley's Edge Tree Preservation Program" (or VETPP).

The OWMMP/VETPP is part of the overall VESP (proposed project), and it would be implemented in tandem with zoning designations and land use restrictions found elsewhere in the VESP. The VESP open space designations on the Land Use Plan protect and conserve most oak woodlands on the project site. The Program allows for replacement trees to be planted both in urban settings during project development and in the large open space areas with aims to enhance oak canopy coverage in the large open space areas over time. There are no mitigation ratios for oak trees in the Draft EIR; the comment is likely referring to the tree replacement ratios contained in the proposed OWMMP/VETPP. The replacement ratios and requirements of the OWMMP/VETPP are not necessarily intended to recreate or restore oak woodland habitat, though implementation of the Plan may result in those effects.

Regarding the Draft EIR, project impacts to sensitive natural communities are described under Impact 4.3-2 (Draft EIR p. 4.3-58), which states that an estimated 200 acres of the 486 acres of blue oak foothill pine woodland (oak woodland) may be converted to permanent development. This loss of approximately 200 acres of oak woodland is not considered a significant impact because the blue oak foothill pine woodland vegetation community is not considered a sensitive natural community as explained in the Draft EIR on pages 4.3-57 and 4.3-58.

No analysis of the effectiveness of mitigation measure BIO-9 to recreate or restore oak woodlands removed by the project is required because the purpose of mitigation measure BIO-9 is to ensure that individual trees slated for preservation are adequately protected during construction activities. Similarly, identifying the specific area(s) for planting replacement trees and protecting that area with a conservation easement is not necessary because the replacement trees are not required to recreate or restore oak woodland habitat.

Many of the replacement trees required by the OWMMP/VETPP would occur in areas of the site proposed for Valley Open Space (267 acres) and Regional Open Space (420 acres) zoning, targeting areas in those districts where the existing oak canopy is sparse or absent. To compensate for the removal of qualifying trees during development, the OWMMP/VETPP requires each six-inches of tree diameter removed to be replaced with one 15-gallon tree monitored for three years, one and one-half 5-gallon trees monitored for five years, or nine germinated acorns monitored for ten years.

The option of planting younger oak saplings and germinated acorns into the ground was sought to optimize natural tap root growth patterns and minimize tap root girdling which can occur in nursery containers, possibly compromising the long-term success of the tree. After ten years of monitoring the success of a former acorn, the mitigation is anticipated to result in an established young tree. If a replacement acorn, sapling, or tree dies before its monitoring period expires then the permittee shall be responsible for replacing it for another, with a new associated monitoring period. Note: the OWMMP/VETPP contains a drafting error in that the accompanying text only refers to three years of monitoring and should refer to the monitoring periods contained in the table (which lists the three different monitoring periods described above in this paragraph). As noted above, existing and replacement trees in the Valley Open Space and Regional Open Space areas of the site would enjoy land use protections inherent of the zoning limitations. See additional information about the exceptions listed in the OWMMP/VETPP in Response to Comment 6-27, below.

6-27 This comment refers to the OWMMP/VETPP and states that the City does not have an in-lieu fee program for oak woodlands and the OWMMP/VETPP does not specify that fees collected would go toward mitigating impacts to oak woodland. Further, the comment states that no in-lieu fee amount is specified by the OWMMP/VETPP, the number of trees to be planted off-site is not specified, and sites elsewhere in the city are not identified for the planting of new oak trees. The comment notes that the Draft EIR does not analyze the feasibility of an off-site tree replacement program. The comment also points out that the Regeneration Banking option in the OWMMP/VETPP does not specify the locations of where oak trees would be planted and recommends that the Draft EIR provide additional details for the implementation of the Regeneration Banking as an oak woodland mitigation option. The second paragraph of this comment expresses concern over the exemptions in the OWMMP/VETPP, which include trees removed to reduce wildfire risks, and trees in open space areas. The comment notes that the Draft EIR does not contain information about how many

trees the exemptions may apply to, and therefore an accurate assessment of the significance of the exemptions on existing oak woodlands cannot be performed. The comment concludes by recommending that all trees impacted by the project be mitigated.

As noted in Response to Comment 6-26, the main purpose of the OWMMP/VETPP is to disincentivize the excessive removal of individual trees during the phases of initial project development and is not intended to necessarily provide replacement oak woodland habitat to compensate for the loss of oak woodlands from project development. Project impacts to sensitive natural communities are described under Impact 4.3-2 (Draft EIR p. 4.3-58), which explains that an estimated 200 acres of the 486 acres of blue oak foothill pine woodland (oak woodland) may be converted to permanent development. This loss of approximately 200 acres of blue oak foothill pine woodland is not considered a significant impact because blue oak foothill pine woodland is not considered a sensitive natural community, as explained in the Draft EIR.

Therefore, the in-lieu fees for the removal of individual trees need not be used to replace or compensate for loss of oak woodlands from the project, and off-site locations in the city that would serve that specific purpose are not required. It is anticipated that in-lieu fees for tree removal in VESP would either (1) be deposited into the city's street tree fund, as are the in-lieu fees collected under Chico Municipal Code Chapter 16.66, to finance the succession planting of street trees elsewhere in the city, or (2) go toward tree planting efforts exclusively within the VESP site if specified by a development agreement or other requirement. In April 2022, the City's in-lieu fee was $530.50 per six-inches of diameter removed.

Regarding the exemptions in the OWMMP/VETPP for trees removed to reduce wildfire risks and trees removed in open space areas, both these exemptions will be removed from the OWMMP/VETPP. It is anticipated that tree removal associated with those activities will be minimal because vegetation management to reduce wildfire risk will mostly involve non-qualifying (smaller) vegetation, and trail construction activities typically avoid direct conflicts with trees. Removing these exemptions will enhance internal consistency for the VESP, which contains a goal to preserve and renew oak woodlands within the project site (Goal PROS-6).

6-28 The comment requests that any survey information associated with the EIR be reported to the California Natural Diversity Database.

That request has been provided to the biological consulting firm that conducted the surveys at the project site.

6-29 The comment refers to payment of filing fees, which is required upon submission of the Notice of Determination (NOD).

All required fees will be paid when the NOD is filed with the County Clerk.

6-30 The comment requests written notification of all actions and decisions made regarding the project.

The City will provide notices as requested in compliance with CEQA, and for future discretionary decisions by the City for the Valley's Edge development (e.g.: tentative maps, use permits, etc.).

6-31 The comment concludes the project will result in significant impacts and requests responses to this letter be provided and requests to be consulted to ensure the project adequately mitigates potential impacts.

The comment is noted. The City has addressed CDFW's concerns raised in their comment letter in the above responses, which have been provided to CDFW. The City and the project applicant have consulted with CDFW to ensure impacts to biological resources are adequately mitigated.

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Comment Letter 7

Altacal Audubon's Mission is to promote the awareness, appreciation, and protection of native birds and their habitats through education, research, and environmental activities. It is for this reason that we provide here our assessment of the potential and likely impacts of development into the Doe Mill/Honey Run Special Planning Area and specifically the proposed Valley's Edge Subdivision.

The impacts of development into private grasslands and forests adjacent to the traditional borders of urban areas are well documented. In the Forest Service publication entitled ***Forests on the Edge*** the authors note:

"Private forests provide critical habitat for many species. Increased housing development on rural private forests can have many implications for at-risk species. Populations of at-risk species may disappear, decline, or become more vulnerable with changes in the presence and distribution of private forest habitats (Robles et al., in press). Loss of habitat is highly associated with at-risk species that have declining populations, and it presents the primary obstacle for their recovery (Donovan and Flather 2002, Kerr and Deguise 2004). Decreases in habitat quality associated with housing development and roads can lead to declines in biodiversity (Houlahan et al. 2006), creation of barriers to movement (Jacobson 2006), and increases in predation (Kurki et al. 2000, Woods et al. 2003). Habitat degradation can also contribute to declines in fish numbers (Ratner et al. 1997)."

Grassland birds have declined by 53% since 1970 and 74% of grassland species are declining throughout North America (Rosenberg, et. al. 2019). Between 2001 and 2011, [Butte] County lost 5.645 acres of natural areas to development (Conservation Science Partners) and many grasslands are being lost to agriculture and urban development (Eviner, 2017).

7-1

While the draft EIR for Valley's Edge subdivision cites Special-Status Avian Species Occurrences on and off the project site, it contains flaws including.

1. Criteria used to identify avian species of conservation concern are of limited scope. Not included are:

   - Numerous species found on the subject property identified on the ***U.S. Fish and Wildlife Service Birds of Conservation Concern 2021*** (https://www.fws.gov/migratorybirds/pdf/management/birds-of-conservation-concern-2021.pdf).

   - Species found on the subject property, identified as ***California Bird Species of Special Concern*** (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=84247&inline).

   - A significant number of species found on the subject property identified by Cornell Lab of Ornithology as ***bird species at significant risk*** or ***common bird species in steep decline***.

   -Various species found on the subject property are considered vulnerable on the ***2016 State of North America's Birds' Watch List***

7-2

2. Visitations by the Environmental Consultants failed to identify numerous species of concern (per the criteria in item #1 above) that are regularly reported present on the property to Cornell Lab of Ornithology's eBIRD site, including the following:

WHITE-TAILED KITE
eBird Observation Potter Road 2021
https://ebird.org/hotspot/L11905637

White-tailed Kites are relatively common, but ***their populations declined by 36% between 1970 and 2014***, according to Partners in Flight. The estimated global breeding population is 2 million. The species rates a 10 out of 20 on the Continental Concern Score, which means it is not on the Partners in Flight Watch List and is a species of low conservation concern. In the early 1900s White-tailed Kite populations dropped significantly due to habitat loss, shooting, and egg collection. Since then, populations have rebounded somewhat, although ***long-term trends suggest continued declines. Urban and suburban development can reduce the number of nest sites as well as prey abundance.*** Modern farming techniques can also reduce vegetation that its prey use for cover. In a conservation effort in northern California, the California Department of Fish and Game set aside grazed pastures and allowed them to return to grassland; they now support about 10 times the number of raptors, including White-tailed Kites, as before the program began.

7-3

LEWIS' WOODPECKER
USFS Birds of Conservation Concern
ebird Observation Potter Road 2021
https://ebird.org/hotspot/L11905637
eBird Observation N.E. end Potter Rd 2021
https://ebird.org/hotspot/L11905584

Lewis's Woodpeckers are uncommon and their ***populations declined by 72% between 1970 and 2014***, according to Partners in Flight. ***Due to their declining population, they rate a 15 out of 20 on the Continental Concern Score, placing them on the Yellow Watch List.*** The current estimated global breeding population according to Partners in Flight is 69,000 individuals. Lewis's Woodpeckers are threatened by changing forest conditions as a result of fire suppression, grazing, and logging as well as climate change. Fire suppression, logging, and grazing often result in higher densities of single age pines and fewer standing dead or decaying trees available for nesting.

7-4

EVENING GROSBEAK
2016 State of North America's Birds' Watch List
eBird Observation Potter Road 2021
https://ebird.org/hotspot/L11905637

Evening Grosbeaks are numerous and widespread, but ***populations dropped steeply between 1966 and 2015***, according to the North American Breeding Bird Survey—particularly in the East where numbers declined by 97% during that time. Partners in Flight estimates a global breeding population of 4.1 million, with 71% spending some part of the year in the U.S., 57% in Canada, and 5% living in Mexico. Evening Grosbeak rates a 13 out of 20 on the Continental Concern Score and is on the 2016 State of North America's Birds' Watch List, which includes bird species that are most at risk of extinction without significant conservation actions to reverse declines and reduce threats. Because of their irruptive nature, it can be difficult for large-scale surveys to make precise estimates, but a 2008 study of Project FeederWatch data found that the grosbeak's winter range had contracted and numbers had declined. Evening Grosbeaks were reported at only half the number of sites, and flock sizes were down by 27%, in the early 2000s compared with the late 1980s. Recent declines may be due to logging and other

7-5

development in the boreal forests of northern North America; to disease outbreaks such as salmonella, West Nile virus, and House Finch eye disease; or to reduced numbers of spruce budworm and other forest insects, in part due to aerial spraying by the U.S. and Canada. As climate change alters the landscape over the next century, balsam fir is expected to recede from New England, and Evening Grosbeaks may disappear from this region.

7-5 Cont.

OAK TITMOUSE
2014 State of the Birds Watch List Common Bird in Steep Decline
eBird Observation Potter Road 2020
https://ebird.org/hotspot/L11905637
eBird Observation N.E. end Potter Rd 2021
https://ebird.org/hotspot/L11905584

The Oak Titmouse is one of the most common birds in oak woodlands of California, but ***populations have declined by close to 2% per year between 1966 and 2014***, resulting in ***a cumulative decline of 57%, according to the North American Breeding Bird Survey***. Partners in Flight estimates a global breeding population of 500,000, with 89% living in the U.S. and 11% in Mexico. The species rates a 14 out of 20 on the Continental Concern Score. Oak Titmouse is a U.S.-Canada Stewardship species and is on the 2014 State of the Birds Watch List, which lists bird species that are at risk of becoming threatened or endangered without conservation action. ***The decline of this species is linked to the increase in California's population during the twentieth century*** (from 1.5 million to more than 30 million people), which has increased pressures on oak woodlands from activities such as timber harvesting, clearing for agriculture, ***and urban and suburban development. An estimated 80 percent of California's remaining oak woodlands are privately owned, so landowners can play a crucial role in conservation of this unique habitat.***

7-6

BREWER'S BLACKBIRD
2014 State of the Birds Common Bird in Steep Decline
eBird Observation Potter Road 2020
https://ebird.org/hotspot/L11905637
eBird Observation N.E. end Potter Rd 2021
https://ebird.org/hotspot/L11905584

Although they are common within their range, Brewer's Blackbirds ***populations declined by over 2% per year between 1966 and 2014 (amounting to a cumulative decline of 69 percent)***, according to the North American Breeding Bird Survey. Partners in Flight estimates the global breeding population at 20 million, with 74% spending part of the year in the U.S., 26% in Canada, and 25% wintering Mexico. They rate a 9 out of 20 on the Continental Concern Score, and the 2014 State of the Birds Report lists them as a ***Common Bird in Steep Decline***. Various hazards facing the species include shooting, trapping, and poisoning (measures aimed at protecting agricultural crops), and collisions with windows and other structures.

7-7

HORNED LARK
2014 State of the Birds Report Common Bird in Steep Decline
ebird Observation Potter Road 2020
https://ebird.org/hotspot/L11905637
eBird Observation N.E. end Potter Rd 2020
https://ebird.org/hotspot/L11905584

Horned Larks are numerous but their ***populations declined by over 2% per year between 1966 and 2015, resulting in a cumulative decline of 71%***, according to the North American Breeding Bird Survey. Partners in Flight

7-8

estimates a global breeding population of 120 million, with 62% spending some part of the year in the US., 17% in Canada, and 9% wintering in Mexico. The species rates a 9 out of 20 on the Continental Concern Score. Horned Lark is not on the 2016 State of North America's Birds' Watch List, but the 2014 State of the Birds Report listed it as a ***Common Bird in Steep Decline***. Loss of agricultural fields to reforestation and ***development, and human encroachment on the birds' habitat, are factors in their decline***—but the overall declining trend is not fully understood.

7-8 Cont.

NORTHERN HARRIER
California Species of Special Concern
USFS Birds of Conservation Concern
eBird Obervation Potter Road 2018
https://ebird.org/hotspot/L11905637

Northern Harriers are fairly common, but their ***populations are declining. The North American Breeding Bird Survey records a steady decline of over 1% per year from 1966 to 2014, resulting in a cumulative loss of 47%,*** with Canadian populations declining more than U.S. populations. Partners in Flight estimates the global breeding population at 1.4 million, with 35% spending some part of the year in the US., 17% in Canada, and 10% in Mexico. They rate an 11 out of 20 on the Continental Concern Score and are not on the 2014 State of the Birds Report. ***Habitat loss has contributed to reduced harrier populations*** as people have drained wetlands, developed land for large-scale agriculture, and allowed old farmland to become reforested. The small mammals that harriers prey upon have been reduced because of overgrazing, pesticides, and reduced shrub cover from crop field expansion. Because they eat small mammals, Northern Harriers are susceptible to the effects of pesticide buildup as well as direct effects by eating poisoned animals. In the mid-twentieth century their populations declined from contamination by DDT and other organochlorine pesticides, but rebounded after DDT restrictions went into effect in the 1970s. Northern Harriers have been mostly safe from hunting because of their reputation for keeping mouse populations in check, but they are still sometimes shot at communal winter roosts in Texas and the southeastern United States.

7-9

BURROWING OWL
California Species of Special Concern
USFS Birds of Conservation Concern
eBird Observation Potter Road
https://ebird.org/hotspot/L11905637
eBird Observation N.E. end Potter Rd 2021
https://ebird.org/hotspot/L11905584

Burrowing Owls are still numerous, but ***populations declined by about 33% between 1966 and 2015, according to the North American Breeding Bird Survey***. Declines have been particularly sharp in Florida, the Dakotas, and coastal California. Partners in Flight estimates a global breeding population of 2 million, with 31% spending some part of the year in the U.S., and 15% in Mexico. The species rates a 12 out of 20 on the Continental Concern Score and is not on the 2016 State of the Birds Watch List. The species is listed as Endangered in Canada and as a species with Special Protection in Mexico. Agriculture and ***development have significantly diminished the colonies of prairie dogs and other burrowing animals where Burrowing Owls once nested by the hundreds***. Pesticides, collisions with vehicles, shooting, entanglement in loose fences and similar manmade hazards, and hunting by introduced predators (including domestic cats and dogs) are also major sources of mortality. At the same time, Burrowing Owls have benefited from protective legislation, reintroduction and habitat protection programs, and

7-10

artificial nest burrows. Because they do not require large uninterrupted stretches of habitat, these owls can benefit from the protection of relatively small patches of suitable land.

7-10 Cont.

LOGGERHEAD SHRIKE
California Species of Special Concern
2014 State of the Birds Report lists them as a Common Bird in Steep Decline
eBird Observation Potter Road 2008
https://ebird.org/hotspot/L11905637

Loggerhead Shrikes are still fairly numerous in some areas (particularly the South and West), but ***their populations have fallen sharply. Between 1966 and 2015, the species declined by almost 3% per year, resulting in a cumulative decline of 76%***, according to the North American Breeding Bird Survey. Partners in Flight estimates the global breeding population is 5.8 million, with 82% spending some part of the year in the U.S., 30% in Mexico, and 3% breeding in Canada. The species rates an 11 out of 20 on the Continental Concern Score, and the 2014 State of the Birds Report lists them as a Common Bird in Steep Decline. Loggerhead Shrikes have been listed as endangered, threatened, or of special concern in several states and Canada, and have been proposed for federal listing (the subspecies that nests on San Clemente Island, California, is listed as endangered). The species' decline coincides with the introduction and increased use of chemical pesticides between the 1940s and the 1970s, and may result in part from the birds' ingestion of pesticide-laced prey from treated fields. Other likely causes of population decline include collision with vehicles, urban development, conversion of hayfields and pastureland, decimation of hedgerows, habitat destruction by surface-coal strip-mining, and altering of prey populations by livestock grazing. Given this bird's potentially high reproductive rate, and provided that adequate habitat continues to be available, Loggerhead Shrike populations may be able to recover if the causes of the bird's decline can be identified and eliminated.

7-11

YELLOW-BILLED MAGPIE
State of North American Birds Watch List
eBird Observation Potter Road 2008
https://ebird.org/hotspot/L11905637

According to the North American Breeding Bird Survey, ***Yellow-billed Magpie populations declined by an estimated 2.9% per year between 1968 and 2015, resulting in a cumulative decline of 76% during that period.*** Partners in Flight estimates a global breeding population of 110,000, rates the species ***a 16 out of 20 on the Continental Concern Score, and includes it on the Yellow Watch List for species with restricted range***. Yellow-billed Magpies are still sometimes trapped and shot in rural areas, especially cattle operations. They have also declined precipitously in areas where rodenticides were used. During the height of the West Nile virus epidemic, in the early 2000s, scientists estimate that Yellow-billed Magpies lost half their population. ***Perhaps the greatest threat to the existence of this species is habitat lost to development in California's populous Central Valley.***

7-12

Respectfully,

Mary Muchowski
Executive Director
Director@altacal.org
Altacal Audubon Society
PO Box 3671 Chico, CA 95927
(530) 592-9092

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4.2 Response to Organization Comments

Response to Letter 7

Altacal Audubon Society (Mary Muchowski, Executive Director)

7-1 The comment excerpts a portion of a Forest Service publication summarizing effects of development of grasslands and forests at the edges of urban areas. The comment also cites references that describe declines in grassland species within California and the level of development in Butte County.

The comment is noted and will be forwarded to the decision makers for their consideration.

7-2 The comment states that the Draft EIR did not include as "special-status" various bird species that are included on lists maintained by the USFWS, CDFW, Cornell Lab of Ornithology, and the U.S. Committee of the North American Bird Conservation Initiative.

As noted in the Draft EIR on page 4.3-17, "[s]pecial-status wildlife species are those that are designated as either rare, threatened, or endangered (or candidates for designation) by CDFW or the USFWS; are protected under either the CESA or the ESA; meet the California Environmental Quality Act (CEQA) definition for endangered, rare, or threatened (14 CCR 15380[b],[d]); are considered fully protected under the California Fish and Game Code, Sections 3511, 4700, 5050, and 5515; or that are on the CDFW Special Animals List (CDFW 2019b) and determined by CDFW to be a Species of Special Concern" . These lists are based on a rigorous scientific analysis of the threat to species as determined by the Fish and Game Commission.

Inclusion of species beyond these, including those on some of the lists cited in the comment, is at the discretion of the CEQA lead agency. Refer to Responses to Comments 7-3 through 7-12 for additional information.

7-3 The comment states that White-tailed kite have been documented on or near the project site according to the Cornell Lab of Ornithology's eBIRD site and provides a summary of conservation information for the species.

Although the Draft EIR does not rely on results from citizen-science websites such as eBIRD, the commenter is correct that White-tailed kite has at least a moderate likelihood of occurrence on the project site. Because this species is California Fully Protected, it is considered a special-status species in the EIR and a description of the species has been added to page 4.3-19 of the Draft EIR in the environmental setting (Section 4.3.1) and to page 4.3-51 under Impact 4.3-1. Please see Chapter 3, Changes to the Draft EIR for the new language.

7-4 The comment states that Lewis' woodpecker has been documented on or near the project site according to the Cornell Lab of Ornithology's eBIRD site and provides a summary of conservation information for the species.

This species was not detected on the project site during site-wide surveys or incidentally during other biological resource investigations (Draft EIR Appendix C). Because this species is not considered special-status based on the criteria described in the Draft EIR and in Response to

Comment 7-2, it is not included in the analysis of impacts to special-status species. However, all migratory birds are protected under the Migratory Bird Treaty Act, and impacts on all nesting birds, including Lewis' woodpecker, are addressed in Impact 4.3-2 and mitigation measure BIO-2, Nesting Bird Surveys.

7-5 The comment states that evening grosbeak have been documented on or near the project site according to the Cornell Lab of Ornithology's eBIRD site and provides a summary of conservation information for the species.

This species was not detected on the project site during site-wide surveys or incidentally during other biological resource investigations (Draft EIR Appendix C). Please see Responses to Comments 7-2 and 7-4.

7-6 The comment states that oak titmouse has been documented on or near the project site according to the Cornell Lab of Ornithology's eBIRD site and provides a summary of conservation information for the species.

This species was documented as occurring on the project site during site-wide surveys (Draft EIR Appendix C). Please see Responses to Comments 7-2 and 7-4.

7-7 The comment states that Brewer's blackbird has been documented on or near the project site according to the Cornell Lab of Ornithology's eBIRD site and provides a summary of conservation information for the species.

This species was not detected on the project site during site-wide surveys or incidentally during other biological resource investigations (Draft EIR Appendix C). Please see Responses to Comments 7-2 and 7-4.

7-8 The comment states that horned lark has been documented on or near the project site according to the Cornell Lab of Ornithology's eBIRD site and provides a summary of conservation information for the species.

This species was not detected on the project site during site-wide surveys or incidentally during other biological resource investigations (Draft EIR Appendix C). Please see Response to Comment 7-4.

7-9 The comment states that northern harrier has been documented on or near the project site according to the Cornell Lab of Ornithology's eBIRD site and provides a summary of conservation information for the species.

This species was not detected on the project site during site-wide surveys or incidentally during other biological resource investigations (Draft EIR Appendix C). Although the Draft EIR does not rely on results from citizen-science websites such as eBIRD, the commenter is correct that northern harrier has at least a moderate likelihood of occurrence on the project site. Because this species is a California Species of Special Concern, it is considered as special-status species in the EIR and a species description has been added to page 4.3-19 of the Draft EIR in the environmental setting and under Impact 4.3-1 on page 4.3-51. Please see Chapter 3, Changes to the Draft EIR for the new language.

7-10 The comment states that burrowing owl have been documented on or near the project site according to the Cornell Lab of Ornithology's eBIRD site and provides a summary of conservation information for the species.

This species is considered in the Draft EIR as highly likely to occur on the project site and the Draft EIR notes in Section 4.3.1 on page 4.3-20, that active burrows and adult burrowing owls were observed on the project site in 2006.The Draft EIR considers impacts to burrowing owl to be potentially significant, as described in Section 4.3. Mitigation measure BIO-3 in the Draft EIR is targeted at avoiding and substantially reducing potential effects to burrowing owl to the extent feasible.

7-11 The comment states that loggerhead shrike has been documented on or near the project site according to the Cornell Lab of Ornithology's eBIRD site and provides a summary of conservation information for the species.

This species was not detected on the project site during site-wide surveys or incidentally during other biological resource investigations (Draft EIR Appendix C). This species is considered in the Draft EIR as moderately likely to occur on the project site. The Draft EIR notes in Section 4.3.1 on page 4.3-27 that eBIRD records documented the species near the site in 2019. The Draft EIR considers impacts to loggerhead shrike to be potentially significant, as described in Section 4.3. Mitigation measure BIO-2 in the Draft EIR is targeted at avoiding and substantially reducing effects to nesting birds, including loggerhead shrike, to the extent feasible.

7-12 The comment states that yellow-billed magpie has been documented on or near the project site according to the Cornell Lab of Ornithology's eBIRD site and provides a summary of conservation information for the species.

This species was not detected on the project site during site-wide surveys or incidentally during other biological resource investigations (Draft EIR Appendix C). Please see Responses to Comments 7-2 and 7-4.

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Comment Letter 8

From: GRACE M MARVIN
To: Mike Sawley
Subject: DEIR of Valley"s Edge
Date: Sunday, December 12, 2021 6:47:38 PM

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

Grace M. Marvin
1621 N. Cherry St.
Chico CA 95926
12/12/21

City of Chico Community Development Department
411 Main Street, P.O. Box 3420
Chico, California 95927.
mike.sawley@chicoca.gov

Attn: Mike Sawley, Principal Planner
Re: Valley's Edge Specific Plan Draft Environmental Impact Report-comments due 12/13/21

Mr. Sawley:
Please consider my comments regarding the inadequacy of the DEIR for the Valley's Edge project. First of all, the project does not address the serious need for much more affordable housing in the City of Chico. Consider what CA Government Code specifies in the December 2020 Butte County Association of Government's report (p.7). I have highlighted the particularly significant remarks. This Code indicates that in planning housing we should meet Section 65584(d) of the Government Code:

8-1

*1. **Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner**, which shall result in each jurisdiction receiving an allocation of units for low- and very low-income households. 2. **Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources,** the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the California Air Resources Board pursuant to*

Section 65080. **3.** *Promoting an improved intraregional relationship between jobs and housing, including* ***an improved balance between the number of low-wage jobs and the number of housing units affordable to low- wage workers in each jurisdiction.*** *4. Allocating a lower proportion of* ***housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category,*** *as compared to the countywide distribution of households in that category from the most recent American Community Survey. 5. Affirmatively furthering fair housing, which for the purposes of this process means 'taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically,* ***affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity,*** *replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.*

8-1 Cont.

Thus, instead of a project like Valley's Edge, **our Chico community needs more urban infill that includes high density and affordable housing - including mixed use housing such as businesses on first floors and homes above. We also desire walkable neighborhoods, with easy access to jobs and schools and stores, and low GHG mass transit opportunities**, *e.g.*, more bikeways and electric busses. We do not need to attract wealthy citizens from outside of Chico if it means mostly more expensive housing and the accompanying excessive environmental destruction, including more extensive traffic (with undesirable traffic jams and growth in GHG emissions).

8-2

As it is planned, Valley's Edge would increase traffic immensely, while not easily accommodating affordable and low GHG transit possibilities. In addition, there is:

8-3

1-not sufficient analyses of GHG emissions;

8-4

2- not adequate attention to flooding (as has been a huge problem off of 20th St. with one house totally destroyed on 20th Street);

8-5

3- not accessible public transit and affordable traffic infrastructure -- for more than four times the amount of current traffic resulting from the Valley's Edge project; 8-6

4- not fully adequate protection and monitoring of environmental resources (#2 in CA Government Code, above) such as vernal pools, endangered species, oak woodlands, raptors, Butte County Meadowfoam, and waterways; 8-7

5- not adequate attention to preventing fire danger, as reflected in the eviction of people in nearby housing during the Camp Fire. 8-8

Please see to it that this project not be approved. 8-9

Sincerely,
Grace M. Marvin
Yahi Group Conservation Chair
Motherlode Chapter
Sierra Club

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Response to Letter 8

Sierra Club (Grace M. Marvin, Yahi Group Conservation Chair Motherlode Chapter Sierra Club)

8-1 The comment is addressing the need for more affordable housing in the City and refers to section 65584(d) of the California Government Code.

The comment is noted. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. However, please see Responses to Comments 9-68 and 9-69 that addresses housing concerns.

8-2 The commenter states an opinion that the City needs more high-density, urban in-fill projects that promote walkable neighborhoods and access to transit, jobs, schools and shopping and not expensive housing resulting in traffic and an increase in air emissions.

The commenter's opinion is noted and will be forwarded to the decision makers for their consideration.

8-3 The comment asserts that the project would increase traffic and would not accommodate affordable transit opportunities that would reduce greenhouse gas (GHG) emissions.

The project's potential to increase traffic, including vehicle trips and vehicle miles traveled (VMT) is addressed in the Draft EIR in Section 4.13, Transportation and Circulation. Existing transit facilities are discussed starting on page 4.13-7 of the Draft EIR. The discussion of Impact 4.13-3, starting on page 4.13-21 of the Draft EIR, addresses the potential for the project to increase the demand for transit and notes that the VESP includes actions that would support and accommodate affordable transit service. The nearest Butte Regional Transit (B-Line) stop is located near the intersection of Bruce Road/E 20th Street (along Route 7) approximately one-half mile west of the project site. Route 7 operates at about 10 passengers per revenue hour. The proposed project would result in the need to extend the B-Line to serve more areas accessible to the VESP which would be a function of demand and up to Butte Regional Transit as part of an evaluation of their overall transit system. As discussed on page 4.13-7, transit routes near the proposed project generally have low demand and productivity. Therefore, excess seating and standing capacity would be available. In order to accommodate the potential extension of existing transit service to serve the project, the VESP includes numerous actions that would support and accommodate transit service. Specifically, Action C-1.6 promotes locating commercial land uses at the western edge of the plan area to facilitate public access by transit to the project's commercial land use; Action C-1.9 creates a park-and-ride lot in the western part of the project site to encourage use of transit; and Action C-1.10 addresses the placement of transit stops. The VESP proposes bus stops that would be included in the Village Core and at the elementary school and community park to encourage and support use of transit both within the plan area as well as to connect to areas within the City.

8-4 The comment asserts that the Draft EIR's analysis of GHG emissions is not adequate.

The project's potential to increase GHG emissions is evaluated in the Draft EIR in Section 4.7, Greenhouse Gas Emissions. The comment does not specify what is asserted to be lacking in the Draft EIR analysis of GHG emissions. The increase in GHG emissions associated with project

construction and operation is quantified, and the impact is identified as significant and unavoidable (see Impact 4.7-1). Mitigation measures GHG-1 and GHG-2 would lessen although not entirely avoid the impact. The comment does not identify where the analysis is deficient or inadequate; therefore, no additional response can be provided.

8-5 The comment asserts there has been inadequate attention to flooding and refers to the loss of a home on 20th Street due to flooding.

Please see Responses to Comments 12-4, 12-9 and 32-2 that address concerns associated with flooding. Flooding is addressed on pages 4.9-7, 4.9-9, 4.9-10 and in Impacts 4.9-3, 4.9-4, and 4.9-5 on pages 4.9-32 through 4.9-41 in the Draft EIR.

As indicated in the last paragraph on page 4.9-35 of the Draft EIR, temporary measures would be implemented to divert and detain stormwater to prevent overtopping of Dawncrest Drive pending completion of development in the area. There are no current drainage improvement projects planned by the City that would address potential flooding from Reach 1 into the Belvedere Subdivision. The study by Northstar Engineering (cited in Draft EIR Appendix H, Drainage Report), found the infrastructure that supports the Belvedere development (54-inch and 42-inch pipes) to be adequate under 100-year storm event conditions, was done specifically to focus on the watershed of Reach 1 and used the most applicable rain gauge data for Reach 1. The study from Frayji Design Group for the project models Reach 1 in conjunction with Reaches 2 through 6, which are larger watersheds that extend to much higher elevations. The rain gauge data for higher elevations indicates higher rainfall totals during large events, and those higher rainfall totals were applied to the entire project site, including Reach 1 where the values were higher than those used in the Northstar study. Thus, the project's drainage study does not undermine or supersede the Northstar study with respect to Reach 1 and does not reveal the need for a drainage improvement project to address existing conditions.

As indicated on page 4.9-32, flood control features, described and delineated in Appendices H-1, H-2, H-3, H-4, and H-5, would reduce runoff rates, thus preventing on-site flooding and not exacerbating existing off-site flooding, preventing exceedances of City stormwater infrastructure, and preventing on- and off-site erosion. The Draft Drainage Study evaluated pre-project and post-project peak stormwater flows for drainage Sheds B, C, D, (a small portion of) E, and F. The results of the analysis are summarized in Table 4.9-5, for the 2-year, 10-year, and 100-year design storm. As indicated in Table 4.9-5 on page 4.9-35, post development peak flow rates would be less than pre-project peak flow rates.

In addition, as indicated on page 4.9-39, the project site is located in FEMA Flood Zone X and is not subject to major flooding.

8-6 The comment appears to question if the project is providing accessible public transit and affordable traffic infrastructure.

Please see Response to Comment 8-3.

8-7 The comment asserts that the project does not provide adequate protection and monitoring of environmental resources such as vernal pools, endangered species, oak woodlands, raptors, Butte County meadowfoam, and waterways.

Please refer to Master Response 2 regarding protection and monitoring of Butte County meadowfoam and Responses to Comments 6-22 through 6-26 regarding oak woodland protection and mitigation under the OWMMP/VETPP plan. Impacts to raptors are identified in the Draft EIR in Section 4.3.3 and additional discussion has been provided in the Final EIR for white-tailed kite and northern harrier as noted in Responses to Comments 7-3 and 7-9 (also see Chapter 3 of this Final EIR). Mitigation Measure BIO-1 has been revised in Chapter 3 of the Final EIR to include more specificity for mitigation of impacts to Butte County meadowfoam as well as performance standards to ensure effectiveness.

8-8 The comment is referring to the potential to expose future residents to hazards associated with wildfires.

Please see Master Response 1 for information specific to wildfire concerns.

8-9 The commenter is requesting the project not be approved.

The comment is noted and will be forwarded to the decision makers for their consideration.

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Comment Letter 9

Butte Environmental Council

313 Walnut Street, #140
Chico, CA 95928
(530) 891-6424
www.becnet.org

Federal Tax ID
94-2309829
CA Charity Number
018005

Programs & Events
Environmental Education
Environmental Advocacy
Park and Creek Cleanups
Urban Forest Program
Recycling & Rubbish Education
Community Air Protection Education
Oak Way Community Garden
Endangered Earth Event
Chico Bicycle Music Festival
Community Forum Series

Protecting and defending the land, air, and water of Butte County and the surrounding region since 1975

December 13, 2021

City of Chico Planning Division
Attn: Principal Planner Mike Sawley
411 Main Street, 2nd Floor
PO Box 3420
Chico, CA 95927
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Thank you for the opportunity to comment on the Valley's Edge Specific Plan Draft Environmental Impact Report.

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

1. **Greenhouse Gas Emissions**

The DEIR acknowledges that land use changes are the second major cause of climate change (VESP DEIR 4.7-2), but fails to acknowledge that the land use change proposed in this project would contribute to climate change. The proposed land use change of grassland and woodland ecosystems to urban development would emit significant greenhouse gas emissions, and reduce the ability of the landscape within the project site to sequester and store carbon (Butte County SALC). Neither the DEIR nor Appendix F - Greenhouse Gas Model Outputs calculates the increase in greenhouse gas emissions resulting from the proposed land use change. The EIR for this project needs to quantify the increase in greenhouse gas emissions that would result from the proposed land use change in the site's ecosystem. Dams and the artificial lakes created by them result in significant greenhouse gas emissions, from the decomposition of excessive algal growth[1]. The VESP DEIR fails to analyze the complete greenhouse gas emissions for the project due to the absence of analysis of greenhouse gas emissions from the reservoirs on site and the land use change. 9-1 9-2

The project is inconsistent with state statutes and executive orders, as well as the Chico General Plan and the Chico Climate Action Plan (CAP) 2021 Update. 9-3

The Valley's Edge Specific Plan is in conflict with the following state and local policies:

State Plan and Policy Inconsistencies
California Executive Order B-55-18 9-4

[1] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8309167/

"establishes a statewide policy...to achieve carbon neutrality no later than 2045 and maintain net negative emissions thereafter"(dEIR 4.7-11). Valley's Edge obstructs the attainment of this policy by producing significant and unavoidable greenhouse gas emissions and by promoting the type of land use change that is exacerbating climate change. Destroying 700 acres of carbon sequestering agricultural grazing land obstructs the attainment of the policy. Enhancing carbon sequestration on agricultural land will likely be essential for carbon neutrality for the City of Chico in the County of Butte and the State of California. However, enhancing carbon sequestration on agricultural land will indubitably be essential for maintaining net negative emissions once carbon neutrality is reached (Butte County SALC) as called for in EO-B55-18.

9-4 Cont.

Butte County Association of Governments 2016 RTP/SCS

The DEIR is inconsistent with BCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy. This document "outlines the region's proposed transportation network, emphasizing multimodal system enhancements, system preservation, and improved access to high quality transit, as well as land use development that complements this transportation network (BCAG 2016)" (DEIR 4.7-16). The Valley's Edge Specific Plan would be a land use development antithetical to BCAG's proposed transportation network as defined above. The VESP's residential development density per acre is far too low for "high quality transit." See Transportation and Circulation analysis below.

9-5

City of Chico 2030 General Plan Goals, Policies and Action Inconsistencies

Goal SUS-5

Increase energy efficiency and reduce non-renewable energy and resource consumption Citywide. The implemented VESP would increase nonrenewable energy and resource consumption citywide from construction and operation.

9-6

Goal SUS-6

Reduce the level of greenhouse gas emissions Citywide. Policy SUS-6.3 (Greenhouse Gas Emissions and CEQA) – Analyze and mitigate potentially significant increases in greenhouse gas emissions during project review, pursuant to CEQA. The implementation of the VESP will increase greenhouse gas emissions citywide while the City of Chico General plan goal and policy referenced above calls for reducing greenhouse gas emissions citywide. The VESP DEIR does not mitigate potentially significant greenhouse gas emissions as demonstrated by DEIR's determination that significant and unavoidable greenhouse gas emissions will occur (DEIR ES-29).

9-7

Goal CIRC-9

9-8

Reduce the use of single-occupant motor vehicles. Valley's Edge residents will require single-occupant vehicles for daily life, thereby increasing the use of single-occupant motor vehicles, and increasing greenhouse gas emissions associated with operation of the development. 9-8 Cont.

Policy CIRC-9.3
Emphasize automotive trip reduction in the design, review,and approval of public and private development. VESP is situated so far from the urban core it will facilitate additional automotive trips than centrally located development. 9-9

Goal OS-3
Conserve water resources and improve water quality. Policy OS-3.3 (Water Conservation and Reclamation) – Encourage water conservation and the reuse of water. Pollutants from project operation, including landscaping fertilizers, pesticides, herbicides, leaking oil from vehicles, and trash will degrade water quality. Therefore the project will not improve water quality, thereby demonstrating inconsistency. 9-10

Goal S-9
Protect the community from risks posed by climate change. The VESP would exacerbate climate change and exacerbate the climate impacts the community will face. With the replacement of green spaces that reduce heat with development that absorbs heat, this project will increase the climate change impacts we already experience: extreme heat, wildfires and drought. The concrete will trap heat, and add to the urban heat island effect Chico feels daily during the warm season. Development in the Moderate Fire Severity Zone (CAL FIRE State Responsibility Area) would increase the vulnerability of the community to wildfire, which climate change is already increasing. This demonstrates how the specific plan does not protect the community from risks posed by climate change, and in fact puts the community at greater risk as described above. 9-11

Mitigation Measures
GHG-1
It is unclear how much greenhouse gas emissions this measure will mitigate. Waste is the smallest emission sector for the City of Chico, and other mitigation measures need to focus tangible reductions to the two of the largest emission sectors for the City of Chico as well as for the Valley's Edge Specific Plan: transportation and energy. 9-12

GHG-2 (AQ-2 & AQ-3)
AQ2: Idling restrictions only mitigate a negligible portion of vehicle emissions. This project will still have significant air quality emission impacts by bringing in substantial 9-13

automobiles and trucks that emit pollutants onto the site for both commercial and residential uses. 9-13 Cont.

AQ3: The Energy Conservation mitigation measures are not impressive. How many criteria pollutant emissions does installing energy star appliances reduce? How many criteria pollutant emissions does installing LED bulbs reduce? How many criteria pollutant emissions does providing information regarding energy efficiency and incentives reduce? Providing information regarding energy efficiency and incentives should not be included in the energy conservation measures as it is a non quantifiable energy conservation measure. There is no assurance that residents will maximize the use of natural lighting, and they may, in fact, use lights at the same rate as residents with lower natural lighting. Maximizing the use of natural lighting should not be included in energy conservation as it is a non quantifiable energy conservation measure. 9-14

More substantial greenhouse gas mitigation measures are required to comply with the many state and local policies requiring the City of Chico to reduce emissions. Strategies are laid out in state guidance and in the Chico Climate Action Plan. 9-15

This draft EIR demonstrates the Valley's Edge Specific Plan is non compliant with these policies and plans by obstructing their attainment (e.g. Chico CAP Update, City of Chico GP, EO B 55-19). 9-16

Thresholds of Significance

DEIR 4-7.29

This threshold of significance is inadequate based on its inconsistency with the city of Chico Climate Action Plan. The VESP, if implemented, would operate through 2045, when the City of Chico's target emissions will be 0 MTCO2e per capita per year. By using the 2030 target emissions as the threshold of significance, the DEIR implies the project will only be in operation through 2030, which is incorrect, since operation of this project will occur long through 2045. It is essential to make the threshold of significance in line with the City of Chico Climate Action Plan Update 2045 Target. 9-17

2. **Inadequacy of the Thresholds of Significance & Mitigation Measures**

Air Quality

Because Butte County is designated as nonattainment for ozone and particulate matter 2.5[2] for the national ambient air quality standards, and designated as nonattainment for 9-18

[2] https://chico.ca.us/sites/main/files/file-attachments/00_draft_eir_valleys_edge_specific_plan_reduced.pdf?1635523572

Ozone, Particulate Matter 2.5, and Particulate Matter 10 for California ambient air quality standards (DEIR 4.2-8), any increases should be categorized as significant. 9-18 Cont.

AQ-2
See previous comments on AQ-2. 9-19

AQ-3
See previous comments on AQ-3. 9-20

AQ-4
How many offsets are needed for this project? Monetary value into an offset mitigation program is not going to offset the health impacts of air pollution in the community. This project will result (before the inadequate mitigations) in emissions that exceed the Butte County Air Quality Management District significant thresholds for Reactive Organic Gas, Nitrogen Oxide, and Particulate Matter 10 (DEIR 4.29-29). With monetary offsets, the community is still going to feel the impacts of this projects' decreased air quality. 9-21

AQ-5
The measures provided in the Transportation Demand Management Plan Implementation (Residential) of only providing ride-share programs, end of trip facilities, and implementation of commute trip reduction marketing is wholly inadequate. Implementing commute trip reduction marketing is non quantifiable. The goal of a reduction in total VMT per service population of at least 1% is also inadequate, based on the inadequacy of the VMT analysis area (See Circulation Analysis). 9-22

Nowhere in the Air Quality Section not Appendix B - Air Quality Model Output calculates the air quality reduction for each and every mitigation measure to quantifiably demonstrate the mitigation measures adequately reduce the air quality to a level less than significant. 9-23

Until the calculations of how much the mitigation measures reduce the air pollutants are done and published, the air quality impacts are still at a level of significance. These **mitigation measures are inadequate** as most are small reductions that are not calculated or are non quantifiable. The project **air quality impacts are still significant**. 9-24

Biological Resources
Aquatic Resources
Wetlands 9-25

Project would have significant impacts on protected wetlands. Four ephemeral drainages and two other drainages, including Comanche Creek, run through the site. The site has over 6 acres of wetlands and 11.8 acres as other Waters of the United States. California has lost 90% of its wetlands, including vernal pools, and the diminishing of wetlands has meant a threat to the wildlife that the wetlands support. The main impact identified is an overall increase in human activity in the area; "which has the potential to spread invasive plants, damage existing wetland plants, and degrade the bed and banks of drainages" (DEIR 4.3-61). The proposed design considerations to reduce this impact below a level of significance is inadequate. Invasive plants would still be spread, existing wetland plants would still be damaged from human activity and the activity of pets (which can undoubtedly be expected from project operation) and utilization of the open space by residents. The proposed use of "fencing to keep the public from accessing these sensitive resources" (DEIR 4.3-61) and "boardwalks and/or bridges to be constructed to avoid direct impacts" (DEIR 4.3-61) would not prevent pets from disturbing these protected wetlands and would still result in the degradation and disturbance of existing wetland plants and wildlife which depend on these wetlands. The impact to protected wetlands in the construction of such boardwalks and bridges would be significant to the protected wetlands as well.

9-25 Cont.

Wildlife that would be impacted by wetland disturbance and degradation that is not adequately mitigated as described above include: vernal pool brachiopods, ground-nesting bees, amphibians, and many species of birds.

9-26

There is no guarantee interpretive signage would do anything to reduce the negative impacts from human activity to the protected wetlands and their associated vegetation and wildlife.

9-27

Control of trash may be a noble attempt to reduce impacts to protected wetlands, but there is no guarantee that the undefined control of trash mentioned in the DEIR Could prevent trash from significantly impacting protected wetlands. There is no green space within the city of Chico where the impact of trash is absent. The widespread use of food products and beverages with excessive packaging results in litter throughout the City of Chico, the VESP land area and its open space trails would be no exception. The only way to ensure there is sufficient control of trash to prevent significant impacts to the protected wetlands, is by keeping people far away from them.

9-28

"Absolute wetland avoidance may not be feasible" and about 1.25 acres of wetlands will be destroyed through permanent development (DEIR 4.3-61). The significance threshold for wetlands has a substantial adverse effect on protected wetlands through direct removal.

9-29

Waters of the United States
This property includes Waters of the United States and Waters of the State. The project developer claims that there will be no net loss to these jurisdictional waters (required by

9-30

Army Corp of Engineers and Regional Water Control Board), but the engineering required to move these waters into ponds and artificial water feature will change the nature of the environment, potentially leading to collapse and failure of some species due to loss of habitat.

9-30 Cont.

Hydrologic Interruption of Protected Wetlands

"A significant impact would occur if development of the proposed project would do any of the following: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS; Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. ; **Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.**" (DEIR 4.3-48)

Wetlands need to be hydrologically connected to the land in the drainage basin that feeds runoff water into the wetlands. Hydrologic interruption of the landscape that drains into protected wetlands is considered a significant impact according to the threshold of significance identified on DEIR 4.3- 48. Protected Wetlands Including vernal pools and swales substantially adversely affected by the hydrologic flow changes that would occur from the proposed development. The vast development of buildings and other in previous services proposed to occur upslope of the wetland complex located in the north drainage will undoubtedly hydrologically interrupt the flow of water in the north drainage, resulting in significant impacts to protect the wetlands.

9-31

The specific causes of hydrologic interruption of the north drainage that would significantly impact protected wetlands include addition of impervious surfaces, increase of stormwater drainage, stormwater pollution caused by vehicle leaks, pesticides fertilizers and other chemicals derived from project operation, creation of "appropriately-sized basins and culverts… used to slow water and decrease downstream runoff rates" (DEIR 4.3-62).

Seepage alterations as described in the Draft EIR and Appendix E Geotechnical Report would significantly impact down slope wetlands. Seepage alterations that would result in significant impacts to protected wetlands include: development on top of or below seepage areas or springs; collection and diversion of springwater or seepage water into "storm drain lights or other suitable locations" (Appendix E Geotechnical 2019); the increased seepage water diversion that is called for Appendix E Geotechnical Report in the following circumstances: underground utility trenches; pavement subgrades; and structure development.

9-32

Each of the aforementioned causes of hydrologic interruption that would result from the implementation of the Valley's Edges Specific Plan would have potentially significant impacts on protected wetlands even with all of the proposed design considerations and mitigation measures. However, all of the aforementioned causes of hydrologic interruption would undoubtedly have a cumulatively significant and unavoidable impact to the hydrology of the site. 9-33

The hydrologic connection between the Valley's Edge site and the neighboring Stonegate site was inaccurately portrayed in the DEIR. The DEIR claims the sites are not hydrologically connected due to the Steve Harris Memorial Bikeway and the rock wall but that is false. The sites are hydrologically connected by culverts along Steve Harris Memorial Bikeway. Development in the VESP site will adversely affect the wetlands and the Butte County Meadowfoam preserved on the Stonegate site. 9-34

Sensitive, Endangered, Threatened, and Species of Concern
The species include the Butte County Meadowfoam, Valley Elderberry Longhorn Beetle, Western Spadefoot Toad, Western Pond Turtle, Burrowing Owl, Yellow Warbler, Loggerhead Strike, Native & Migratory Birds, Pallid Bat, and Blue Oaks.

Butte County Meadowfoam
While the project claims it will protect and preserve the endangered Butte County Meadowfoam, the DEIR states that "the plan sets no clear parameters for the meadowfoam preserves, including timing for establishment or management or monitoring requirements" (DEIR4.3-50). The DEIR does not provide sufficient evidence to prove that the preserve will actually protect the endangered Butte County Meadowfoam, and as such the level of significance for this biological resource is still significant. The preservation of the Butte County Meadowfoam is a major concern for the proposed project area. According to the California Department of Fish and Wildlife, killing or possessing the plant is prohibited by the California Endangered Species Act (CESA). Butte County meadowfoam is also listed as endangered under the federal Endangered Species Act. Butte County meadowfoam is an annual plant that has only been found in a narrow 28-mile strip along the eastern Sacramento Valley in Butte County. Plants are sometimes found at the edges of vernal pools, but they are primarily found in the deepest parts of vernal swales that connect vernal pools. The California Natural Diversity Database lists 21 occurrences of Butte County meadowfoam that are presumed to still exist. 9-35

Burrowing Owl
Proposed mitigation for burrowing owls involves "passively evicting" and relocating them from the burrows using one-way doors and then refilling their burrows to discourage their return. There is no specification of where they will be taken. (DEIR 4.3-55) 4.3-55 Once the breeding season is over and young have fledged, passive relocation of active burrows may proceed as described in measure BIO-3(b), above 9-36

Passive removal of the species is not an adequate mitigation measure. For the removal after breeding season, the young offspring are not capable of leaving their nest until 6 weeks of age.[3] According to wildlife expert and former Conservation Chair of Altacal Audubon, Scott Huber/Altacal Audubon, Western burrowing owl populations are in a freefall decline statewide. In nearby Yolo County in 2016 the Burrowing Owl Conservation Society and Institute for Bird Populations did a 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 ear between 2007-2008. Butte County birders provide similar anecdotal observations of a decline in our area.[4] The burrowing owl is a California Species of Special Concern, and could soon be listed. The dEIR claims that burrowing owls will be removed and relocated. This process is not simple. According to the California Burrowing Owl Association the process is as follows: "1. A survey for-burrows and owls should be conducted by walking through suitable habitat over the entire project site and in areas within 150 meters (approx 500 ft.) of the project impact zone. This 150-meter buffer zone is included to account for adjacent burrows and foraging habitat outside the project area and impacts from factors such as noise and vibration due to heavy equipment which could impact resources outside the project area." 2. Pedestrian survey transects should be spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines should be no more than 30 meters (approx. 100 ft.), and should be reduced to account for differences in terrain, vegetation density, and ground surface visibility. To efficiently survey projects larger than 100 acres, it is recommended that two or more surveyors conduct concurrent surveys. Surveyors should maintain a minimum distance of 50 meters (approx. 160 ft.) from any owls or occupied burrows. It is important to minimize disturbance near occupied burrows during all seasons. 3. If burrows or burrowing owls are recorded on the site, a map should be prepared of the burrow concentration areas. A breeding season survey and census (Phase III) of burrowing owls is the next step required. 4. Prepare a report (Phase IV) of the burrow survey stating whether or not burrows are present. 5. A preconstruction survey may be required by project-specific mitigations no more than 30 days prior to ground disturbing activity." (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83842&inline) Four site visits are required. This is not a process that a surveyor can check one day and construction work can resume the next. Moreover, nesting time runs from February 1 through August 31. During the times the owls are nesting, they cannot be relocated.

9-36 Cont.

9-37

9-38

Swainson's Hawk

There has been research that one reason the Swainson's Hawk has been declining is due to chemical pesticide usage.[5] The mitigation measures need to include avoidance or a buffer zone of pesticides during project operation. The impact of habitat loss, not just species removal, will have an adverse impact on the species.

9-39

[3] https://www.audubon.org/field-guide/bird/burrowing-owl
[4] https://chico.ca.us/sites/main/files/file-attachments/finalein.pdf?1578454446
[5] https://www.audubon.org/news/pesticide-spraying-west-targets-food-source-declining-birds

Western Pond Turtle
The Western Pond Turtle species is in decline due to habitat loss.[6] Removal of habitat and removal of the species is an inadequate mitigation measure.

The cumulative effects of all the mitigation measures would still harm the threatened, sensitive and endangered species on the site, which in turn means that the mitigation measures are not successful or adequate. As such, the mitigation measures of meadowfoam preserves, surveys, barely minimal construction buffers, and "passively" removing the species and/or habitat is inadequate. 9-40

Table 4.3-6 Cumulative Impacts to Special-Status Species Habitat, details 569 acres of Burrowing Owl Nesting and Foraging Habitat, 213 acres Pallid Bat Tree Roosting Habitat, and 213 acres of Western Red Bat Tree Roosting Habitat will be removed. The Burrowing Owl has been declining in species due to habitat loss such is cited in the DEIR[7]. This level of take of their habitat is insufficient, and the mitigation measures as thus are insufficient. 9-41

This is an enormous development, with the plan to create 2,777 units with an anticipated population of 5,654 (or more; see Housing and Population Section, population attributed to 8024). During construction, huge amounts of dirt will be moved, grading by heavy equipment will be required, large machines will roar and vibrate. While the project developers claim they will watch out for the creatures, both the direct harm and indirect impacts--from dust, noise, runoff, the presence of polluting materials (wood paper, metal scrap, glass), constant human presence--give very little hope that natives of this habitat survive, much less thrive. While the project developers claim that they will restore riparian areas and replant vegetation, these "mitigations" will be too little, too late for the wildlife supported by this ecosystem. And finally--when the project is complete--the open space, the water features, the vegetation will be overrun with people who don't stay on the trails, who don't respect natural resources. This project will cumulatively contribute to a loss of habitat and species for these sensitive species identified in the DEIR. 9-42

Sensitive Natural Community

Valley Foothill Riparian Woodland
According to the DEIR, valley foothill riparian woodland is considered a sensitive natural community regulated as a part of the stream zone under the Fish and Game Code, section 9-43

[6] https://www.biologicaldiversity.org/species/reptiles/western_pond_turtles/index.html
[7] https://www.audubon.org/field-guide/bird/burrowing-owl

1600. The DEIR claims that many of the threats to these species can be mitigated: surveys will be done to ensure no birds are nesting; the Butte County Meadowfoam will be protected in a preserve; a buffer zone will be created to minimize adverse impacts to the species. It also claims that it will restore streambeds and riparian areas and "preserve and renew" oak woodlands.

9-43 Cont.

Circulation & Transportation

Valley's Edge is not a compact development. The site is in the foothills beyond the edge of the Chico urban area. Low-density houses are spread up the ridgelines, reaching near the east end of the property. A section of very-low density zoning completely disconnected from the rest of the plan area would be accessible only by Honey Run Road.[8]

9-44

The plan appears to have superior traffic calming measures to most neighborhoods in Chico and is generous with bicycle and walking paths. However, the remote location and the situating of most of the housing at higher elevations undermines the transportation value of the bicycle paths (as distinguished from the value for recreation).

This comparison used to determine the VMT threshold for 'significant impact' is exaggerated by comparing a proposed annex into the city of Chico to rural and suburban populations who have the need to travel greater distances on a regular basis, even amending BCAG statistics to include commuters who travel between counties.

9-45

In the VMT analysis used in the dEIR, Valley's Edge receives reductions in the estimated VMT by virtue of its location near the city of Chico, the planned elementary school and commercial services, the 9-acre section of medium-high density zoning, and for around 50% of units being restricted to people age 55+ who are estimated to take about half the trips of other people.

9-46

Still, the dEIR analysis gave Valley's Edge a VMT per service population of 26.1, about 15% *higher* than the projection of the Chico 2030 General Plan.[9] The threshold of significance for VMT impact is given in the dEIR as "85% or more of the existing

9-47

[8] We do not treat Equestrian Ridge in these comments because we believe it is so physically disconnected and distinct in character from the rest of the development that it should be excluded from the EIR entirely and require its own separate environmental review process.
[9] The Chico 2030 General Plan dEIR projected a VMT per household of 56. The average household size in Chico is 2.5, giving per person VMT of 22.4.

average VMT per service population in the Region.[9] The dEIR, however, only recommends a 1.4% reduction in VMT to reduce the impact to 'less than significant.'

9-47 Cont.

The region considered is Butte County[10] because, as the dEIR states, "The City has not yet adopted thresholds for VMT impacts." Nor did the analysis default on data associated with Butte County. As the report explains, "modifications were made so that model estimates of trip lengths and VMT could better represent distance traveled outside Butte County."

The Chico 2030 General Plan projected a VMT per household of 56[11]. Given an average household size of 2.5, and utilizing the 85% threshold for a 'significant impact,' Valley's Edge should need to plan for a VMT per service population of 19.04 to reduce the impact to 'less than significant,' a 27% reduction before considering other issues with the VMT analysis.

9-48

The standard for measuring the impacts of automobile use should be no less local than the City of Chico urban area; and a more appropriate comparison would be the Southeast Chico neighborhoods, which have a more compact form than North Chico and are generally designed to better accommodate alternative modes of transportation. If the Valley's Edge project produces an unmitigated excess of car trips, that traffic will also hinder the safety and efficiency of walking, biking, and use of transit. The residents of Doe Mill, Meriam Park, and the surrounding neighborhoods who are better fitted for relying on alternative modes of transportation will be disproportionately impacted from the additional car traffic spurred by Valley's Edge.

9-49

The reduction in expected VMT per service population granted for the age-restricted portion of the development does not reflect the probable demographics.

Among the factors listed in the dEIR which reduce the project's VMT per service population is the "senior adult housing units." These include about half of the total dwelling units. "Senior adult housing," the report states, "generates about half of the daily trip generation of general market single family residential dwellings." Restricting half of

9-50

[9] The report explains this in a footnote. In another section dealing with greenhouse gas emissions, it erroneously reports the region used for analysis as the city, leading to the false claim that the project at buildout would not exceed the average VMT of Chico.
[11] See Table 6.0-1 in the Chico 2030 General Plan dEIR:
https://chico.ca.us/sites/main/files/file-attachments/chicodeir_combined_noappendices.pdf?1577755314

the dwelling units to ages 55+ therefore grants the VESP around a 25% reduction in estimated VMT.

A number of data points however suggest this reduction is overly optimistic. The Federal Highway Administration's Office of Highway Policy Information (OHPI) estimates average annual VMT per driver[12]. While older drivers do travel less than those in prime commuting age, the numbers have converged over time. In data from 2017, drivers aged 55+ have only about 13% less VMT compared to the overall average. This difference is entirely accounted for by the 65+ age group. Drivers aged 55-64 travel more than the average of all age groups.

9-50 Cont.

Much of the difference between the VMT of the senior population and that of the younger age group is related to retirement. The average age of retirement has been increasing over time. Those born after 1960 are not eligible to claim full social security benefits until 67 years of age, up from 65 for the older generations. According to an analysis based on US Census labor force participation data, the average age of retirement in California is 64.[13]

The rising cost of living compared to wages and salaries will complicate retirement for the younger generations. Housing is typically the largest single expense in a household budget, followed by transportation.[14] The underemphasis on design for affordable housing in the Valley's Edge plan, the liabilities for infrastructure and amenities,[15] and the overall imbalance in local incomes and cost of housing make it probable that residents of the Valley's Edge community will be required to prolong their work life, increasing the years of VMT-heavy commuting.

9-51

Insomuch as the population who settles in Valley's Edge will not experience pressure to prolong work life beyond the average age of retirement, the effects on VMT may be worse. According to the same OHPI report cited above, households making over $100,000 annually take about 22% more trips than the overall average. The group earning $75,000 and up take around 28% more trips than the lower earning groups which make up the bulk of the population of Chico currently.[16]

9-52

[12] Table 23a: https://www.fhwa.dot.gov/policyinformation/documents/2017_nhts_summary_travel_trends.pdf
[13] https://smartasset.com/retirement/average-retirement-age-in-every-state-2016
[14] https://www.valuepenguin.com/average-household-budget
[15] See Land Use etc, below.
[16] Table 8.

The VMT per service population for Valley's Edge is underestimated by expectations about the transit and commercial services which are not supported by ridership or market analyses.

Service population is a fundamental element in determining the feasibility for both transit and commercial services. It is closely related to residential density.

Out of the 668.5 acres proposed for residential development, Table 2-1 in the dEIR gives a mean density of 4.1 units per acre. Another 56.3 acres are single-use commercial; and the roads make up another 40.4 acres, bringing the average density of the built out (non-park or open space) portion down to 3.6 units per acre.

47% of the project area, or 683 acres, are designated parks, open space, plus land for an elementary school. Open space is compatible with transit-supportive densities insofar as the housing is clustered and not spread throughout. While the entirety of the 9 acres designated for MHDR units and some medium and low density housing is located near the commercial center, most of the low-density housing is spread linearly along ridges, leading to both longer travel times to a transit stop or shop and more difficulty walking and cycling, especially for those less physically able. Another section of very-low density housing is located in the center of the proposed regional park with the only access from Honey Run Road to the southeast.

9-53

According to the Butte County Transit and Non-Motorized Transportation Plan, "A general threshold for transit-supportive residential uses is 15 units per acre for high-frequency bus service."[17] Due to the low overall residential density, it is likely that a transit route extending to the Valley's Edge plan area would require a greater subsidy to operate than existing routes in more compact areas of Chico.[18] In compliance with Policy CIRC-5.3 in the General Plan, "Ensure that new development supports public transit," new development should make transit more viable as an option in Chico's future, not requiring a further strained and inefficient bus system to offer the most minimal service to people in need.

[17] http://www.bcag.org/documents/planning/Transit_Non_Motor_Plan/Document/Chapter%206.pdf
[18] The Sacramento transit-oriented development guidelines (dating back to 1990) cite local studies suggesting 12 units per acre as a minimum for frequent and convenient transit service. According to the Capitol Region Council of Governments (Washington DC) any form of bus service (implying usual subsidies) requires 6 to 8 units per acre. Rapid transit service calls for at least 15 units per acre, but even then the ridership will be low and concentrated during commuting hours. They state furthermore that "researchers have found that there are sharp increases (a tripling) in ridership as average residential densities approach 30 units per acre." The highest density proposed for Valley's Edge is 18 units per acre, for less than 6% of the units in the project.

The dEIR also lacks an analysis of the feasibility of basic retail services, like a grocery and a pharmacy, given the population projected for Valley's Edge. The VESP expresses the intent to accommodate a grocery in the village core, but with the low population density, commercial uses are more likely to consist of specialties people travel to access. A comparable example is the commercial center of the Longfellow neighborhood, which was gradually converted from a focus on the basic needs of nearby residents (grocery, pharmacy, hardware store) to today being dominated by a fitness center used by residents from all across the area, mostly arriving by car. 9-54

CEQA guidelines require environmental analyses to reflect "a good faith effort at full disclosure," utilizing methodologies that can generate a fuller and more accurate estimation of VMT impact.[19] It is our opinion based on the factors above that the dEIR fails to satisfy this requirement. 9-55

Hydrology and Water Quality

Groundwater Recharge

The DEIR inadequately analyzes the impacts to groundwater recharge of the shallowest aquifer. The DEIR acknowledges that groundwater recharge of the shallowest aquifer is occurring where the creeks lie but fails to acknowledge that groundwater recharge is occurring throughout the rest of the site. This includes where there are breaks in Lahar flow and the significant area where the Lahar flow is absent altogether. The shallowest aquifer supports the area's groundwater dependent ecosystems such as riparian ecosystems and the associated aquatic ecosystem, the City of Chico's Urban Forest and Valley Oak woodlands. VESP Appendix E - Geotechnical Reports details that additional precautions required when building home foundations built on or partially on Lahar flows will need groundwater seepage diversion. The language in Appendix E makes it clear that buildings and impervious surfaces will be constructed on areas of the site where the relatively impermeable Lahar flow is absent. "The predominant geologic material observed at the site is well lithified lahar rock of the Tuscan Formation Unit C. It is commonly known that the Lahar is relatively impermeable and therefore restricts water transmission". (DEIR 4.9-10). The DEIR fails to acknowledge where the Lahar is impermeable and where the Lahar is absent altogether, and thus, does not adequately demonstrate the impermeability of the Lahar on site to determine that significant groundwater recharge is not occurring on site. The Public needs to see a map of the extent of the Lahar flow overlaid with the proposed impervious surfaces that would be 9-56 9-57

[19] https://opr.ca.gov/docs/20180416-743_Technical_Advisory_4.16.18.pdf

developed as a result of the implementation of the VESP. Until the public sees such a map showing the current extent of relatively impermeable surfaces and the proposed impervious surfaces, there is no way to conclude that there would not be significant impacts to groundwater recharge. The DEIR acknowledges that this geologic material doesn't underline the entire site but only a "majority of the project site" (DEIR 4.9-30). There could be significant groundwater recharge of the shallow aquifer occurring throughout the project site, including but not limited to the land area where the Lahar flow is absent or where there are cracks in it and where its permeability allows for water percolation.

9-57 Cont.

Water Quality

The DEIR acknowledges that the project can negatively affect water quality, both in the short term from construction activities such as erosion and sedimentation due to land disturbance, uncontained material and equipment storage, improper handling of hazardous materials, and in the long term operations from urban pollutants (DEIR4.9-26). The finding that project impacts on water quality are less than significant is incorrect and inadequate. Thorough analysis justifying the less than significant determination is absent. The DEIR claims that buffer zones along the creeks and certain design considerations would significantly reduce pollutant load in runoff water entering on site creeks but this is not reasonably justified.

9-58

The DEIR does not provide sufficient evidence to prove that these buffers will actually reduce the toxicity of water that will be polluted by landscaping fertilizers, pesticides, herbicides, leaking oil and grease from vehicles, and trash below the level of significance. These pollutants which would result from project operation will significantly degrade the water quality thereby significantly impacting the environment.

Of particular concern is that this degradation of water quality will have on the sensitive wetlands downslope from the pollution sources, such as wetlands containing Butte County Meadowfoam, seasonal swales, seasonal wetlands, vernal swales, wet meadows, and aquatic ecosystems of streams and creeks.

9-59

The DEIR claims that Best Management Practices (BMPs) and Low Impact Development (LIDs) would mitigate the water quality impacts to less than significant, with on site detention systems and the inclusion of several design concepts to slow and filter out contaminants, encourage infiltration (of polluted water) and evaporation. There is currently no guarantee that these BMPs and LID methods will be successfully implemented throughout the entire project, therefore significant water quality degradation could still occur. The DEIR recognizes the potential for toxic runoff and failed to provide

9-60

adequate mitigation, or justify that the design considerations are adequate to protect water quality from pollutants resulting from the project. Project impact DEIR 4.9-1 needs to be reclassified as potentially significant or significant and unavoidable if the concerns analyzed above regarding the mitigation by design approach are not rectified.

9-60 Cont.

Energy

The electrical consumption section of the DEIR says that photovoltaic generation covers a portion of internal base electric loads, and that the proposed projects' small increase in energy consumption in the county makes the increase in electricity demand "less-than-significant." However, the DEIR does not consider power outage concerns in this high fire risk area (DEIR 4.5-20). With the increase of annual kilowatt-hour consumption and demand, Public Safety Power Shutoffs (PSPS) and Rotating Outages are more likely for our area. The proposed site is listed as a Potential PSPS area due to the high fire risk.[20] Rotating outages are based on block number, currently being redone by PG&E.[21] Much of the project area will have an unknown risk of rotating outages until the block numbers are reassigned. The north edge of Valley's Edge, against East 20th Street, is currently in Block 2G, meaning it is one of the first to have power cut in rotating outages. We will not know the VESP impact on power distribution until the area is blocked out for PG&E outages, and any increase in consumption increases the likelihood of PSPS during high fire risk.

9-61

Title 24 requires on-site clean energy generation, and requires new buildings to use photovoltaic systems to cover a portion of the internal base electrical loads. Although the increase in electricity demand is considered "less-than-significant", the photovoltaic generation percentage is not known or defined, and thus the true consumption is not accurately estimated. An addition of solar battery storage would help to offset the likelihood of rotating outages and PSPS (DEIR 4.5-20).

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The VESP mentions CALGreen requirement of EV chargers, but does not specify a number of required chargers near new multifamily dwellings, non-residential locations, and the required number of chargers dependent on the parking spaces available.[22] The charging locations must also be ADA accessible, and the VESP has no mention of accessibility (DEIR 4.5-7).

9-63

[20] https://www.pge.com/en_US/residential/outages/public-safety-power-shutoff/psps-planning-resources.page

[21] https://www.pge.com/en_US/residential/outages/planning-and-preparedness/safety-and-preparedness/find-your-rotating-outage-block/find-your-rotating-outage-block.page?#find-your-block-for-rotating-outage

[22] https://codes.iccsafe.org/content/CGBC2019P3/chapter-4-residential-mandatory-measures#CGBC2019P3_Ch04_SubCh4.1_Sec4.101.1

3. **Environmental Factors Not Analyzed**

Agriculture and Forestry Resources
The current use of the property is agricultural grazing land. The development and implementation of the Valley's Edge Specific Plan would convert this farmland into commercial and residential uses. The conversion of this grazing land to urban development will adversely impact the sequestering of carbon, and will result in other adverse significant impacts to the environment. For this DEIR to be adequate, the City of Chico needs to analyze this section within this environmental review document, in accordance with the 2021 CEQA Guidelines. 9-64

Population and Housing
The Valley's Edge Specific Plan calls for the development of 2,777 units on the 1457 acres (VESP 4-5). In Appendix F - Greenhouse Gas Model Outputs, the model estimates that this specific plan will have a population of 8,064 (VESP DEIR Appendix F). With the City of Chico's current estimated population of 101,475[21], the implementation of this plan would increase the population by 7.9%. The plan would induce substantial population growth by proposing new homes and businesses, as well as by extending many services. The DEIR is inadequate as it needs to fully analyze and incorporate a Population and Housing section, in accordance with the 2021 CEQA Guidelines. 9-65

4. **Other Environmental Considerations**
Land Use, Housing, and Environmental Justice

The Valley's Edge Specific Plan (VESP) land use conflicts with state and local goals and policies associated with housing and environmental justice. First, the plan inverts the housing needs of the Chico area, committing the bulk of land to the most expensive classes of housing of which Chico has exceeded its measure of need in the 2014-2021 Regional Housing Needs Assessment (RHNA) cycle. The high cost of housing in the VESP is reinforced by the maintenance obligations of a project-wide Homeowners Association (HOA) to be put in place by the developers and transferred to the purchasing owners. 9-66

Furthermore, the project HOA saddles the residents of the project core (and the lone 9 acre plot for apartment construction) with the cost of maintaining services and 9-67

[21] https://www.census.gov/quickfacts/fact/table/chicocitycalifornia/POP010220

infrastructure extending up the ridge lines. This inequality of return on public services is reflected at a greater scale in the contrasting environments of Valley's Edge and the Southeast Chico neighborhoods surrounding Meriam Park.

9-67 Cont.

The VESP is not planned to meet the city's housing needs.

Between agricultural land to the west and foothills to the east, Chico has limited land to expand to meet our growth needs. City staff, asked in a survey last year[24], "What are the primary barriers or gaps your jurisdiction faces in meeting its RHNA goals for producing housing affordable to very low- and low-income households?" cited "availability of land," and "affordability of suitable land." The Doe Mill/Honey Run Special Planning Area (SPA) is intended to be a permanent boundary of the city of Chico and so consists of the last acres available for urban development in the foothills south of Little Chico Creek. It is the clear intention of the General Plan that designated "areas of new growth," of which Doe Mill/Honey Run is the largest, be tailored towards the otherwise unmet needs of our community.[25]

9-68

The BCAG 6th Cycle Regional Housing Needs Plan (RHNA) assigned 3,488 units to the city of Chico - 1,101 very-low income, 507 low-income, 700 moderate, and 1,110 above moderate income; or 31.8% above-moderate housing and 69.2% below. These allocations come after Chico's abysmal performance in the period of the current Housing Element beginning in 2014.
The VESP is not responsive to these needs.[26] 35% of the area proposed for residential development is dedicated to very low density housing.[27] 85% is dedicated to very low or low density housing, and less than 1.5% for medium high density, which corresponds to the needs for lower income groups. The Doe Mill/ Honey Run SPA land use projection in

9-69

[24]BCAG 6th Cycle Regional Housing Needs Plan:
http://www.bcag.org/documents/planning/RHNP/2020%20RHNP/BCAG_6thCycleRHNP_11.30.20_FINAL.pdf
[25] "Goal LU-6: Comprehensively plan the Special Planning Areas to meet the City's housing and jobs needs."
[26] The argument is made (for example by local real estate agent Brent Silberbauer during the planning commission hearing for this dEIR) that the availability of larger, more expensive houses facilitates a 'filtering' of smaller, more affordable units to the lower classes. Filtering is a well-documented process in housing markets but usually refers to affordability resulting from building age and deferred maintenance. To the extent that filtering also applies to people opting for more expensive housing, it would also apply to people downsizing into newly available smaller units. Probably moreso considering the prevalence of housing cost burden locally, with the California Housing Partnership estimating that 35% of moderate income households in Butte County are cost burdened, along with 64% of low-income households and as much as 91% of extremely low-income households (see their 2020 Butte County Affordable Housing Needs Report:
https://1p08d91kd0c03rlxhmhtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2020/06/Butte_Housing_Needs_Report_2020-HNR.pdf)
[27] The VESP proposes its own unique 'low-density' zoning with an average density which actually falls within the city's category for 'very low-density.'

the 2014 Housing Element included almost twice the acreage for medium high density housing. Medium density zoning, which California housing law equates to provisioning for moderate income housing, is roughly equivalent in the Housing Element land use projection and VESP, in spite of the latter's 40% increase in the acreage for residential development. The increase is entirely dedicated to housing for low or very low density, or the above moderate income group, with a decrease in acreage for medium high density housing also contributing to a more pronounced emphasis on higher income households. The General Plan provides for flexibility in SPA planning to accommodate changes in the housing needs.[28] Although the need for low-income housing has grown more significantly more acute, the VESP provides for less.

9-69 Cont

The master developer, in compliance with General Plan action LU-6.2.1, agrees to "work collaboratively with the City and below market housing providers to explore supplementary affordable housing opportunities utilizing governmental subsidies or other incentives." However, by arranging the land use designations to exclude higher density housing from all but a 9 acre section in the first phase of the project, the VESP precludes the opportunity for the City or below market housing providers to arrange funding for affordable housing developments after this section is built out. Before later phases of the project are completed, the ongoing pressure to satisfy low-income housing needs will induce Chico to seek new growth areas. The EIR needs to acknowledge that the land use proposed is incommensurate with the use of government subsidies for below market housing.

Overall, the dEIR lacks any analysis of the impacts of the VESP on the housing targets for Chico.

9-70

Situating the project in one large HOA burdens residents with the costs of design inefficiencies considered unacceptable for the city as a whole.

Allowing a restricted access HOA to form over the VESP project area insulates the municipality from the obligation of maintaining some basic infrastructure, but that burden is passed onto the residents.

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The VESP circulation plan has a main collector route connecting the Skyway entrance to East 20th Street. To the West and along this route is the commercial and office section referred to as the "village core," the community commercial section on the north side of

9-72

[28] "Policy LU-6.2 (Special Planning Area Implementation) - Allow flexibility when planning the Special Planning Areas in order to meet changing community housing and jobs needs."

the development, a community park, elementary school, and the only section of proposed medium high density zoning that could potentially include low-income housing. The characteristics of an efficient and sustainable land use pattern explicitly called for in the General Plan - mixing of uses, diversified housing types, clustered development, design for 'complete neighborhoods' - are all applied (albeit marginally) to the core but not to the periphery east of the main collector. Street access, pipes, and other infrastructure servicing the project core are required for access and servicing of development on the higher elevations of the north and east sides of the property,[29] but the inverse is not true.

9-72 Cont.

While this project is designed too inefficiently for the city to desire to adopt the basic infrastructure, that liability must still be distributed. In the VESP, the project core will be required to subsidize the maintenance costs of the periphery should property owner fees remain equal, tying the only section potentially accessible to residents with lower incomes to the largesse of the project periphery.

In addition to the geology of the Lahar formation, VESP includes features which will increase the cost of living in the community, with apparently no ability to opt in favor of a more affordable lifestyle. These include a wildfire suppression system including hundreds of pressurized fire hydrants, a park around a private lake, and other indoor and outdoor recreational facilities. The greater the sprawl into the higher elevations, the more services and facilities required. If California Park is any indicator, HOA responsibilities will also include rigorous landscaping and private security.

9-73

However genuine the attempt to design an idyllic community, the indiscriminate distribution of expenses for private amenities cannot be squared with many of the goals and policies of the 2014 Housing Element, or the clearly stated purpose for Chico growing into the Special Planning Areas, "to meet the city's housing and job needs." A balance could be reached between the desire for high-quality amenities and local housing needs. The VESP does not attempt such a balance.

9-74

The layout of Valley's Edge in relation to the Southeast Chico neighborhoods generates the conditions for a concentration of poverty and environmental injustice.

South Chico is the historic industrial and working class section of the city. The census tract including the Chapman and Mulberry neighborhoods is a disadvantaged community for factors including nitrate contamination, air quality issues, residual industrial uses

9-75

[29] The entire rest of the project minus Equestrian Ridge.

adjacent to residences, poverty, unemployment, and housing burden[30]. In the mid-twentieth century, African Americans and other minority groups were largely confined in their housing options to this area.

Further east beginning on Forest Avenue is a district developed from the late 80's to 2000's of largely moderate and low-income housing stretching from Highway 32 south to the Regional Commercial stores, continuing along Notre Dame Boulevard to Forest Avenue. This section features a mix of apartments, townhomes, and compact single-family homes.

The site of Meriam Park was skipped over for development west of Bruce Road which is today frequently called by the name of the most distinguishable section, Doe Mill. Meriam Park is currently being built into one of the most compact and livable communities in Chico and a cultural and economic center for the surrounding neighborhoods, including the headquarters of the Mechoopda Indian Tribe.

The zoning for Meriam Park, Traditional Neighborhood Design (TND), is unique and was adopted by the city specifically to permit the kind of compact, walkable city planning that the General Plan calls for. The resultant quality of the urban setting, and especially the presence of a large proportion of city's affordable housing, has drawn public grant funding to further improve the area's infrastructure, including the $22 million Infill Infrastructure Grant for widening Bruce Road and $12 million for a bike bridge over East 20th St.

Much of the future growth of Chico is also slated for this vicinity, including a large quantity of R2, R3, and CMU along Bruce Road and the city's only vacant R4 parcels on Highway 32. 6 out of 7 pending subsidized affordable housing projects in Chico are within or immediately adjacent to Meriam Park, primarily (4 out of 6 projects) along Highway 32 or Bruce Road.

The development of high-income restricted access communities with separate provisioning for maintenance of basic infrastructure in the foothills above more compact and affordable neighborhoods reliant on municipal services entails some likely adverse impacts on the latter.

For one, most of the significant impacts the dEIR does analyze — air quality, aesthetics, transportation, danger to biological wealth and diversity — have a focused impact on the

9-75 Cont.

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[30] https://oehha.ca.gov/calenviroscreen/sb535

communities lying beneath Valley's Edge. Overriding considerations found to justify the project will place an unfair burden on the Southeast Chico neighborhoods not made explicit by the dEIR. The focus of the impact is made worse by the hierarchical street network which favors high volumes of high speed traffic on certain arterial roadways. The impacts are consequently worse along these roads, where Chico tends to concentrate multifamily zoning, exposing residents to higher levels of contaminants, noise, and traffic danger. In part to support the traffic volumes anticipated by Valley's Edge, Bruce Road will be widened, negatively affecting access between Oak Valley and Doe Mill with Meriam Park, neighborhoods designed to favor walking and alternative modes of transportation.

9-76 Cont.

In urban forestry, cycling infrastructure, and traditional neighborhood design, the Southeast Chico neighborhoods exhibits the most mature, consistent, and integrated application of progressive standards in Chico's urban planning and by permitting a massive expansion on their periphery with no practicable way for people to go about their daily lives without reliance on automobiles this district will be prone to decline into a condition of environmental disadvantage. Valley's Edge will produce an outpouring of traffic and its associated impacts, inhibiting local connectivity while sealing off an enclosure of the city from Bidwell Park to Butte Creek Canyon, privileging the access and connection to the natural environment that is considered the one of the most prized characteristics of living in Chico.

9-77

The purpose behind the allocation of public subsidies for affordable housing in this area, based on proximity to services and the principle of integration and environmental quality is thus subverted by creating the conditions for a gradual transformation of the area into one of concentrated poverty. The presence of compact low-income communities supports the public services, beguiles the infrastructure grant funding, and sources the workers for the restaurants, retail, construction, landscaping, and other employment anticipated in Valley's Edge. This is exactly the kind of situation that planning for environmental justice and jobs/housing balance is meant to avoid.

Another impact of the VESP on the surrounding community concerns the civic divide engendered by such a large exclusively maintained community. The decoupling of local services in the SPA from the financial standing of the municipality harms support for public projects serving the broader community. For what capital improvements do exist, communities like Valley's Edge incentivize a priority of through traffic on arterial roads

9-78

over safety on these roads and residential access in the wider street network.[31] A comparable pattern exists in metropolitan regions around the country where high-income communities formed in eras of 'white flight' maintain high quality public services in sharp contrast to urban decay of historic city centers. In this case, residents of the Valley's Edge HOA will still exert political influence from within the municipality.

In general, the restriction of public access to some of the most visible and naturally appealing environments in Southeast Chico injures sense of place and community, and physically and psychologically reinforces social inequalities which are already exceptionally pronounced in the Chico area.[32]

9-78 Cont.

5. **Project Alternatives Potentially Supported**

Of the Alternatives given in the dEIR, only Alternative 1 adequately addresses the project's significant environmental impacts. Alternative 4 would make for a less environmentally unsound project without reducing the number of housing units, but it contains fewer viable low-income housing units and significantly more irreversible conversion of habitat than Alternative 2, the land use projection in the General Plan. The dEIR manages to compare the four given alternatives without anywhere noting, for example, that Alternative 2 includes 23% more open space than Alternative 4, which is dubbed "Increased Open Space and Higher Density." Alternative 4 merits a reduction in VMT per service population for the increase in MHDR units, the dEIR notes, but the same point is not made regarding Alternative 2, although 22% of the housing units in Alternative 2 are MHDR, while for Alternative 4 the amount is less than 9%.[33] A Land Use Summary Comparison Table notes that Alternative 2 would provide fewer residential units and non-residential square feet than the proposed project without comparing the built acreage, densities, or housing types, which would reveal that the entirety of the increase in residential units in the proposed project is accounted for by low density and very low density housing, including even a substantial reduction in MHDR units. Alternative 4, in contrast, has the complete Land Use Summary Comparison Table revealing housing types and densities and another graph detailing each land use revision. Because the conceptual land use map in the General Plan is not as detailed as the maps

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9-82

[31]This resembles the current state of Chico's capital projects, with emphasis on widening peripheral roads and repaving thoroughfares while streetscape improvements like on North Cedar, in spite of serving the densest residential area in the city, remain unfunded and are instead seen by the city as "an opportunity for the city to partner with Chico State University and the Mechoopda Tribe." (See: Chico 2020 Analysis of Impediments to Fair Housing: https://chico.ca.us/sites/main/files/file-attachments/attachmentd-analysisofimpediments.pdf?1589932732)
[32] https://chico.newsreview.com/2021/12/01/feeling-the-pinch/
[33] The density given for MHDR in Alternative 4 is 11.1, below the minimum for that zoning designation in the 2030 General Plan.

produced for the proposed project and other alternatives, the comparison is further obscured.

9-82 Cont.

The community is unable to properly balance the needs for housing in Chico with goals like reducing dependence on automobiles, preventing loss of habitat and biodiversity, and preservation of the foothills for public enjoyment when every alternative offered fails to do so. The range of alternatives is improperly portrayed without any that address consideration for housing needs while retaining the reduced development footprint of the 2030 General Plan Alternative and thereby reducing significant environmental impacts.

We also include an Alternative 6 which rezones the property to a land use designation suited for the site's diverse sensitive species and habitat, to prioritize growth in other areas of the city (including the areas the city has designated for higher density, like the Corridor Opportunity Sites).

9-83

Alternative 5

The City of Chico needs to provide an Alternative 5, which extends the changes in Alternative 4 further and possibly incorporates other changes to achieve qualitative goals in line with the General Plan. Alternative 5 would have a more compact form with higher densities that would be supportive of transit: between 15 and 22+ dwelling units per acre. The higher density development would include more compact single-family homes and a greater diversity of other housing types by changing the zoning to allow for 90% of the dwelling units to be R2/R2-VE (Medium Density Residential), R3/R3-VE (Medium-High Density Residential), R4 (High Density Residential), and RMU (Residential Mixed Use), while 10% of the development can be zoned lower density residential. This alternative would not extend further east than the proposed collector street network. It would have increased open space, both accommodate reliable public transportation on the project site and enhance service to areas to the West; ensure on-site commercial can support basic needs in line with the Specific Plan claim to a "complete" and "20-minute" neighborhood, and ensure compliance with the Climate Action Plan and drafted Butte Regional Conservation Plan. In consultation with all relevant departments of city staff, this alternative ought to be formed in such a manner that the City would agree to adopt the basic infrastructure, obviating the necessity of an HOA and guaranteeing full public access and enjoyment of the area, as is the case with most neighborhoods.

9-84

The increase in density and open space would reduce the impact on sensitive species and protected wetlands, reduce vehicle miles traveled, and most likely reduce the level of significance for greenhouse gas emissions. Most other project objectives listed in the dEIR would also be better accomplished, including provision of housing responsive to

9-85

demographic shifts, promoting livable and complete neighborhoods, promoting outdoor recreation, and accommodation of bicycles and transit.

9-85 Cont.

Alternative 6
This alternative would rezone the property from Special Planning Area (SPA) to Open Space 1 (OS1) with a Resource Constraint Overlay, due to the fact that there are so many sensitive, threatened, and endangered species that would be impacted by development on this site. Open Space 1 would be better suited as a land use designation as the zone is appropriate for sites with environmental resources, including oak and riparian woodlands, wetlands, deer herd ranges, hillsides and viewshed management areas (City of Chico Land Use and Development Regulations 19.50.10). The site has all of the above sensitive habitats, and as such should be analyzed for this rezone.

9-86

Alternative 1
No Project/No Alternative would not negatively impact sensitive species, not increase greenhouse gas emissions and other air quality pollutants, there would be no changes to the scenic view, and would not increase vehicle trips. The Butte Environmental Council supports Alternative 1.

9-87

This public comment letter has been approved by the BEC Board of Directors. Thank you again for the opportunity to provide comment on this environmentally impactful project.

Sincerely,

Caitlin Dalby
Executive Director
Butte Environmental Council

(530) 891-6424
www.becnet.org

Butte Environmental Council (BEC) has been a leading 501(c)(3) environmental non-profit in Butte County since 1975, dedicated to environmental issues that threaten the land, air, and water of our communities. BEC is a grassroots organization supported by over 200 paying members, hundreds of volunteers and donors, dozens of local business sponsors, over 3,500 followers on social media, and over 4,000 subscribers to our monthly electronic newsletter. Throughout each year, BEC offers citizens many chances to engage in environmental education, advocacy and stewardship. BEC provides position statements when the organization's leaders recognize a regional environmental threat to citizens.

Public Comment Authors

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Response to Letter 9

Butte Environmental Council (Caitlin Dalby, Executive Director)

9-1 The commenter states that land use changes are the second major cause of climate change and that the EIR fails to acknowledge that the land use changes proposed in this project would contribute to climate change. The commenter further states that the proposed land use change of grassland and woodland ecosystems to urban development would emit significant GHG emissions and reduce the ability of the landscape within the project site to sequester carbon. According to the commenter, the EIR fails to estimate the increase in GHG emissions resulting from the proposed land use change.

The Draft EIR does analyze the increase in GHG emissions that would result from the proposed project, which would alter the land uses on the project site. Table 4.7-4 on page 4.7-27 presents the operational GHG emissions associated with development of the project site. The proposed project would result in approximately, 17,719 MT CO_2e compared with existing conditions. The California Emissions Estimator Model (CalEEMod) was used to estimate project emissions. CalEEMod considers both emissions from future uses, and the loss of sequestered carbon (release of CO_2) based on the Intergovernmental Panel on Climate Change (IPCC) reports. For grassland, which would be the closest land use associated with the existing site, removal of grassland would result in a rate of 4.31 MT CO_2/acre, for a total of approximately 2,452 MT CO_2e. The proposed project would also result in carbon sequestration from the planting of a variety of hardwood tree species, as listed in Appendix B of the VESP. Mixed hardwood trees planted within the project would result in a sequestration rate of 0.0367 MT CO_2/tree/year assuming growth over 20 years, however, the number of trees to be planted is currently unknown. If a very conservative estimate of two new trees per single-family unit and one new tree per multi-family unit is made, trees within the project would equate to approximately 3,315 MT CO_2e of sequestered carbon. Most residential units include one or two street trees and at least two private trees (e.g., in front yards, rear yards and in parking areas), and often more. Although planting new trees within the project may offset the loss of grasslands regarding carbon sequestration, these alterations in vegetation would not be sufficient to change the conclusions reached in the Draft EIR. The proposed project would still result in a cumulatively considerable contribution of GHG emissions. Therefore, no changes to the Draft EIR are required and impacts would remain significant.

9-2 The commenter states that dams and artificial lakes result in significant GHG emissions due to the decomposition of excessive algal growth. The commenter further states that the Draft EIR failed to analyze the complete GHG emissions from the project due to the absence of analysis of GHG emissions from the reservoirs on site and land use change.

As discussed in Impact 4.9-1, on-site detention features would employ best management practices (BMPs) and "Low Impact Development" (LID) methods to slow water, filter out contaminants, and encourage infiltration and evapotranspiration. A benefit of these approaches is that nutrient loading to the detention features is minimized, which limits the stimulation of algal growth. LID design concepts may include the implementation of techniques such as limiting the amount of hardscape, amended soil, rain garden (or bioretention cell to treat polluted runoff from a parking lot, for example), disconnected roof drain, tree planting, native vegetation preservation, and natural drainage flow. Solutions such as porous pavement and reduced hardscape aim to maximize infiltration and slow runoff, the application of which would, as with other techniques, be

conditioned upon appropriate geological conditions. Since the proposed lake features would be relatively small, excessive algal growth may also be avoided by installing water oxygenation systems or other algae-management technologies, either during initial construction or as a later improvement. The specific design of the lake features is not known at this time, and it is speculative to assume that the lakes would experience excessive algal growth that would then decompose and emit significant amounts of greenhouse gasses. Furthermore, periodically, sediments accumulated in the in the detention basins will be removed, thereby reducing the source of methane (a potent GHG) production from organic sediment.

With respect to GHG emissions due to land uses changes, please see Response to Comment 9-1.

9-3 The commenter asserts that the proposed project is inconsistent with the state's statutes and executive orders as well as the City of Chico Climate Action Plan (CAP) 2021 Update.

As discussed on pages 4.7-31 and 4.7-32 of Section 4.7, Greenhouse Gases, the City's CAP Update identifies a variety of GHG reduction measures to help the City progress towards a carbon neutrality goal. Table 4.7-5, starting on page 4.7-31, addresses how the proposed project would meet each of the CAP reduction measures. Although the proposed project is not estimated to meet the CAP Update's efficiency goals of 2.76 MT CO_2e per capita per year by 2030 and carbon neutrality goal by 2045, the proposed project would comply with many of the CAP's goals, policies, and actions related to reducing GHG emissions. Most of the GHG emissions associated with implementation of the proposed project would be due to gasoline-powered vehicle trips by future residents. Actions C-1.5, C-1.7, and C-1.8, in addition to Title 24 building code requirements, would promote alternative methods such as walking and biking, which would reduce criteria air pollutant and GHG emissions associated with transportation sources by requiring the proposed project develop electric vehicle (EV) infrastructure. Furthermore, non-residential uses within the proposed project would be required to incorporate a TDM plan (per Air Quality and Transportation mitigation requirements), and any applicable City ordinances in the future that require carpool/vanpool/ shuttle parking minimums.

With regard to state goals such as EO B-55-18 (statewide goal of carbon neutrality by no later than 2045), which is a more aggressive statewide goal than EO S-3-05 (reduce GHG emissions to 80% below 1990 levels by 2050), CARB will need to work with relevant state agencies to ensure that future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal. With respect to future GHG targets under SB 32 and EO B 55 18, CARB has made clear its legal interpretation that it has the requisite authority to adopt whatever regulations are necessary to meet the long-term statewide goals; this legal interpretation by an expert agency provides evidence that future regulations will need be adopted to continue the state on its trajectory toward meeting these future GHG targets. Additional measures, including locally driven measures would be required to achieve greater emission reductions.

9-4 The commenter asserts that the VESP conflicts with the state's Executive Order (EO) B-55-18, carbon neutrality by 2045, by developing 700 acres of undeveloped land.

As discussed under Impact 4.7-2, the proposed project was determined to conflict with a plan, policy or regulation to reduce GHG emissions because operations of the proposed project would result in significant GHG emissions. The proposed VESP includes many goals, policies, and actions

related to reducing GHG emissions. Specifically, the proposed project would further reduce mobile GHG emissions through compliance with VESP actions PROS-3.1, LU-2.8, C-1.1, C-1.2, and C-1.7, which would promote a multimodal transportation network (i.e., walking, bicycling, transit, and vehicles) throughout the plan area. In addition, action C-1.5, C-1.7, and C-1.8 would also promote alternative methods of transportation by requiring the proposed project develop NEV and EV infrastructure. The proposed project also would promote energy efficiency and water conservation through implementation of actions PROS-4.2, INFR-4.1, DES-2.1, DES-2.2, DES-2.3, DES-2.10, and DES-2.14. These measures would require the proposed project to incorporate drought tolerant landscaping and incorporate water efficient fixtures to reduce outdoor and indoor water consumption, install photo voltaic (PV) systems on all residential buildings, and exceed the CALGreen mandatory requirements. Furthermore, the proposed project would implement mitigation measures AQ-2 and AQ-5 which would reduce GHG emissions through incorporation of energy conservation measures on all propose building plans and with implementation of a Transportation Demand Management (TDM) program. Even with incorporation of mitigation and compliance with local and state regulatory measures, the proposed project would result in GHG emissions of 17,719 MT CO_2e, which is why the Draft EIR identifies a significant and unavoidable impact of inconsistency with GHG plans and policies (Draft EIR p. 4.7-40).

9-5 The commenter asserts that the project is inconsistent with BCAG's 2016 RTP/SCS, stating that the VESP would be a land use development antithetical to the definition of BCAG's proposed transportation network and that the VESP's residential development density per acre is far too low for "high quality transit."

As discussed on page 4.2-28, Section 4.2, Air Quality of the EIR, the Northern Sacramento Valley Planning Area 2018 Triennial Air Quality Plan (2018 Plan) relies on the land use and population projections provided in the RTP/SCS, which is generally consistent with local plans; therefore, the air quality management plans are generally consistent with local government plans (e.g., General Plan). The City's 2030 General Plan designates five new growth areas or special planning areas within the City's SOI. The project site is designated in the General Plan as Special Planning Area 5 (SPA-5) or the Doe Mill/Honey Run SPA. The General Plan includes a conceptual land use plan for this area that includes a mix of residential commercial, public facilities and parks and open space uses. The proposed project's land use and development assumptions are generally consistent with the City's General Plan as the designations for the site would still permit a variety of residential, commercial, and open space uses. The VESP implements the City's 2030 General Plan because it is in alignment with the guiding principles, goals, actions and overall land use concept set forth in the General Plan. Further, the project site is depicted as a new growth area on Figure 4-2 of BCAG's 2016 RTP/SCS, indicating compatibility with this City General Plan growth area.

Once the project site is annexed to the City the project site's pre-zoning would facilitate development consistent with the proposed VESP land uses. The proposed project has generally been designed to be consistent with the City's density expectations as set forth by the General Plan. Therefore, based on the prior considerations, the proposed project would not result in significant population growth that would substantially exceed BCAG growth projections for the County. Furthermore, the proposed project would support goals within the 2016 RTP/SCS such as Objective 6.1 and 8.1 which identifies that the region implements a transportation system for bicyclists and pedestrians as well as the reduced usage of nonrenewable energy resources for

transportation. The proposed project would include Actions C-1.5, C-1.7, and C-1.8 which would promote alternative transportation methods within the project area.

9-6 The commenter asserts that the proposed project would conflict with the 2030 General Plan Goal SUS-5 and would increase nonrenewable energy and resource consumption citywide from construction and operation.

Residential and nonresidential buildings constructed due to implementation of the proposed project would be constructed to meet the 2019 Title 24 Standards including the installation of photovoltaic (PV) panels in order to offset the electrical consumption of residential land uses by at minimum 28% per action INFR-4.1 of the VESP. Buildings constructed by the proposed project would also be "all-electric," built without natural gas per GHG Reduction Measure E-2 within the City's 2021 CAP Update. Furthermore, residents and customers of the proposed project would receive electricity from Pacific Gas and Electric (PG&E), which is required to have 100% of electric retail sales come from eligible renewable or carbon-free sources by 2045 per SB 100 which was not assumed for buildout of the proposed project. Based on these reasons, the proposed project would not conflict with Goal SUS-5 from the City's 2030 General Plan.

9-7 The commenter asserts that the proposed project would conflict with the 2030 General Plan Goal SUS-6 because the proposed project would increase the City's overall GHG emissions and that the Draft EIR does not mitigate potentially significant GHG emission impacts.

The project would support the direction of Goal SUS-6 by ensuring that development under the VESP meets or exceeds energy conservation standards, avoiding the use of natural gas, including use of NEVs and other required energy conservation features provided in mitigation measure AQ- 3 on page 4.2-35 of the Draft EIR. Please see Responses to Comments 9-3 and 9-6.

9-8 The commenter asserts that the proposed project would conflict with the 2030 General Plan Goal CIRC-9 because the proposed project would increase single-occupant vehicles and increase GHG emissions associated with development of the proposed project.

General Plan Goal CIRC-9 is implemented through a series of Actions, several of which place the implementation burden upon the city itself and other large employers to institute trip reduction programs and Travel Demand Management (TDM) plans to achieve its ends. Although not a large employer, the proposed project would be required by mitigation measure TRAF-2 to reduce average project-generated VMT per service population by instituting a TDM program to reduce external vehicle trips generated by the proposed project. See Response to Comment 9-4 for a discussion of VESP goals, policies, and actions related to reducing GHG emissions. These VESP goals and policies would help reduce the degree to which future residents within the project would have to rely on single-occupant, gasoline-powered vehicles, which also aligns well with General Plan Goal CIRC-9.

9-9 The commenter asserts that the proposed project would conflict with the 2030 General Plan Policy CIRC-9.3 (*Emphasize automotive trip reduction in the design, review, and approval of public and private development.)* because the proposed project is far from the urban core and would, therefore, facilitate additional vehicle trips over a project site situated near the City's urban core.

By proposing commercial (56 acres), recreational (>700 acres), and educational (10 acres) land uses alongside a mix of single-family and multi-family residential uses within the specific plan area and connecting the mix of land uses with a multimodal network of streets and trails, the project design emphasizes alternative modes of transportation and automotive trip reduction. More specifically, by proposing a mixed-use project and supporting the use of electric-powered vehicles, bikes and footpaths to make various areas accessible, the project design reduces the need for resident to drive in a gasoline-powered vehicle to the urban core (e.g., to visit a park, meet a friend for coffee and/or pick up a basic item or two). Further, the project site is located in southeast Chico, which has well over 1 million square feet of commercial retail space and offers at least as many goods and services as the urban core. Policy CIRC-9.3 does not speak to the location of new development per se, but rather design, and the proposed project is designed with trip reduction measures, as explained above and also in Response to Comment 9-4.

9-10 The comment asserts that the proposed project would conflict with the 2030 General Plan Goal OS-3 because the proposed project would result in the degradation of water quality due to fertilizers, pesticides, and leaking of oil from vehicles, and increase in trash.

As discussed in the Draft EIR under Chapter 2, Project Description, the project is designed such that appropriately sized basins and culverts would be used to slow water and decrease downstream runoff release rates. In addition, amended soil, bioretention cells, rain gardens, and native vegetation would be used to further reduce irrigation water use and summer irrigation demand, as well as filter out contaminants and encourage infiltration and evapotranspiration. Low-gradient water quality swales and vegetated basins with retention or detention features would also be incorporated where appropriate to process and filter runoff prior to entering natural drainages or open space on the project site. As further discussed under Impact 4.9-1 in Section 4.9, Hydrology, Water Quality, and Drainage, the project would not significantly violate water quality standards, waste discharge requirements, or otherwise substantially degrade surface or ground water quality. Compliance with the requirements of the Construction General Permit, the VESP development standards, and Chapter 15.50 of the City's Municipal Code are sufficient to address the potential for buildout under the VESP to violate water quality standards or waste discharge requirements (WDRs). These requirements specifically address water quality concerns due to fertilizers, pesticides, and leaking of oil from vehicles. Implementation of SWRCB and Central Valley RWQCB requirements (CWA NPDES Program and Porter–Cologne Water Quality Control Act WDRs) are enforced by the City of Chico through Section 15.050.060 of the Municipal Code, and consistent with the City's General Plan policies and actions, including Goal OS-3 and Policies OS 3.1, OS 3.2, and OS 3.3 which refer to the protection of water quality as described in Section 4.9.2, Regulatory Setting. Therefore, the Draft EIR provides an adequate analysis of potential conflict with applicable water quality standards, including the General Plan Goal OS-3.

9-11 The commenter asserts that implementation of the proposed project would exacerbate climate change impacts leading to extreme heat, wildfires and drought by replacing green space with development.

The VESP includes many goals, policies, and actions related to reducing GHG emissions. Specifically, the proposed project would further reduce mobile GHG emissions through compliance with VESP Actions PROS-3.1, LU-2.8, C-1.1, C-1.2, and C-1.7, which would promote a multimodal transportation network (i.e., walking, bicycling, transit, and vehicles) throughout the plan area. In addition, Action C-1.5, C-1.7, and C-1.8 would also promote alternative methods of transportation

by requiring the proposed project develop NEV and EV infrastructure. The proposed project also would promote energy efficiency and water conservation through implementation of VESP Actions PROS-4.2, INFR-4.1, DES-2.1, DES-2.2, DES-2.3, DES-2.10, and DES-2.14. These measures would require the proposed project to incorporate drought tolerant landscaping and incorporate water efficient fixtures to reduce outdoor and indoor water consumption, install PV systems on all residential buildings, and exceed the CALGreen mandatory requirements. In addition, mitigation measure AQ-3 includes heat island reduction measures which are to be incorporated into all proposed building plans including non-residential and residential buildings meeting the U.S. Green Building Council and the Cool Roof Rating Council standards for cool roofs and pavements. Therefore, Therefore, because the VESP includes the above GHG-reducing and mitigating elements and the EIR acknowledges the potential impacts regarding GHG emissions is significant and unavoidable, no changes to the EIR are required and potential impacts regarding GHG emissions would remain significant. Please see Master Response 1 which addresses wildfire concerns and describes how the Draft EIR adequately assesses and discloses how the project has been designed and will be managed to decrease wildfire potential within and beyond the project's area boundaries.

9-12 The commenter asserts that it is unclear how much GHG emissions would be reduced through implementation of mitigation measure GHG-1. The commenter suggests that mitigation measures should focus on transportation and energy sources.

Please see Responses to Comments 9-6 and 9-11 regarding the actions included in the proposed project that would reduce GHG emissions related to transportation and energy sources. Furthermore, mitigation measure GHG-1 would require the proposed project to provide storage areas for recyclables and green waste, and food waste storage. Assuming a waste diversion goal of approximately 75%, consistent with AB 341, the proposed project would result in a reduction of 1,360 MT CO_2e per year as presented in Table 4.7-4 of the Draft EIR (Draft EIR p. 4.7-27). This is a feasible and effective measure to further reduce GHG emissions from project operation, complementing the transportation and energy project design components which would also reduce GHG emissions from the project operation.

9-13 The commenter asserts that idling restrictions required by mitigation measure AQ-2 would only mitigate a negligible amount of air quality emissions. The commenter also suggests that the proposed project would still have significant air quality emission impacts due to the substantial number of automobiles and trucks resulting from the proposed project.

Anti-idling measures would limit the amount of time vehicles can idle their engines. Emissions from idling vehicles would include CO; NO_x and VOCs, which contribute to the formation of ozone; PM; and CO_2. Rest-period idling results in the emissions that would contribute to climate change and diminish local air quality. Mitigation measure AQ-2 and compliance with CARB's Airborne Toxic Control Measure would limit idling of diesel-fueled commercial vehicles to reduce air quality emissions. However, as discussed on pages 4.2-32 and 33 in the Draft EIR and as shown in Table 4.2-8, levels of ROG, NO_x and PM_{10} would exceed the air district's thresholds requiring participation in an off-site Mitigation Program in order to reduce air quality emissions generated from operations. Furthermore, the proposed project would reduce mobile air quality emissions through compliance with VESP actions PROS-3.1, LU-2.8, C-1.1, C-1.2, and C-1.7, which would promote a multimodal transportation network (i.e., walking, bicycling, transit, and vehicles) throughout the plan area. In addition, action C- 1.5, C-1.7, and C-1.8 would also promote alternative methods of transportation by requiring the

proposed project develop neighborhood electric vehicles (NEV) and EV infrastructure. Furthermore, the proposed project would require implementation of a transportation demand management (TDM) program. However, because the extent to which residents, employees, and customers would use these alternative methods are unknown the associated reductions cannot be determined with certainty at this time and impacts are therefore considered significant and unavoidable.

9-14 The commenter asserts that the Draft EIR's energy conservation mitigation measures are not impressive. The commenter requests information on the amount of criteria emission reductions associated with energy star appliances, installation of LED lightbulbs, and provision of information on energy efficiency and incentives. The commenter further suggests that use of natural lighting should not be included in energy conservation as it is a nonquantifiable energy conservation measure.

As represented in CalEEMod, the software used to model air emissions in the Draft EIR, energy sources include emissions associated with building electricity. Electricity use would contribute indirectly to criteria air pollutant emissions; however, the emissions from electricity use are only quantified for GHGs in CalEEMod, since criteria pollutant emissions occur at the site where electricity is generated (i.e., power plant), which is off site. In addition, the reduction in criteria emissions due to more energy efficient appliances, LED light bulbs, etc. cannot be determined at this time because specifics regarding what would be included in each house and how people would use their lights and appliances is not known. However, even if this cannot be quantified, the mitigation measures provided are feasible and would reduce the project's energy use to some degree. Thus, because some of these project uses and activities cannot be quantified, and those uses and activities that can be quantified (such as all-electric buildings and no natural gas) would not ensure that the project's increase in energy would be below the significance threshold. Therefore, the criteria air pollutant emission reductions associated with mitigation measure AQ-2 are not quantified.

9-15 The commenter asserts that more substantial GHG mitigation measures are required to comply with state and local policies requiring the City to reduce emissions.

Please see Responses to Comments 9-6 and 9-11 regarding actions that the proposed project includes that would reduce GHG emissions related to transportation and energy sources. Furthermore, the proposed buildings would be all-electric, no natural gas would be combusted during operation of the buildings. Table 4.7-5, starting on page 4.7-31, addresses how the proposed project would meet each of the City's CAP reduction measures. The proposed project would comply with many of the CAP's goals, policies, and actions related to reducing GHG emissions. Most of the GHG emissions associated with implementation of the proposed project would be due to gasoline-powered vehicle trips. Actions C-1.5, C-1.7, and C-1.8, in addition to Title 24 building code requirements, would promote alternative methods such as walking and biking, which would reduce criteria air pollutant and GHG emissions associated with transportation sources by requiring the proposed project develop EV infrastructure. Furthermore, non-residential uses within the proposed project would be required to incorporate a TDM plan (per Air Quality and Transportation mitigation requirements). With regard to state goals such as EO B-55-18 (statewide goal of carbon neutrality by no later than 2045), the 2045 GHG emissions reduction measures quantified in the City's CAP are not enough to meet the long-term carbon neutrality 2045 goal. Achieving carbon neutrality will require significant changes to the technology and systems currently in place. As stated on page 4.7-18 of the Draft EIR, "[T]he CAP Update establishes a robust

framework for helping the City achieve its 2030 targets while accommodating growth, however, federal, state, and local efforts contemplated 15 to 25 years into the future are too speculative to support definitive statements. Continuing current efforts and meeting the City's 2030 goal will, nonetheless, represent important progress toward achieving its goal of carbon neutrality by 2045."

9-16 The commenter asserts the proposed project is non-compliant with the City's recently adopted Climate Action Plan (CAP) Update, General Plan, and EO B-55-18.

Please see Responses to Comments 9-3 and 9-4 regarding project consistency with the CAP Update and EO B-55-18. Project consistency with Chico's General Plan primarily be considered at the Planning Commission and City Council public hearings, however, preliminary analysis is provided in the Draft EIR in Table 3-1, which is also included in this Final EIR in Chapter 3, Changes to the Draft EIR.

9-17 The commenter asserts that the threshold of significance used in the Draft EIR is inadequate since the City's emission target for 2045, first year of full buildout of the proposed project, would be 0 MT CO_2e per year. The commenter also asserts that by using the 2030 target emissions as a threshold of significance the Draft EIR implies the project will only be operational through 2030.

Total project construction is anticipated to occur over a multi-phase period over the course of at least 21 years, as presented in the Draft EIR construction would occur generally from 2022 through 2043. However, these dates are only approximations. It should be expected that the dates for future project phases would shift over the coming decades. Using the 2030 target emissions threshold allows reviewers to assess how the estimated per capita emissions rate predicted for project residents would compare to City goals for per capita emissions in 2030. Estimations of GHG emissions from future residents through 2030 are more reliable than emissions forecasts that extend further, into the 15- to 25-year range, as explained in further detail below.

As the lead agency, the City has the discretion to choose the significance threshold for discretionary projects. An efficiency metric approach, which is the basis for the GHG emission reduction targets established in the City's 2021 CAP Update, is appropriate for the proposed project because it measures the project's emissions on a per-person basis to determine its overall GHG efficiency relative to regulatory GHG reduction goals. To assess the proposed project's GHG emissions, the City's 2030 reduction target of 2.76 MT CO_2e per capita per year was used to evaluate the project. Although the City has a carbon neutral goal, which is consistent with EO B-55-18, the CAP notes that the 2045 GHG emissions reductions that were quantified are not enough to meet the City's long term 2045 goal. As stated on page 4.7-18 of the Draft EIR, "[T]he CAP Update establishes a robust framework for helping the City achieve its 2030 targets while accommodating growth, however, federal, state, and local efforts contemplated 15 to 25 years into the future are too speculative to support definitive statements. Continuing current efforts and meeting the City's 2030 goal will, nonetheless, represent important progress toward achieving its goal of carbon neutrality by 2045." Achieving carbon neutrality will require significant changes to the technology and systems currently in place and implementation of more stringent local and state regulations.

The focus of the City's CAP Update to achieve 2030 goals with the intention of revisiting GHG reduction efforts in the future to meet 2045 goals is reflected in the Draft EIR's use of a 2030 benchmark to assess the significance of GHG emissions estimated for the project. If approved, the

proposed project would become part of the City's efforts to further reduce GHG emissions over that future planning horizon. Since the assessment metric uses a per capita basis, anyone may compare the GHG emissions rate estimated for the project (3.13 MT CO_2e per capita) with the 2045 reduction target of 0 MT CO_2e per capita. However, such comparison should be understood to have limitations due to an inherent inability in 2021 to accurately predict gasoline and diesel fuel usage, as well as other GHG emissions, 20+ years into the future. Regardless of whether it is compared to the 2030 or 2045 target, the proposed project was estimated in 2021 to result in significant and unavoidable impacts related to operational GHG emissions.

9-18 The commenter asserts that because Butte County is designated as nonattainment for ozone and particulate matter for the NAAQS and CAAQS, any increases should be categorized as significant.

California air districts, such as the Butte County Air Quality Management District (BCAQMD), have based their thresholds of significance for CEQA purposes on scientific and factual data that demonstrate that the air basin can accommodate without affecting the attainment date for the NAAQS or CAAQS. Since an ambient air quality standard is based on maximum pollutant levels in outdoor air that would not harm the public's health, and air district thresholds pertain to attainment of the ambient air quality standard, this means that the thresholds established by air districts are also protective of human health. Based on these considerations, project-level thresholds of significance for criteria pollutants are used to help determine whether a project's individual emissions would have a cumulatively considerable contribution on air quality. As presented in Table 4.2-7 on page 4.2-30, maximum daily construction emissions associated with the proposed project would not exceed the BCAQMD significance thresholds for ROG, NO_x, PM_{10} or $PM_{2.5}$. As shown in Table 4.2-8 on page 4.2-32, the combined daily area and mobile source emissions from the proposed project would exceed the BCAQMD operational thresholds for ROG, NO_x, and PM_{10}, requiring mitigation. The Draft EIR proposes mitigation measures AQ-2 and AQ-3, which would reduce operational-related criteria air pollutant emissions associated with mobile and energy sources. Furthermore, mitigation measure AQ-4 would require the project developer to either establish an off-site mitigation program within Butte County, coordinated through BCAQMD, or participate in an Off-site Mitigation Program by paying the equivalent amount of money equal to the project's contribution of pollutants (ROG, NO_x and PM), as recommended by the BCAQMD CEQA Handbook. With implementation of these measures, the project's net emissions would be below the identified thresholds, so the impact would be less than significant.

9-19 The commenter refers to prior comments on mitigation measure AQ-2.

Please see Response to Comment 9-13.

9-20 The commenter refers to prior comments on mitigation measure AQ-3.

Please see Response to Comment 9-14.

9-21 The commenter asks how many offsets are needed for the project and asserts that an offset mitigation program will not offset the health impacts of air pollution in the community.

Regarding the potential health impacts from the proposed project, of note, there are numerous scientific and technological complexities associated with correlating criteria air pollutant emissions from an individual project to specific health effects or potential additional nonattainment days, and there are currently no modeling tools that could provide reliable and meaningful additional information

regarding health effects from criteria air pollutants generated by individual projects within the BCAQMD jurisdiction. The California Supreme Court's *Sierra Club v. County of Fresno* (2018) 6 Cal. 5th 502 decision (issued on December 24, 2018), addresses the need to correlate mass emission values for criteria air pollutants to specific health consequences, and contains the following direction from the California Supreme Court: "The Environmental Impact Report (EIR) must provide an adequate analysis to inform the public how its bare numbers translate to create potential adverse impacts or it must explain what the agency *does* know and why, given existing scientific constraints, it cannot translate potential health impacts further." (Italics original.) (Sierra Club v. County of Fresno 2018.) Currently, the BCAQMD, CARB, and EPA have not approved a quantitative method to reliably, meaningfully, and consistently translate the mass emission estimates for the criteria air pollutants resulting from the proposed project to specific health effects.

In connection with the judicial proceedings culminating in issuance of the Friant Ranch decision, the South Coast Air Quality Management District (SCAQMD) and the San Joaquin Valley Air Pollution Control District (SJVAPCD) filed amicus briefs attesting to the extreme difficulty of correlating an individual project's criteria air pollutant emissions to specific health impacts. Both SJVAPCD and SCAQMD have among the most sophisticated air quality modeling and health impact evaluation capabilities of the air districts in California. SCAQMD and SJVAPCD have indicated that it is not feasible to quantify project-level health impacts based on existing modeling (SCAQMD 2015; SJVAPCD 2015). Even if a metric could be calculated, it would not be reliable because the models are equipped to model the impact of all emission sources in an air basin on attainment and would likely not yield valid information or a measurable increase in O_3 concentrations sufficient to accurately quantify O_3-related health impacts for an individual project.

The predominant source of emissions generated by the project would be from mobile sources, as presented in Table 4.2-8 of the Draft EIR. Therefore, ROG, NO_x, and PM_{10} emissions would not be isolated solely within the project site. These criteria air pollutants would occur regionally, as the project's motor vehicles would travel throughout Butte County.

The proposed project would reduce mobile air quality emissions through compliance with VESP Actions PROS-3.1, LU-2.8, C-1.1, C-1.2, and C-1.7, which would promote a multimodal transportation network (i.e., walking, bicycling, transit, and vehicles) throughout the plan area. In addition, Action C-1.5, C-1.7, and C-1.8 would also promote alternative methods of transportation by requiring the proposed project develop NEV and EV infrastructure. Furthermore, the proposed project would require implementation of a TDM program. However, because the extent to which residents, employees, and customers would use these alternative methods are unknown the associated reductions cannot be determined. Therefore, in order to mitigate air quality emissions of the proposed project due to operations, mitigation measure AQ-4 was included which requires the project developer to participate in an Off-site Mitigation Program by paying the equivalent amount of money, which is equal to the contribution of pollutants (ROG, NO_x, and PM) for that final map phase which exceeds the BCAQMD thresholds of significance per the BCAQMD 2014 CEQA Air Quality Handbook. When additional on-site mitigation isn't feasible, the BCAQMD recommends the off-site mitigation rate be based on the current project cost effectiveness factor from the Carl Moyer Memorial Air Quality Standards Attainment Program. The costs of offsets needed is not known at this time, as the phasing of project features to reduce GHG emissions relative to completed homes is not known, as well as the other reasons listed on page 4.2-33 of the Draft EIR. The cost quoted in the Air District's 2014 CEQA Handbook is $17,720 per ton of ozone

precursor emissions (NOx or ROG). In a letter dated December 9, 2021, the Air District concurred with the City's mitigation measures AQ-2, AQ-3, AQ-4 and AQ-5, and offered to participate as needed with an off-site mitigation program for the project (see Response to Comment 5-6, above).

Offsetting would work to improve air quality and reduce health impacts associated with air pollution because ROG, NO_x, and PM_{10} mobile source emissions would be generated within Butte County. Reductions of ROG, NO_x, or PM_{10} even miles away can end up reducing air pollution in the nonattainment areas since these criteria air pollutants would be transported from other locations within Butte County. The BCAQMD has structured their off-site mitigation program to be in line with the Carl Moyer Memorial Air Quality Standards Attainment Program. The funding would provide monetary grants to private companies, and public agencies to purchase clean heavy-duty engines beyond what is required by law and regulation through repowering, replacing, or retrofitting engines, vehicles, or equipment or would help fund infrastructure projects to support California's transformation to zero and near-zero emission technology.

Therefore, as presented in the Draft EIR, implementation of mitigation measures AQ-2 through AQ-5, would reduce operational-related criteria air pollutants and associated health impacts, primarily associated with ROG, NO_x, and PM_{10} emissions to a level of less than significant.

9-22 The commenter asserts that the measures provided in the Transportation Demand Management (TDM) Plan (mitigation measure TRAF-2) are inadequate and the goal of a reduction in total VMT of at least 1% is also inadequate due to the methodology used to calculate the project's VMT.

Please see Responses to Comments 9-47 through 9-54 which address concerns regarding VMT and Response to Comment 38-14 which addresses the proposed TDM plan.

9-23 The commenter asserts that until the calculations of how much the mitigation measures reduce the criteria air pollutant emissions are completed the air quality impacts are still at a level of significance. The commenter further asserts that the mitigation measures are inadequate small reductions that are not calculated or are nonquantifiable.

Please see Responses to Comments 9-14 and 9-21.

9-24 The comment states that until calculations are performed to quantity how much the mitigation measures reduce criteria air pollutant emissions the air quality impacts would still be significant.

Please see Responses to Comments 9-14 and 9-21.

9-25 The comment asserts that the project would have significant impacts on protected wetlands as a result of trail or boardwalk construction, unauthorized human and pet access, and spread of invasive species. The comment also asserts that the design measures proposed as part of the project would not reduce the level of impact below significance.

In general, the design measures proposed for the trail construction are expected to reduce direct and indirect impacts to aquatic resources, as described under Impact 4.3-3 (Draft EIR p. 4.3-61). This is especially true for the primary aquatic resources on the site, the two intermittent drainages. As noted on page 4.3-61 of the Draft EIR, "the VESP includes an approximately 300- to 1,000-foot setback between proposed development areas and the two intermittent drainages on the project site, including Comanche Creek." This substantial setback well exceeds typical development

setbacks from intermittent features. However, that impact remains potentially significant because of limited direct impacts to wetlands that are not avoided, as well as some indirect effects to avoided wetlands. Mitigation measure BIO-10 ensures that the project would result in in no net loss to wetlands, either through creation, preservation or restoration of wetlands. This includes loss of wetlands and wetlands functions or values from indirect impacts in compliance with State Water Board State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (i.e., the Procedures) as well as Section 1600 of the California Fish and Game Code. Permit conditions from USACE, CDFW and RWQCB for any trail construction including boardwalk construction in or over wetlands would dictate necessary conditions or alternative methods needed to further reduce impacts and/or provide compensatory mitigation for direct and indirect wetland impacts.

9-26 The comment asserts that unmitigated project impacts to wetlands would adversely affect vernal pool branchiopods, ground-nesting bees, amphibians, and many species of birds.

Please see Master Response 2 and Response to Comment 9-25 regarding protection of wetlands from disturbance and degradation through substantial development buffers. However, impacts to wetlands remain potentially significant because the Draft EIR identifies limited direct impacts to wetlands that are not avoided, as well as some indirect effects to avoided wetlands. Implementation of MM BIO-10 would ensure that impacts to wetlands, including indirect effects that degrade wetland functions and values such as described in the comment, would be mitigated to a no net loss standard. Impacts to special-status vernal pool branchiopods, amphibians, and bird species are described and mitigated as appropriate in Impact 4.3-1 in the Draft EIR (Draft EIR p. 4.3-49). This includes a directive to control introduction and spread of invasive plant species in preserved areas as part of mitigation measure BIO-1. No special-status ground nesting bees are known to be present on the project site or vicinity, so no impacts were identified to those. Please see Response to Comment 9-27 regarding pets.

9-27 The comment questions the efficacy of interpretive signage in reducing impacts of human activity on wetlands and associated biota.

Interpretive signage is not put forth as the sole means of controlling human and pet intrusion into protected open space but can be used as one element of a public access strategy. Other aspects of public access control in the VESP include appropriate trail design and fencing. For preserves and selected open space areas, public access would be monitored and managed in accordance with a Habitat Mitigation and Monitoring Plan (mitigation measure BIO-1) that would be approved by the USFWS or City in consultation with CDFW. Based on decades of experience regulating and monitoring the success of wetland preserves, the resource agencies are best suited to decide the appropriate type and location of fencing to prevent access by humans and their pets. Final determinations on these matters will be made by the USFWS in consultation with other federal agencies and state agencies during future permitting processes.

9-28 The comment questions the efficacy of trash control in reducing trash effects on preserved habitat areas; noting that trash impacts all green spaces in the City.

While trash can be present in any green space, including those along roadways where no other development is present, trash control measures and appropriate monitoring required as part of the Habitat Mitigation and Monitoring Plan/Operations Management Program under mitigation

measure BIO-1 would ensure that the effects of trash within the wetland and open space areas are minimized. The specifics of those trash control measures and monitoring would be provided in the Habitat Mitigation and Monitoring Plan/Operations Management Program, which must be approved by the USFWS and/or the City in consultation with CDFW. The comment states that the only way to prevent trash from accumulating in wetland areas is by "keeping people far away from them". However, in many preserve areas wind-blown debris and trash can be a problem that is actually made worse by keeping the public away. For example, the preserve design associated with the Upper Santa Ana River Habitat Conservation Plan (https://www.uppersarhcp.com/) encourages controlled public access, finding that an engaged and interested public that considers the open space as something to enjoy and preserve will be more likely to insist upon proper trash collection and disposal near preserve areas.

9-29 The comment asserts that the 1.25 acres of wetlands that would be filled or removed through project development would be a substantial adverse effect.

The Draft EIR concludes that project impacts to wetlands are potentially significant, and mitigation measure BIO-10 requires that the project mitigate for impacts to waters of the U.S. or state through creation, preservation or restoration of wetlands to meet a no-net-loss standard. This would be accomplished through the wetlands permitting process that the project must complete prior to issuance of grading or other development permits.

9-30 The comment asserts that the engineering required to move onsite waters into ponds and artificial water features would change the nature of the environment, potentially leading to collapse and failure of some species due to loss of habitat.

The lake or pond features that are included in the conceptual plans as part of the Draft VESP are artificial impoundments that would be intended to capture stormwater to comply with Low Impact Development (LID) standards. As needed, existing wells may be used to supplement stormwater runoff to maintain appropriate water levels. These artificial impoundments would not be considered mitigation for impacts to on-site drainages or other wetlands, and impacts related to those would need to be mitigated through other on site or off-site wetland creation or restoration to meet the no net loss standard for wetland functional values. While these additional water features may provide some additional habitat for species that do not currently occupy the site (e.g., migratory waterbirds), it is not apparent how their creation would lead to collapse and failure of other species that currently occupy the project site. Wetland mitigation could take many forms, including purchase of credits in an approved mitigation bank or creation and restoration of wetlands at an off-site preserve location.

9-31 The comment asserts that project development would cause hydrologic interruption of the north drainage through grading and creation of impervious surfaces.

Development in the northern portion of the project site has the potential to adversely affect intermittent drainages through changes in the timing, amount, or water quality of flows. These impacts are analyzed in the Draft EIR on pages 4.3-61 and 4.3-62. Compliance with mitigation measure BIO-10 will also include detailed analysis of project-level plans to identify acreages of impervious surfaces, zones of recharge, and other hydrological factors, and permit terms and conditions requiring maintenance of existing drainage hydrology. Further, as shown in Table 4.9-5

on page 4.9-35 of the Draft EIR, peak post-development runoff rates from the northernmost drainage (Reach R1) would be slightly reduced following small storm events and substantially reduced for larger storm events. These calculations indicate that adjacent wetlands associated with hydrologic changes from the project in the main northern drainage will receive a familiar water regime from smaller storm events and experience less flooding during larger storm events.

9-32 The comment asserts that changes in natural seepage areas or springs would adversely affect downslope wetlands.

Based on the locations of seeps mapped in Appendix E to the Draft EIR, development would not directly impact those seeps as they are located in areas designated as Open Space which drain downslope to ephemeral or intermittent drainages. While it is possible that one or more wetlands on the project site receives some water from a spring or seep, and that the seep or spring would be affected by the project, it is highly speculative to determine where those changes would occur and whether that change would cause a substantial change in a wetland on the project site. Most of the wetlands observed on the project site are far from the seeps that were mapped in Draft EIR Appendix E. However, a limited potential for changes in site seepages or springs to affect hydrology of site wetlands has been added to page 4.9-30 in the Draft EIR. Please see Chapter 3, Changes to the Draft EIR. That text notes that addition of impervious surfaces to approximately 1/3 of the project site could interfere with groundwater recharge on the project site, thus affecting seepage or spring hydrology. However, page 4.9-30 in the Draft EIR also notes that "the VESP would maintain open spaces between areas of proposed development and on-site creeks, which are the areas where alluvial materials are located" and where most groundwater recharge occurs.

9-33 The comment reiterates concerns related to hydrologic interruption on the project site and effects on wetlands.

Please see Responses to Comments 9-31 and 9-32. The term "cumulative" used in the comment appears to mean the sum total of project impacts rather than the impacts of the project when considered with other past, present and future projects. As noted in Response to Comment 9-25 and on page 4.3-61 of the Draft EIR, "the VESP includes an approximately 300- to 1,000-foot setback between proposed development areas and the two intermittent drainages on the project site, including Comanche Creek.". This substantial setback well exceeds typical development setbacks from intermittent features. However, that impact remains potentially significant because of limited direct impacts to wetlands that are not avoided, as well as some indirect effects to avoided wetlands.

9-34 The comment asserts that the Draft EIR inaccurately portrayed hydrologic connectivity between the project site and the neighboring Stonegate site. The comment asserts that culverts along the Steve Harris Memorial Bike Path hydrologically connect the two sites.

The commenter is correct that the sites are hydrologically connected; however, drainage from the project site flows through incised channels which are topographically located lower than the protected vernal pool wetlands and swales within the adjacent Stonegate preserves. Therefore, hydrologic changes to the project site would not result in impacts to the BCM populations located with the Stonegate preserves. The text on page 4.3-49 of the Draft EIR has been updated to clarify the hydrologic connection between the two properties and is provided in Chapter 3, Changes to the Draft EIR.

9-35 The comment concerns effects on BCM and the proposed mitigation measure for impacts to the species.

Please see Master Response 2.

9-36 The comment requests additional detail be provided regarding where burrowing owls will be "taken" after passive eviction required as part of mitigation measure BIO-3b.

Passive eviction or passive relocation as described in mitigation measure BIO-3b does not involve actively moving individuals; instead, the burrows are modified so that burrowing owls can leave but not re-enter the burrow. After departing, they are expected to find and colonize a new burrow or burrow complex outside the construction area but because they are not actively moved it is impossible to direct where they relocate to after passive eviction. Regarding timing of passive eviction relative to burrowing owl nesting, passive eviction techniques are only used during the non-breeding season and only after consultation with CDFW. This would prevent possibility of trapping nestlings within closed burrow complexes.

9-37 The comment provides general background information regarding the conservation status and decline of burrowing owl.

The Draft EIR identifies burrowing owl as a special-status species in Sections 4.3.1 and 4.3.3, which is indicative of the declines cited in the comment. The Draft EIR also provides mitigation measure BIO-3 to ensure that if burrowing owls are present when project development occurs (burrowing owls have not been observed on the site during surveys since 2008, Draft EIR page 4.3-51) they will be identified during preconstruction surveys and protected from disturbance.

9-38 The comment suggests methodology to conduct surveys for burrowing owl excerpted from the "California Burrowing Owl Association".

The methodology is from the California Burrowing Consortium and has been superseded by 2012 guidance by the same entity. Among the methods included in the 2012 guidance are pre-construction take avoidance surveys, which are integrated into mitigation measure BIO-3. In addition to the take avoidance surveys, mitigation measure BIO-3 includes creation of non-disturbance buffers consistent with the 2012 guidance.

9-39 The comment asserts that mitigation for impacts to Swainson's hawk should include avoidance of pesticide use during operation of the project or a buffer zone of pesticide use, presumably between developed areas and preserved areas. The comment further asserts that removal of potential habitat will have an adverse impact on the species.

The Draft EIR analyzes effects to Swainson's hawk and concludes that there are no recent nesting occurrences within 10 miles of the project site. The species tends to nest and forage on the valley floor and near agricultural operations, and loss of a portion of the grassland and oak savannah on the project site would not constitute a significant impact to the species if the species in not currently using this habitat. The project site has been subject to regular biological resource surveys over several years, including during the times when Swainson's hawks are present in California. This species is easy to detect when foraging, and if present, would have been recorded by the professional biologists conducting surveys at the site. However, mitigation measure BIO-4 is

intended to provide adequate protection to the species in the event it moves toward the foothill areas. Regarding the effects of pesticides on Swainson's hawk, the article cited in the comment addresses large-scale aerial spraying of a pesticide outside California on open ranch lands to treat massive grasshopper outbreaks. This does not describe a situation likely to occur within the project site or surrounding area.

9-40 The comment asserts that removing habitat and the species is not mitigation for impacts on western pond turtle.

As stated on page 4.3-29 of the Draft EIR, western pond turtle has a low potential to be present on the project site. Therefore, construction and other activities within the project area are not expected to affect individuals or their habitat. The Draft EIR did identify potential impacts to western pond turtle from off-site utility improvements, because there is one recorded occurrence near Comanche Creek, which does have suitable habitat for the turtle. The proposed project does include off-site improvements in this area. Impacts to western pond turtle habitat from these improvements would be temporary; thus, the most effective mitigation for these impacts is to move the individuals out of harm's way or ensure that construction does not affect them by creating and monitoring a buffer area, as the Draft EIR proposes (mitigation measure BIO-6).

9-41 The commenter reiterates information provided in Table 4.3-6 regarding cumulative impacts on burrowing owl, pallid bat and western red bat habitat. The comment also asserts that the impact to burrowing owl through habitat loss is not effectively mitigated in the Draft EIR.

While all species experience adverse effects from habitat loss, burrowing owl does not appear to be a frequent or abundant occupant of the project site. During many years of surveys, the species has been very infrequently detected. A lack of suitable burrows has been noted on the site by biologists conducting surveys, which could contribute to this lack of burrowing owl use. Therefore, the proposed mitigation to detect and avoid direct impacts to burrowing owls, if they happen to occur on the project site, is considered sufficient.

Cumulative impacts on burrowing owl and bats are addressed in Impact 4.3-5 on pages 4.3-64 through 4.3-67 of the Draft EIR.

9-42 The comment asserts that the project will cause impacts to a range of species during construction from noise, dust, pollution, and human presence; and will also cause impacts during operation due to human presence. The comment further states that the project will cumulatively contribute to loss of habitat and species.

These direct and indirect impacts were fully evaluated in the Draft EIR in Section 4.3, Biological Resources and Section 4.9, Hydrology, Water Quality and Drainage, including at a cumulative level, and mitigation was proposed to mitigate these impacts to the extent feasible.

9-43 The comment notes that the Draft EIR identifies Valley Foothill Riparian Woodland as a Sensitive Natural Community. The comment then states that the Draft EIR proposes mitigation for several impacts to species and to riparian areas.

The comment is noted. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

9-44 The commenter asserts the VESP is not a compact development due to the proposed low-density housing, and specifically calls out a section of very-low density zoning completely disconnected from the rest of the plan area on Honey Run Road. The commenter further asserts that because of the project's location and topography, the project's transportation value of the bicycle paths is undermined.

See Chapter 3, Changes to the Draft EIR for information regarding updates to the proposed project description. The VESP has been updated to eliminate the Equestrian Ridge planning area and six others along the more-sensitive Comanche Creek watershed on Honey Run Road.

Based on the National Household Travel Survey (NHTS), trips by bicycling and walking are shorter distances that would not typically be undermined by the topography of the project, given the mix of land uses in the project and the proximity of residents to goods and service. By proposing a mix of land uses and connecting them with a multimodal network of streets and trails, the project design emphasizes alternative modes of transportation and automotive trip reduction. The project would support the use of electric-powered vehicles (NEVs, EVs, scooters, etc.), bikes and footpaths to make various areas accessible, reducing the need for residents to drive in a gasoline-powered vehicle to the urban core. Including electric vehicle options on project streets and off-street paths helps residents reach areas that one might only otherwise consider driving, such as the Village Core or a nearby park.

9-45 This comment refers to the vehicle miles traveled (VMT) threshold of significance used in the Draft EIR and claims it is exaggerated by comparing the project to rural and suburban areas where there is a need to travel longer distances on a regular basis.

The City's General Plan requires an analysis of VMT for those projects requiring a traffic analysis. Specifically, Action CIRC-1.5.1 (VMT CEQA Analysis) states:

- Action CIRC-1.5.1 (VMT CEQA Analysis) – For projects that require a full traffic analysis as part of the CEQA review process, perform a VMT analysis consistent with the California Office of Planning Research CEQA Guidelines.

The Office of Planning Research (OPR) Technical Advisory includes specifications for VMT methodology and recommendations for thresholds and mitigation measures. Senate Bill (SB) 743 requires that impacts to transportation network performance be viewed through a perspective that promotes the reduction of greenhouse gas (GHG) emissions, the development of multimodal transportation networks, and a diversity of land uses. An evaluation of a project's VMT can help identify how projects (land development and infrastructure) influence accessibility (i.e., access to places and people) and emissions and is aligned with the objectives of Senate Bill (SB) 743. The use of the regional average VMT per service population as the threshold applied in the analysis is consistent with the recommendations of the OPR Technical Advisory since the analysis uses the service population efficiency metric, it is important to have consistent units in the denominator of the equation. The OPR Technical Advisory does not recommend the use of a citywide average for employment land uses. The regional average is also consistent with the intent of SB 743 (i.e., to

promote the reduction of GHG emissions) and supports the Butte County 2020 Regional Transportation Plan/Sustainable Communities Strategy (RPT/SCS) 2020-2040, BCAG December 10, 2020, since it encourages development in more VMT efficient areas of Butte County, which reduces GHG. The 2020 RTP/SCS contains multiple policies supportive of VMT reduction and associated air pollution and GHG reduction. Although the plan does not contain a specific VMT reduction goal, the SCS did achieve GHG per capita recommendations in excess of SB 743 targets for the region.

9-46 The comment notes that the project's VMT is reduced due to its proximity to the City, inclusion of commercial services, an elementary school, and an age-restricted component.

The comment is accurate in that certain elements of the project, outlined below, contribute to its VMT efficiency of the proposed project:

- *Location* – The VESP is located adjacent to the City, which is VMT efficient relative to other communities in the region. A diverse land use mix that places jobs, goods, and services located close to where people live reduces VMT.
- *Land Use Diversity* – The VESP includes a mix of land uses, including local-service commercial (Village Commercial) and an elementary school. Having a good housing-jobs balance within a relatively small area reduces VMT.
- *Senior Adult (age-restricted) Residential* – The VESP includes 1,385 senior adult housing units (i.e., about 50% of total dwelling units). Senior adult housing generates about half the daily trip generation of general market-rate single family residential dwellings.
- *Medium-High Density Residential (Multi-Family)* – The VESP includes higher density residential land use, with an approximate density of 18 dwelling units per acre, located within walking distance to the Village Core and Village Commercial land use.

These factors influence the model calculations of total number of vehicle miles attributable to the project and help to reduce the project's VMT.

9-47 The comment notes that the project's VMT per service population of 26.1 is higher than the City's average of 22.4 and only a 1.4% reduction is required to meet the significance threshold.

The commenter references VMT estimates provided for the City's General Plan Update Draft Environmental Impact Report (September 2010). These estimates predate the methodology and guidance provided in OPR's Technical Advisory, which were developed using a different travel forecasting model and using a different performance metric (i.e., VMT per residential unit). The 2010 methodology did not account for travel beyond the model limits (i.e., city limits). In contrast, the project's VMT analysis used the current version of the regional Butte County Association of Governments (BCAG) travel demand forecasting model (available at the time the NOP was released), uses VMT per service population, and accounts for travel beyond the limits of the travel model. Comparison of the two VMT metrics is not consistent and does not create an 'apples to apples' comparison. In addition, the OPR Technical Advisory states that the methodology used to estimate the VMT threshold should be the same methodology used to analyze the project. Otherwise, the analysis is not meaningful.

The City's General Plan Action CIRC-1.5.1 (VMT CEQA Analysis) addresses VMT and identifies the following:

- Action CIRC-1.5.1 (VMT CEQA Analysis) – For projects that require a full traffic analysis as part of the CEQA review process, perform a VMT analysis consistent with the California Office of Planning Research CEQA Guidelines.

The OPR Technical Advisory includes specifications for VMT methodology and recommendations for thresholds and mitigation measures. SB 743 requires that impacts to transportation network performance be viewed through a perspective that promotes the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. The analysis of a project's VMT can help identify how projects (land development and infrastructure) influence accessibility (i.e., access to places and people) and emissions so its selection as the recommended analysis is aligned with the objectives of SB 743. The use of the regional average VMT per service population as the threshold applied in the analysis is consistent with the recommendations of the OPR Technical Advisory but also the intent of SB 743 to promote the reduction of GHG emissions.

The OPR technical advisory specifies that "Lead agencies should not truncate any VMT analysis because of Jurisdictional or other boundaries, for example, by failing to count the portion of a trip that falls outside the jurisdiction or by discounting the VMT from a trip that crosses a jurisdictional boundary." Accordingly, trip lengths beyond the model area (i.e., Butte County) were estimated to account for VMT beyond the model area.

9-48 The comment references the VMT projections included in the City's General Plan and the breakdown based on residents per household. Based on this approach the commenter surmises the project's VMT per service population would be 19.04 resulting in the need for a 27% reduction to attain the threshold.

As outlined in Response to Comment 9-47, comparing the VMT analysis of the proposed project to the analysis conducted for the City's 2030 General Plan does not create an appropriate comparison, since they are different metrics, were developed using different tools, and use different calculation methodologies. Therefore, such a comparison is not meaningful. However, the analysis approach used for the VESP is consistent with the City's General Plan Action CIRC- 1.5.1 (VMT CEQA Analysis), which states that VMT analysis for CEQA be performed consistent with the OPR Technical Advisory, as addressed in Responses to Comments 9-45, 9-47, and 9-49.

9-49 The commenter suggests the standard to evaluate the project's VMT should be limited to specific neighborhoods and goes on to state if the project results in an increase in vehicle trips it would affect the safety and efficiency of biking, walking, transit and will impact surrounding neighborhoods that are better suited to relying on alternative transportation modes.

Please see Responses to Comments 9-45 and 9-47 for background on how the project's VMT was evaluated. The City's General Plan policies and actions address VMT analysis. Specifically, Action CIRC-1.5.1 (VMT CEQA Analysis) identifies the following:

- Action CIRC-1.5.1 (VMT CEQA Analysis) – For project that require a full traffic analysis as part of the CEQA review process, perform a VMT analysis consistent with the California Office of Planning Research CEQA Guidelines.

The OPR Technical Advisory includes specifications for VMT methodology and recommendations for thresholds and mitigation measures. SB 743 requires that impact to transportation network performance be viewed through a perspective that promotes the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. VMT can help identify how projects (land development and infrastructure) influence accessibility (i.e., access to places and people) and emissions so its selection as the recommended analysis is aligned with the objects of SB 743. The use of the regional average VMT per service population as the threshold applied in the analysis is consistent with the recommendations of the OPR Technical Advisory. Since service population is used as the efficiency metric, it is important to have consistent units in the denominator of the equation. The OPR Technical Advisory does not recommend the use of a citywide average for employment land uses. The regional average is also consistent with the intent of SB 743 (i.e., to promote the reduction of GHG emissions) and supports the Butte County 2020 Regional Transportation Plan/Sustainable Communities Strategy (RPT/SCS) 2020-2040, BCAG December 10, 2020, since it encourages development in more VMT efficient areas of Butte County, which reduces GHG. The 2020 RTP/SCS contains multiple policies supportive of VMT and associated air pollution and GHG reduction. Although the plan does not contain a specific VMT reduction goal, the SCS did achieve GHG per capita recommendations in excess of SB 375 targets for the region.

The commenter is concerned that if transportation improvements are not made to accommodate vehicle trips generated by the VESP that could hinder the safety and efficiency of walking, biking, and transit use and that residents of Doe Mill, Meriam Park, and surrounding neighborhoods would be disproportionately affected by VESP traffic.

A General Plan consistency analysis was conducted, and improvements recommended to accommodate development of the VESP. Therefore, consistent with the following General Plan policy and actions that address transportation improvements, the VESP would not hinder the safety and efficiency of walking, biking, and transit use in neighborhoods adjacent to the VESP:

- Policy CIRC-1.1 (Transportation Improvements) – Safely and efficiently accommodate traffic generated by development and redevelopment associated with build-out of the General Plan Land Use Diagram.
- Action CIRC-1.1.1 (Road Network) – Enhance existing roadways and intersections and develop the roadway system shown in Figure CIRC-1 (Roadway System Map) over the life of the General Plan as needed to accommodate development.
- Policy CIRC-1.2 (Project-Level Circulation Improvements) – Require new development to finance and construct internal and adjacent roadway circulation improvements as necessary to mitigate project impacts, including roadway, transit, pedestrian, and bicycle facilities.
- Policy CIRC-1.3 (Citywide Circulation Improvements) – Collect the fair share cost of circulation improvements necessary to address cumulative transportation impacts, including those to state highways, local roadways, and transit, pedestrian and bicycle facilities, through the City's development impact fee program.

Except for traffic added to E. 20th Street, project traffic is not expected to travel through Doe Mill, Meriam Park, and other nearby neighborhoods, except to access goods, services, and schools available in those neighborhoods. Regional connections to SR 99, south of these neighborhoods, also provide access to commercial areas and downtown Chico.

Each development application would be subject to review and approval by the City, including the City's Public Works and Fire Department, which would include a review of the project's consistency with the City's design criteria to ensure safe access for all system users, including access for vehicles (cars, light trucks, and trucks), bicycles, pedestrians, buses, and emergency vehicles. Development of the VESP would occur over many years; consequently, the transportation infrastructure improvements would also be concurrent with development. As development occurs, the City will require the project to construct new transportation infrastructure (vehicle, bicycle, pedestrian, and transit facilities) in and adjacent to the project site, which may include completing gaps in the existing network as needed to accommodate project travel, consistent with the City's implementation of Action CIRC 1.1.1.

All infrastructure improvements are designed in accordance with the City's Code of Ordinances Title 18R – Design Criteria and Improvement Standards which includes design criteria to ensure that residential subdivisions and non-subdivision public rights-of-way and private street improvements are designed to meet or exceed uniform levels of sound engineering practice. The design criteria address vehicle speed, sight distance, minimum and maximum roadway grade, minimum curve radius, and lighting. As part of general engineering practice, all roadway facilities would also be designed to meet applicable industry standards from the Caltrans Highway Design Manual (HDM), the California Manual on Uniform Traffic Control Devices (CAMUTCD), and The American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets.

9-50 The comment addresses the VMT assumed for the age-restricted component of the project, and questions if the reductions in VMT associated with this component of the project are overly optimistic. The comment claims that federal Office of Highway Policy Information (OHPI) data from 2017 shows that drivers aged 55-64 drive more than the other age groups.

Current information from OHPI no longer supports the claims made in this comment. The data now indicate, as one might expect, that drivers aged 35-54 drive the most (15,291 miles/year, on average), followed by drivers aged 20-34 (15,098 miles/year), then drivers in the 55-64 age group with 11,972 miles/year (https://www.fhwa.dot.gov/ohim/onh00/bar8.htm). As noted on page 4.13-24 of the Draft EIR, the trip generation rate for senior adult housing (detached) is about half of the trip generation rate of non-senior single-family detached housing. This difference is due primarily to the demographic and socioeconomics of the senior adult housing. Households with older demographics travel less. The lower travel characteristics are due, in part, to fewer workers per household but also due to fewer people per household. The surveyed sites (*Trip Generation Manual 10th Edition* [Institute of Transportation Engineers, 2017]) used to develop the senior adult trip generation rate includes a range of residential developments with very active, working residents to communities with older, retired residents. These data have been collected over time, so they account for the change in travel behavior of older drivers referenced in the comments (Summary of Travel Trends, 2017 National Household Travel Survey, FHWA). A project's VMT is calculated by multiplying trip generation by trip length. Given the diversity of the surveyed sites used to develop the trip generation rate, it is appropriate for this application.

9-51 The comment provides information specific to retirement age assumptions as it relates to the age-restricted component of the project and suggests that due to a variety of factors people are working longer increasing the potential for an increase in VMT.

Please see Response to Comment 9-50. The data that support the trip generation rates used in the Draft EIR are based on existing survey data, and therefore provide a reasonable approach to assessing project impacts compared to existing conditions, as required by CEQA (Guidelines Section 15162.2(a)).

9-52 The comment references an article that correlates household income with vehicle trips.

Please see Response to Comment 9-50. The surveys conducted with respect to trip generation included a range of income levels and would therefore account for differences between the earnings of various households.

9-53 The comment claims the project's VMT, which factors in proximity to commercial services and access to transit, is underestimated and not supported by transit ridership or market analyses. The comment goes on to discuss residential density in asserting that transit is not feasible for the project.

The analysis of the project's VMT provided in Section 3.14 of the Draft EIR did not include reductions for transit service because the project does not include the expansion of transit services to the project site. Therefore, the project's VMT analysis is not underestimated.

As discussed under Impact 4.13-3 starting on page 4.13-21 of the Draft EIR, the Butte Regional Transit B-Line bus service receives funding from state sources (Transit Development Act [TDA] funds), federal sources (Federal Transportation Administration), and through fare collection. State and federal funds are generally allocated based on population, with a portion of TDA funds derived from a ¼-cent general sales tax and a sales tax on diesel fuel. Therefore, development of the proposed project would increase funding for transit, through these sources, because of population growth. Butte Regional Transit's 2019/2020 operating budget identifies proposed non-operating revenue from state and federal sources totaling about $8.6 million.

The need to extend the B-Line to serve more areas accessible to the VESP would be a function of demand and under the discretion of Butte Regional Transit as part of an evaluation of the overall transit system. As discussed on page 4.13-7 of the Draft EIR, transit routes near the proposed project site generally have low demand and productivity. Therefore, excess seating and standing capacity would be available.

In order to accommodate the potential extension of transit service to serve the project, the VESP includes actions that would support and accommodate transit service. Specifically, Action C-1.5 promotes locating commercial land uses at the western edge of the plan area to facilitate public access by transit to the project's commercial land use; Action C-1.8 creates a park-and-ride lot in the western part of the project site to encourage use of transit; and Action C-1.9 addresses the placement of transit stops within the plan area.

The VESP proposes bus stops that would be included in the Village Core and at the elementary school and community park with final designs and locations to be determined in coordination with BCAG at the time of improvement. In addition, a park and ride lot would also be located at the community park and would act as a hub for commuters and carpoolers. The proposed project is designed to encourage and support access to transit, so it would not adversely affect public transit operations or fail to adequately provide access to transit.

9-54 The comment asserts that the Draft EIR lacks an analysis of the feasibility of basic retail services, and states that the types of commercial uses likely to develop in the project site would consist of specialties that people travel to access.

The Draft EIR analyzes the project as proposed, which includes the provision of commercial services within the core of the plan area. The stores and services that are established would depend on demand and other factors. However, it is the intent of the proposed project to provide neighborhood-scale services in the Village Core, such as small retail shops and services, and food and beverage establishments, that would serve the local population. The Village Commercial areas would provide a broader mix of uses. Future proposed uses that substantially modify the project as analyzed in the EIR may require further environmental review pursuant to Public Resources Code section 21166.

As noted in the Draft EIR on page 4.13-17, the project's VMT analysis was developed using a modified version of the Butte County Association of Governments (BCAG) travel demand forecasting model that was developed for the preparation and analysis of the 2016 Regional Transportation Plan/Sustainable Communities Strategies. The use of the BCAG travel demand model accounts for the intersection between employment land uses within the project and employees coming from outside of the project site. The reverse interaction is also accounted for in the modeling. Therefore, the VMT analysis accounts for employees coming from outside of the project site to work in the proposed commercial uses and the VMT analysis is not underestimated.

9-55 The commenter asserts that the Draft EIR does not reflect a "good faith effort at full disclosure" of the project's VMT because the approach used does not "generate a fuller and more accurate estimation of VMT impacts."

The commenter's opinion is noted and forwarded to the decision makers for their consideration. The transportation analysis included in Section 4.13, Transportation and Circulation of the Draft EIR uses the most current tools available to evaluate the project's VMT including methodologies outlined in OPR's Technical Advisory. Please also see Responses to Comments 9-44 through 9-54.

9-56 The comment asserts that the Draft EIR inadequately analyzes impacts to groundwater recharge of the shallowest aquifer, which supports the area's groundwater dependent ecosystems, including riparian and aquatic ecosystems, as well as City's urban forest and valley oak woodlands.

As indicated on page 4.9-25 of the Draft EIR, impacts would only be considered significant if the project interferes *substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin*. As indicated on page 4.9-30, both the Preliminary Hydrogeologic Assessment (GeoPlus 2010) and the Preliminary Geotechnical Investigation Report (Draft EIR, Appendix E) support the conclusion that the site is underlain by impermeable bedrock. However, shallow localized aquifers are present beneath major drainages/ creeks, as well as possibly along boundaries between rock types.

Plate 3 of the Geotechnical Report illustrates that, with the exception of Quaternary Upper Modesto Formation mapped at the surface within two largest on-site drainages, the site is underlain by impermeable, lithified lahar rock (Unit C) of the Tuscan Formation, which inhibits the percolation of surface water. Unit C of the Tuscan Formation is estimated to be approximately 200 feet thick on site. This rock unit also acts as an aquiclude and thus confines groundwater to underlying, more permeable aquifers.

The Modesto Formation consists of older stream deposits and is permeable and capable of transmitting surface waters to shallow groundwater within the two drainages identified in the Preliminary Hydrogeologic Assessment. However, the project design would prevent construction within these drainages and allow recharge in the creek/drainage areas.

Similarly, the Preliminary Geotechnical Investigation Report indicates that the site is underlain by Unit C of the Tuscan Formation, with an estimated thickness of 150 feet in the site vicinity. Similar to that observed in the Preliminary Hydrogeologic Assessment, lenses of conglomerate and channel fill deposits were observed in a few areas within eroded stream channels. These permeable deposits were estimated to be only 2 to 8 feet thick, overlying impermeable Tuscan Formation. However, several springs/seepage areas were observed off the main drainages, indicating that localized shallow groundwater is present. These seeps appear to be related to boundaries between individual impermeable lahar units and more permeable sedimentary conglomerate lenses. Concentrations of trees along lahar unit boundaries at slope breaks indicates that seasonal shallow groundwater flows along the boundaries. In addition, many of the trees on the broad mesa areas are located along rock fractures or at fracture intersections, indicating that the fractures act as pathways for seasonal shallow groundwater flow.

Because the project design would collect storm water runoff from largely impervious areas of the developed site and retain the water along existing streams the effect of development would be neutral or beneficial to groundwater recharge in the drainage areas. Construction of impervious surfaces could occur over some of the rock fractures in the area, however, the addition of irrigated landscapes over other rock fractures may introduce new water sources for isolated areas of shallow groundwater.

The environmental threshold under consideration relates to potential denied recharge that could impede sustainable management of the underlying groundwater basin. Any denied recharge of isolated pockets of shallow groundwater beneath the site would not impede sustainable groundwater management of the Tuscan Formation aquifers (Units A and B) lying beneath the thick, impermeable lahar rock units of Unit C. However, biological impacts could occur as a result of shallow aquifer denied recharge. See Response to Comment 9-32 regarding effects to biological resources resulting from changes in seeps or springs on the project site. For the above reasons, the Draft EIR adequately analyzes the project's potential impacts to groundwater recharge.

9-57 The comment indicates that the Draft EIR fails to acknowledge where the impermeable Lahar bedrock is absent and potentially conducive to groundwater recharge. The comment requests preparation of a map illustrating areas of impermeable Lahar overlain by the proposed development, to further demonstrate that significant groundwater recharge is not occurring.

Please see Response to Comment 9-56 above. In addition, a new figure, Figure 4.9-2 has been added to the Draft EIR, illustrating that the proposed development would not overlie areas of alluvium that allow recharge of shallow, isolated groundwater, which in turn supports trees. See Chapter 3, Changes to the Draft EIR, for the new figure.

9-58 The comment asserts that project impacts on water quality are significant and that thorough analysis justifying the conclusion of less than significant is absent. The comment also asserts that the buffer zones along creeks and certain design considerations do not reasonably justify the finding of less than significant.

Potential project-related water quality impacts during future project operations are qualitative in nature, as nonpoint source stormwater runoff during operation of development projects such as the proposed project are not yet measured or quantified. Rather, the impact analysis on page 4.9-28 of the Draft EIR, *Project Operation Effects on Surface Water Quality*, describes in detail how qualitative water quality impacts would be avoided or substantially reduced through compliance with the following: (1) VESP actions/goals, which require runoff to be treated prior to discharge into natural drainages, and promote the preservation of natural features, including creeks, and which require "avoidance by design" strategies and the preservation of open space, (2) compliance with Phase II MS4 Permit requirements, as described in Section 4.9.2, Regulatory Setting; and (3) components of the Project Description, as described in detail in the second paragraph of page 4.9-29, including but not limited to vegetated creek setbacks, which provide areas where pollutants in stormwater can be filtered by vegetation, and immobilized and decomposed by bacteria in the soil, thereby reducing the pollutant load in runoff water entering on-site creeks.

As concluded on page 4.9-29, "Compliance with the Phase II MS4 Permit post-construction stormwater management requirements and conformity with VESP goals, actions, and development standards would minimize the discharge of urban pollutants from future projects within the VESP area into receiving waters. Consequently, the potential for the development of the VESP to degrade water quality would be less than significant."

The Draft EIR's discussion of environmental impacts on water quality during project operations is adequate and sufficient in that the discussion and does the following: (1) reasonably describes the nature and magnitude of the adverse effect, and (2) sufficiently performs the function of facilitating informed agency decision-making and informed public participation. To that end, the Draft EIR justifies that the design considerations are adequate to protect water quality from pollutants resulting from future project operation.

9-59 The comment asserts that the Draft EIR does not prove that project design buffers from creeks would reduce water quality impacts to less-than-significant levels.

Please see Responses to Comments 9-34 and 9-58.

9-60 The comment asserts that there is no guarantee that the best management practices or BMPs and low impact design or LID features would be successfully implemented throughout the entire project. The comment further asserts that the Draft EIR failed to provide adequate mitigation or justify that the design considerations are adequate to protect water quality and suggests the impact should be potentially significant or significant and unavoidable if the concerns analyzed above (see Comments 9-58 through 9-60) are not rectified.

Please see Response to Comment 9-58 above. In addition, as specified in the last paragraph of page 4.9-28 of the Draft EIR, individual projects and permits completed under the VESP would be reviewed by the City and the Homeowners Association for conformance with VESP actions/goals and Phase II MS4 Permit requirements. These processes would ensure that appropriate BMPs and LID features are implemented over time throughout the project.

9-61 The comment asserts that any increase in electricity consumption at the project site increases the potential for PG&E to shut off power or to have rotating outages to reduce the risk of wildfire and asserts that the project site is listed as a potential Public Safety Power Shutoff (PSPS) area due to high fire risk.

PSPS events do not occur in response to rising electricity demands, they are undertaken during high wind events when trees or debris is more likely to damage existing electric lines and cause wildfires. As of July 2022, the project area is not shown within a potential PSPS area on the web link provided in this comment. The Draft EIR evaluates and quantifies the project's increase in energy demand in Section 4.5, Energy. The analysis evaluates whether the project would result in an impact due to the wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, or obstruct or conflict with a state or local plan for renewable energy or energy efficiency. The potential for rotating power shut offs and how it may or may not be affected by project-related energy use is speculative, depends on a host of factors outside of the City and applicant's knowledge and control, and there is no threshold or other criterion to evaluate if temporarily shutting off power to the project would result in a potential environmental impact. The Draft EIR evaluates the project's increase in energy demand and if the project would conflict or obstruct with an adopted renewable energy or energy efficiency plan under Impacts 4.5-1 and 4.5- 2 starting on page 4.5-19. The analysis, as provided, adequately addresses potential impacts associated with the project's increase in energy demand in compliance with CEQA.

9-62 The comment asserts the project's generation of photovoltaic or solar power is not provided so the project's energy demand is not accurate. The comment also suggests the addition of batteries to store the solar power generated as part of the project would help offset the likelihood of rotating outages.

The Draft EIR evaluates the project's increase in energy demand associated with operation assuming compliance with the 2019 Title 24 Building Efficiency Standards (Draft EIR p. 4.5-18). It is not known how much of the project would install more than the minimum amount of rooftop solar or other solar installations and buildout of the VESP. As noted on page 7-7 of the VESP, incremental development "would occur over an extended period of time, and in response to market demand and other economic forces." Part 6 of Title 24 of the California Code of Regulations, which includes Title 24 is updated on a regular basis and all development would be required to comply with whatever version of the Building Standards is in place at that time. It is anticipated the energy efficiency standards will become more efficient over time and subsequent phases of the project would realize even greater energy efficiency than the current 2019 Building Efficiency Standards. Therefore, it is not feasible to quantify the project's generation of energy from solar.

9-63 The comment notes the Draft EIR does not specify the required number of electric vehicle (EV) chargers nor if the charging locations would be accessible.

See Response to Comment 9-62. Compliance with CALGreen and other portions of Title 24 of the building code is assessed at the time of building permits, including details specific to the location and number of EV chargers. All new multi-family units and non-residential buildings would be required to obtain additional approvals from the City as explained in Chapter 2, Project Description. In addition, subsequent development would be required to comply with the version of Title 24 in effect at the time, which includes accessibility requirements.

9-64 The comment is referencing carbon sequestration and asserts the EIR must address this concern, in accordance with CEQA.

Please see Responses to Comments 9-1 and 9-2 that address carbon sequestration.

9-65 The comment is requesting the Draft EIR include a population and housing section to address population growth and increased demand on services.

The reasonably foreseeable direct, indirect, and cumulative impacts associated with developing new residential units and the addition of new residents are addressed throughout the Draft EIR in Sections 4.2 through 4.14. The Draft EIR evaluates direct impacts due to land disturbance and construction activities to develop new residential and commercial uses in Sections 4.3, 4.3, 4.4, 4.6, 4.7, 4.8, 4.9, 4.10, 4.13, and 4.14. The increase in demand for energy, public services and utilities is evaluated in Sections 4.5, 4.11 and 4.12. The growth inducing impacts of the project associated with extending infrastructure to serve the project site and development of new residential and commercial uses are evaluated in Chapter 5, CEQA Considerations starting on page 5-3. Inclusion of a separate population and housing section is not required because the project's reasonably foreseeable direct, indirect, and cumulative impacts due to an increase in population have been adequately addressed in the Draft EIR.

9-66 The comment claims the specific plan's proposed mix of land uses conflicts with state and local goals and policies associated with housing and environmental justice because housing units will likely sell to buyers within income categories for which the City has already met its regional target. The comment also asserts that the cost of housing will further increase as a result of homeowner association (HOA) membership fees required of future homeowners.

The comment makes general references to goals and policies associated with housing and environmental justice in relation to the proposed mix of land uses in the project and does not raise any issues pertaining to the adequacy of the environmental analysis contained in the Draft EIR. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration.

The specific price points for housing within the project site cannot be known at this time. However, the proposed project includes a range of housing types and densities, so it can be assumed that there would be a range of housing prices. It is not known at this time if the project would be developed with or without any affordable housing, or that such an outcome would conflict with the City's Regional Housing Needs Assessment (RHNA) requirements or any other state or local goals or policies associated with housing and environmental justice. The project is not required by any state or local goal or policy to provide affordable housing.

Regarding HOA dues and maintenance obligations, it is important that the project's HOA cover the costs associated with vegetative fuel reduction in the open space areas and maintaining the proposed trail system, electric vehicle (EV) lanes, water features and other common areas benefitting residents within the project. It is true that HOA dues would increase costs for homeowners within the project. However, it cannot be assumed that because future owners or residents within the project would be required to pay their fair share for access to shared facilities, the project would conflict with goals and policies pertaining to housing and environmental justice. Without more specifics on which goals or policies are referenced by the commenter, no further response can be provided.

9-67 The comment contends that residents of the 9-acre apartment site will be required to pay HOA costs for maintaining services and infrastructure serving other areas of the project site. The comment refers to this as an example of "inequality of return on public services" that contrasts unfavorably when compared to the Meriam Park project.

The comment raises an economic concern that does not address the adequacy of the environmental analysis contained in the Draft EIR. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration.

It is speculative to assume how HOA dues may factor into rents or condominium ownership obligations for future apartment residents within the Valley's Edge project. Some form of HOA dues may apply to apartment residents in the future, however, HOA dues paid by residents of the 9-acre apartment site for improvements or services would directly benefit the residents. The structure and membership of the HOA is not known at this time. The apartment site might become part of a property owners association (POA) along with commercial owners within the Village Core, entirely separate from the HOA for the low- and medium-density residential areas. The determination of what type of homeowners or property owners' association would be required would be made in by the developer in the future.

9-68 The comment references General Plan Goal LU-6 (which states: "Comprehensively plan the Special Planning Areas to meet the City's housing and jobs needs,") and contends that the project is not tailored to meet state housing targets for producing affordable housing. The comment points to the need for available/suitable land to provide affordable housing units and claims that the project site represents the last area proposed for development in the foothills south of Little Chico Creek.

The proposed project's land use plan seeks to meet housing and job needs by accommodating multiple levels of residential density and including a mix of land uses that would provide flexibility for project buildout and reduce external vehicle trips (or vehicle miles traveled) relative to a single-use development. The project is not intended to resolve the City's needs for specific types of housing or industry; rather, it seeks to provide a long-term inventory of land for residential and non-residential development to benefit Chico.

It is premature at this time to theorize if, or how much affordable housing would be constructed within the project. For example, no affordable housing was initially identified for the Oak Valley Subdivision when it was approved in 2005, and as of 2022 approximately 350 affordable housing units are under construction. Similarly, no affordable housing projects were known for the Northwest Chico Specific Plan (NWCSP) when it was approved in 2006; however, in January 2022, the City approved a second affordable housing project within the NWCSP area, raising the total number of affordable units to over 150 units. The production of affordable housing is directly tied to the availability of funding and the availability of land located in proximity to amenities and infrastructure for a project to be competitive to receive public funds. Typically, multiple sources of public funding are needed to bring affordable housing projects to fruition. Notably, multi-family residential is permitted up to 35 units per acre in both the Village Core and Village Commercial districts in the draft specific plan, so dense residential uses are not limited to the identified 9-acre multi-family site.

The VESP, beginning on page 4-41, spends several pages articulating a vision for "Workforce/ Attainable Housing," which means workforce housing and housing attainable for seniors across income spectrums or entry-level home buyers, also referred to as "Missing Middle Housing" or "affordable by design housing." The specific plan illustrates and describes several modest housing types that would be developed in areas zoned R2 (Medium Density Residential) within the project

to produce lower cost housing (i.e., attached and detached cottages, patio homes, small lot homes, nested homes and courtyard homes).

The commenter's statement that the project site represents the last area proposed for development in the foothills south of Little Chico Creek is noted. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration.

9-69 The comment lists the City's 2014 RHNA numbers for affordable housing requirements and claims that the project is not responsive to those needs. The comment provides relative percentages for the proposed land uses within the VESP and notes that the City's 2014 Housing Element (Adequate Sites Inventory) included twice the acreage (17 acres instead of the 9 acres proposed) of Medium-High Density Residential for this Special Planning Area. The comment points out that Medium-Density Residential acreage remained about the same (91 acres) and that the VESP provides more acreage than anticipated by the 2014 Housing Element for low and very low density residential, which will serve above-moderate income households. The comment concludes that the need for affordable housing has grown more acute, and the VESP will provide less land for affordable housing than forecasted by the General Plan.

The comment focuses on the VESP land use plan and does not address the accuracy or adequacy of the Draft EIR. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration. The comment references the 2014 RHNA and Housing Element, which is superseded by the 2022 RHNA and Housing Element. Though affordable housing may be developed within VESP, the Adequate Sites Inventory for the 2022 Housing Element Update does not include sites from the project to demonstrate RHNA capacity for the city.

The VESP land use plan is designed, in large part, to minimize potential viewshed impacts of new development to surrounding areas. This design intention is reflected in the open space buffers and less-dense housing located near the northern, eastern and southern sides of the site, and by limiting the placement of Medium-High Density Residential (in which three-story development is expected) to the lower elevations adjacent to the Steve Harris Memorial Bike Path. This lower portion of the project site would also support the community park, elementary school, Village Core and Village Commercial, which both limit space for placement of Medium-High Density Residential development and surrounds it with complementary land uses.

This comment misses two notable facts about the future potential for affordable housing to be developed within the project: (1) affordable housing can be developed in areas designed for single-family residences, not just multi-family apartment buildings (see Martha's Vineyard, Habitat at 19th Street, Habitat Greens and Manzanita Pointe projects, listed in Table 2 of the 2014 Housing Element), and (2) the "Village Core" and "Village Commercial" areas within the project comprise over 56 acres of land where multi-family housing would be allowed by right, up to 35 units per acre (possibly higher, depending on the applicability of state Density Bonus laws). These commercial areas are situated at lower elevations and adjacent to the 9-acre Medium-High Density Residential site, offering flexibility for project build-out. See Appendix C of the VESP for a complete listing of permitted and conditionally permitted land uses within the specific plan area.

Therefore, the commenter is incorrect that only 1.5% of the land use plan contains designations that can serve the needs of lower income groups. Within the VESP there would be more opportunities to provide affordable housing than only the 9-acre site zoned Medium-High Density Residential.

9-70 This comment expresses a concern that limiting higher density housing to 9-acres will preclude opportunities for affordable housing providers to arrange for public subsidies and other incentives. The comment claims that ongoing pressure to satisfy low-income housing needs will induce the City to seek new growth areas during later stages of the project. The comment goes on to claim that the Draft EIR must acknowledge that the proposed land use plan is not commensurate with the use of government subsidies for below-market housing and concludes by asserting the Draft EIR lacks any analysis of the impacts of the project on the City's housing targets.

As stated in Responses to Comments 9-68 and 9-69, above, affordable housing can be built elsewhere within the VESP besides the proposed 9-acre Medium-High Density Residential site, and the project would include a variety of workforce housing types that would not be deed-restricted to meet specified income levels but are nonetheless relatively affordable compared to typical new units. As noted on page 2-38 in Chapter 2, Project Description, of the Draft EIR, the project does not require development to occur in any sequence, so it may not occur in the numerical order shown on Figure 2-12 in the Draft EIR. It is also noted that Figure 2-12 of the Draft EIR has since been updated (see Chapter 3, Changes to the Draft EIR for the revised figure) and should match Figure 7-1 from the VESP ("Phasing Map"). Figure 7-1 from the VESP shows the 9-acre apartment site in "Multi-Generational Phase 2, Mid," which indicates development of the 9-acre site in a second phase. However, the same caveat applies, and actual project phasing may not follow the numeric sequence shown on the conceptual phasing figures.

It is not confirmed that the 9-acre apartment site would be developed too early in the project for affordable builders to plan the site for other affordable housing projects, and it is incorrect that the 9-acre site would be the only location within the VESP site where affordable housing could be developed. Without the support for these prior claims, it is speculative to assume that limiting the application of the Medium-High Density Residential land use designation to nine acres within the VESP site would induce the City to seek new growth areas. There is no precedent to support claims that failing to obtain affordable housing in a particular planning area subsequently resulted in the need for the City to seek out other growth areas to make up for the lost opportunity to construct affordable housing. Lastly, land designated for a school, commercial core, and multiple parks will enhance scoring opportunities to make the site desirable for affordable housing funding and tax credits. As noted previously, multiple opportunities for development of future affordable housing within the VESP would exist if the project is approved as proposed.

9-71 This comment claims that having one large HOA burdens residents with the costs of design inefficiencies considered unacceptable for the City as a whole. The comment also alleges that allowing a restricted-access HOA over the entire project area insulates the City from the obligation of maintaining some basic infrastructure and that burden is passed on to the residents.

This comment deals with economic concerns for future residents within the VESP area and does not address the accuracy or adequacy of the Draft EIR. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration.

The "design inefficiencies" asserted in the comment are discussed in Responses to Comments 9-72 and 9-73, below.

Having the HOA be responsible for maintaining certain infrastructure within the project is an alternative to having those costs borne by the City as a whole. The HOA (or similar localized funding mechanism) would be responsible for funding the maintenance costs of shared facilities within the project site because residents have a vested interest in ensuring the facilities are maintained. Although specialized infrastructure can be inefficient (and inequitable) to manage on a citywide basis, it doesn't necessarily follow that those features are inefficient to manage at an HOA level.

As explained in Section 7.3.6 of the VESP, the HOA would be responsible for maintaining the "infrastructure elements such as private roadways, storm water facilities, utilities, landscaping, street lighting, signage and other such facilities and amenities." Maintenance costs for these types of infrastructure features are required of the property owners within most newer projects in the City, either through creation of an HOA, formation of a Chico Maintenance District (CMD), or a Landscape and Lighting (L&L) District, or similar mechanism. Similar to a neighborhood park, the responsibilities fall upon the property owners within the benefitting area to fund the maintenance and replacement costs for these types of basic infrastructure. The approach of establishing a localized benefit district to carry ongoing costs is not new or unique to the project, and identification of an HOA as the funding mechanism for shared facilities does not support the notion that the project includes design inefficiencies.

9-72 The comment describes the arrangement of proposed land use designations along the main collector street within the project and claims it marginally reflects the characteristics sought by the General Plan for an efficient and sustainable land use pattern, such as "mixing of uses, diversified housing types, clustered development, [and] design for 'complete neighborhoods.'" The comment contrasts the mix of land use designations proposed along the main collector with "the periphery east of the main collector" which does not reflect those characteristics sought by the General Plan. The comment asserts that infrastructure serving the project core is required for access and servicing of development on the higher elevations (except Equestrian Ridge), but the inverse is not true. Lastly, the comment suggests that design inefficiencies attributable to the eastern side of the project will unfairly burden residents along the main collector on the west side of the project.

This comment provides opinions regarding the proposed land use plan and economic concerns for future residents within the VESP area and does not address the accuracy or adequacy of the Draft EIR. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration. It is true that the VESP contains a mix of uses that embrace development characteristics sought by the General Plan to achieve an efficient and sustainable land use pattern, and this is most clearly seen along the project's main collector roadway. However, contrary to the commenter's opinion, the contiguous areas that extend toward the project's eastern periphery are appropriately considered separate and apart from the mixed-use core of the project, as those residential uses will be important to support the viability of the mixed-use commercial core area.

Regarding the concern that residents on the west side of the project will be unfairly required to pay for the maintenance of basic infrastructure on the east side of the project, state law prohibits

leveeing assessments on residents for improvements from which the assessed residents do not benefit. Future assessments for infrastructure maintenance are required to bear a reasonable relationship to the benefits associated with that infrastructure. Please also see Responses to Comments 9-67 and 9-71.

9-73 The comment asserts that, in addition to the geological constraints, the project includes features that would increase the cost of living with no ability to opt for a more-affordable lifestyle (citing wildfire suppression systems, park with a private lake, and other indoor and outdoor recreational facilities). The comment suggests more development in the higher elevations of the site would require more services and facilities. The comment references California Park, where HOA dues apparently include "rigorous landscaping and private security."

This comment deals with opinions regarding the proposed land use plan and economic concerns for future residents within the VESP area and does not address the accuracy or adequacy of the Draft EIR. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration.

As stated in the Response to Comment 9-66, it is important that the project's HOA cover the costs associated with vegetative fuel reduction in the open space areas and maintaining water features and other common areas that will benefit project residents more than they would benefit members of the Chico community at large. It is not disputed that new development, whether into higher elevations or in undeveloped areas, results in an increased demand for services and facilities.

9-74 The comment claims the distribution of expenses for private amenities cannot be squared with many of the goals and policies of the City's 2014 Housing Element, or the stated purpose for Special Planning Areas "to meet the city's housing and job needs."

The comment generally references the City's 2014 Housing Element policies and does not call out any specific policy with which the expense of providing private amenities is inconsistent. The Draft EIR addresses consistency of the project with the 2014 Housing Element goals and policies pertaining to development projects on pages 3-23 and 3-24 in Chapter 3, Land Use and Planning. The analysis finds the proposed specific plan is generally consistent with Housing Element goals and policies as follows:

- The VESP includes a range of housing types to address a range of income levels (Goal H.3).
- The VESP includes a mix of commercial and office uses to serve the needs of project residents. The project is generally consistent with this policy because 477,155 square feet of neighborhood-serving commercial uses are proposed (Policy H.3.1).
- The VESP includes a mix of single-family and multi-family units at a range of densities, housing for seniors, and also smaller work force housing units (Policy H.3.3).
- It is anticipated some of the multi-family housing units may be available as rentals (Policy H.3.4).
- The project includes a range of housing types to meet the needs of both families and seniors. Specific housing types are not available at this time (Goal H.4).
- It is anticipated the senior housing would be ADA accessible and other units may also meet ADA requirements; however, specific housing types are not available at this time (Policy H.4.1).
- The project includes housing for seniors 55+ (Policy H.4.4 and Action H.4.4.1)

The Draft EIR addresses consistency of the VESP with General Plan goals and policies pertaining to Special Planning Area's providing for the community's needs on page 3-18. The analysis finds the proposed specific plan is generally consistent with Land Use Element goals and policies as follows:

- Goal LU-6: *"Comprehensively plan the Special Planning Areas to meet the City's housing and jobs needs,"* the Draft EIR finds the VESP consistent as the project includes a Specific Plan that provides a comprehensive plan consistent with General Plan direction for Special Planning Areas.
- Policy LU-6.1: *"To meet the City's growth needs, support development in the following five Special Planning Areas: Bell Muir, Barber Yard, Doe Mill/Honey Run, North Chico, South Entler,"* the Draft EIR finds the VESP consistent as the project proposes a Specific Plan to develop SPA-5, Doe Mill/Honey Run.
- Policy LU-6.2: *"Allow flexibility when planning the Special Planning Areas in order to meet changing community housing and jobs needs,"* the Draft EIR finds the VESP generally consistent as the proposed project includes a Specific Plan that provides a more refined land use plan, infrastructure phasing plans and financing and implementation plans. The Specific Plan includes a range of housing options and densities for ownership and rental including for individuals 55+. The Draft EIR prepared for the project evaluates the environmental impacts associated with construction and operation of the project. Based on the Draft EIR impacts would generally not be significantly greater than what was identified in the General Plan EIR.

None of the 2014 Housing Element or General Plan goals or policies pertaining to SPAs or providing for the needs of the community discourage development projects from incorporating amenities that may increase the marginal cost of living there.

9-75 The comment claims that the project layout, in relation to the Southeast Chico neighborhoods, would generate conditions for a concentration of poverty resulting in environmental justice issues. The comment describes certain neighborhoods and development projects in southeast Chico, tracing a line from the City's disadvantaged communities of Chapman and Mulberry, through an area "of largely moderate and low-income housing stretching from Highway 32 south to the regional commercial stores, continuing along Notre Dame Boulevard to Forest Avenue [featuring] a mix of apartments, townhomes, and compact single-family homes." The comment praises Meriam Park as developing "into one of the most compact and livable communities in Chico," and notes that the presence of affordable housing has drawn public grant funding to make infrastructure improvements in the area. The comment compares those nearby areas to the proposed project by concluding: "development of high-income restricted access communities with separate provisioning for maintenance of basic infrastructure in the foothills above more compact and affordable neighborhoods reliant on municipal services entails some likely adverse impacts on the latter."

With regard to the "likely adverse impacts" associated with infrastructure to serve development in the foothills, please see Responses to Comments 9-76 through 9-78, below. It is true that much growth is occurring in southeast Chico as of 2022, including several affordable housing projects in and around Meriam Park. The project is not considered "above" more compact and affordable neighborhoods. The VESP presents a land use mosaic appropriate for development in the foothills, in addition to other development types.

CEQA provides that economic or social effects are not considered significant effects on the environment unless the social and/or economic changes are connected to physical environmental effects (Section 15131(a)). A social or economic change related to a physical change (e.g., urban decay) may be considered in determining whether the physical change is significant (CEQA Guidelines Section 15382). Physical environmental impacts resulting from development of the project site are discussed in the applicable technical sections in Chapter 4 of the Draft EIR. The comment does not indicate if or how such environmental impacts would result from the socioeconomic effects that are cited concerns raised in the comment. An analysis of housing types is not a CEQA issue and is not required to be evaluated in the Draft EIR. This comment deals with opinions regarding the proposed land use plan and social and economic concerns for future residents within the VESP area and does not address the accuracy or adequacy of the Draft EIR. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration.

Claims that project will be "high-income restricted access" are refuted by information contained in the Draft EIR in Chapter 2, Project Description, which enumerates 36 acres for a community park and 10 acres for an elementary school. The project also includes 420 acres for a regional park and 178 acres for creekside greenway and linear parkland. It is clarified in the VESP on page 3-24 that *"the Regional Park would be offered for dedication to the City of Chico. Unless and until such time as the dedication of land is accepted, the Regional Park will be owned, maintained, and managed by the Valley's Edge HOA, during which period access would be open to planning area residents and guests, as well as non-resident members registered with the Valley's Edge HOA."* Members of the public may obtain a non-resident membership to use the 420-acre Regional Park (and likely the creekside greenway network) from the HOA, and the HOA is allowed to administer basic rules and ensure proper disclosures for non-resident users. The exact nature of these conditional use arrangements is not known at this time. It is anticipated that, in general, the public would have access to these open space areas; however, individual access can be revoked if someone is found abusing their access privileges.

Compared to the existing condition in which the entire 1,448-acre project site is private property with no rights for public access, the project affords an opportunity to gain conditional public access to hundreds of acres of open space, significantly increasing recreational opportunities for the general public in southeast Chico.

Please see Response to Comment 9-72 for an explanation of why the infrastructure provisioning plans for the project do not substantially differ from other newer subdivisions in terms of maintaining basic infrastructure. It is not a matter of the infrastructure being inefficient, it's a result of the City's improved practices over the years to require maintenance of various components of infrastructure serving a particular subdivision to be financed by the property owners within that subdivision.

9-76 This comment asserts that project impacts related to air quality, aesthetics, transportation, and biological resources and diversity would affect those "communities lying beneath Valley's Edge", and that adopting overriding considerations to justify the project would place an unfair burden on the southeast Chico neighborhoods which is not addressed in the Draft EIR. The comment goes on to claim that impacts are made worse by the city street network that favors high volumes of high-speed traffic on arterial roadways, which is also where Chico concentrates multifamily zoning, which in turn exposes residents to higher levels of contaminants, noise, and traffic danger. The

comment claims that the Bruce Road Widening Project is needed, in part, as a result of anticipated traffic from the project and that the roadway improvement project would negatively affect access between Oak Valley and Doe Mill with Meriam Park. The comment suggests that it would be helpful for the Draft EIR to explicitly acknowledge that impacts related to air quality, aesthetics, transportation, and "biological wealth and diversity" would be more pronounced for neighborhoods near the project site as opposed to neighborhoods that are more distant.

Project impacts do not necessarily radiate outward from a project site, however; it depends on the impact. Some impacts, such as air emissions, GHG's and water demand would have a diffused effect, while others would be site specific.

Physical environmental impacts resulting from development of the project site are discussed in the applicable technical sections in Chapter 4 of the Draft EIR. The direct and indirect impacts related to air quality, aesthetics, transportation, and biological resources are addressed in Sections 4.1, Aesthetics, 4.2, Air Quality, 4.3, Biological Resources, and 4.13, Transportation and Circulation. Implementation of the project would result in significant and unavoidable impacts to the existing visual character or quality of public views of the site and its surroundings under both project level and cumulative conditions, greenhouse gas emissions, and conflict with a plan, policy, or regulation to reduce greenhouse gas emissions. Preparation of a Statement of Overriding Considerations would be required for these impacts.

The project would have greater impacts to the adjacent neighborhoods of Belvedere Heights, Hillview Terrace, Stilson Canyon and Horse Run Lane off Honey Run Road, which have been identified in the Draft EIR. Moving outward from there, project impacts (e.g., short-term construction air emissions, greenhouse gas emissions) would extend to the Doe Mill, Olive Grove Estates, New Dawn Circle and Skyway Park neighborhoods. Meriam Park, Parkway Village and Banner Peak Drive would be the next closest, rounding out the main neighborhoods within one mile of the project site. These are all more affluent neighborhoods located closer to the project site than the less affluent neighborhoods and disadvantaged communities identified under Comment 9-75. Thus, some neighborhoods may experience greater impacts due to their proximity to the project site, but that does not mean the project would have disproportionate impacts on neighborhoods comprised of low-income and/or minority residents.

Regarding the Bruce Road Widening Project, CEQA no longer requires an analysis of level of service on local roadways so an analysis of whether or not the project would contribute to the need to widen this road is not evaluated. However, it appears the comment mistakenly links the need for the Bruce Road Widening Project to increased traffic from the project. The Bruce Road Widening Project was identified as needed infrastructure dating back to the 1994 Chico General Plan, in anticipation of development planned at that time. The project site was not contemplated for development or included within the City's Sphere of Influence for the 1994 Chico General Plan. Therefore, while capacity improvements on Bruce Road will help reduce traffic congestion including traffic from the project, the Bruce Road Widening Project is needed and will proceed independently from the project.

9-77 This comment claims that neighborhoods in southeast Chico will "be prone to decline into a condition of environmental disadvantage" due to reliance on the automobile if the project is permitted. The comment goes on to assert that project traffic would inhibit local connectivity

limiting access and connection to the natural environment. The second part of the comment states that affordable housing projects rely on public subsidies which are based on various factors and asserts that the project would adversely affect affordable housing projects by creating conditions to transform the area into poverty. The comment concludes by asserting "[t]he presence of compact low-income communities supports the public services, beguiles the infrastructure grant funding, and sources the workers for the restaurants, retail, construction, landscaping, and other employment anticipated in the project. This is exactly the kind of situation that planning for environmental justice and jobs/housing balance is meant to avoid."

As noted in Response to Comment 9-75, CEQA provides that economic or social effects are not considered significant effects on the environment unless the social and/or economic changes are connected to physical environmental effects (Section 15131(a)). Physical environmental impacts resulting from development of the project site are discussed in the applicable technical sections in Chapter 4 of the Draft EIR. The type of housing to be developed and whether or not affordable housing would be constructed is not required to be evaluated under CEQA. Only the physical impacts associated with the construction and operation of new housing is required to be analyzed in an EIR. This comment deals with opinions regarding the proposed land use plan and social and economic concerns for future residents within the VESP area and does not address the accuracy or adequacy of the Draft EIR. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration.

The comment suggests that project residents would generate so much traffic on local roads that residents from other neighborhoods in southeast Chico would no longer be able to travel by foot or bicycle in a practical manner. The comment does not indicate the locations or describe the situations where this loss of pedestrian or bicycle connectivity would occur, it simply concludes that these negative outcomes would result from project traffic, combined with a shielding effect that the project would create between southeast Chico neighborhoods and "the natural environment" (which is intended to reference the foothill area on the easterly side of Chico).

The comment does not provide any evidence supporting its claim that traffic from the project would inhibit connectivity for bicyclists and pedestrians in southeast Chico neighborhoods to a degree that sets them on a downward spiral of urban decline. Local connectivity of bicycle infrastructure would be preserved during and following construction of the project for reasons stated in Section 4.13 of the Draft EIR, specifically that the project would not adversely affect existing and planned bicycle facilities identified in the Chico Bicycle Plan 2019 Update (Draft EIR p. 4.13-19), and roadway improvements in the area would be designed to meet applicable industry standards from the Caltrans Highway Design Manual (HDM), the California Manual on Uniform Traffic Control Devices (CAMUTCD), and the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets (Draft EIR p. 4.13-22). Designing street improvements to industry standards would ensure that bicycle and pedestrian facilities are included and meet standards for safe use.

Please see Response to Comment 9-76 which explains that the nearest neighborhoods that may be affected due to their proximity to the project site do not support the suggestion that the project would have disproportionate impacts on neighborhoods with a majority comprised of low-income and/or minority residents.

Lastly, no aspect of the proposed project would reduce the amenity scores for the approved affordable housing projects in the southeast Chico area. The project would not change the proximity of any of the affordable housing projects to existing services, it would not undermine the principle of integration (the respective Census tracts would remain relatively affluent) and the project would not inhibit anyone's access to the natural environment. The latter is not recognized as a scoring criterion for affordable housing projects, but the proposed project only stands to increase access for residents in southeast Chico to undeveloped open space for reasons explained in Response to Comment 9-75, above. It is anticipated that members of the public would be able to access the Regional Park within the project, subject to enrolling with the HOA as a non-resident member. Compared to the existing condition of the project site being private property with no rights for public access, this approach of providing conditional public access to hundreds of acres of open space represents a significant gain in the provision of recreational opportunities to the general public.

9-78 The comment claims that the proposed project would create a "civic divide" because allowing the HOA to finance the maintenance of infrastructure within the project would "harm support for public projects serving the broader community." The comment suggests that communities like Valley's Edge incentivize the prioritization of through traffic on arterial roads over safety and residential access in the wider street network. The comment concludes with a paragraph repeating concerns that restricting public access to the project site affects a sense of place and community and reinforces social inequities.

As noted in Response to Comment 9-75, CEQA provides that economic or social effects are not considered significant effects on the environment unless the social and/or economic changes are connected to physical environmental effects (Section 15131(a)). Physical environmental impacts resulting from development of the project site are discussed in the applicable technical sections in Chapter 4 of the Draft EIR. This comment deals with opinions regarding the proposed land use plan and social and economic concerns for future residents within the VESP area and does not address the accuracy or adequacy of the Draft EIR. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration.

The comment mischaracterizes the project as an "exclusively maintained" community due to the "decoupling of local services in the SPA from the financial standing of the municipality." For example, the project's street sections provided in Chapter 5 of the Specific Plan show that the width of most of the streets in the VESP would comply with City roadway standards and would be maintained by the City. Utilities would be provided by the same agencies and companies that provide fire, police, schools, water, sewer and electricity to other services to the greater community. It is predominantly the unique, non-standard features like the trail network (VESP Chapter 5), the roadside ditches (VESP Chapter 5), and the large Regional Park (VESP Chapter 3), that necessitate maintenance obligations from the HOA. Therefore, it is not proposed for the project to be exclusively maintained by the HOA, or to have its local services entirely decoupled from the City. The notion that the project would lead to a civic divide because residents do not rely on municipal services is not supported by facts.

Contrary to the comment, having the HOA be responsible for certain services could improve the future availability of City resources to serve older areas of the City. Requiring the users of a project to fund ongoing maintenance costs within the project is common and consistent with standard

practices in Chico and throughout California. Doing so means that municipal resources will have fewer calls for service in the VESP in the future because ongoing maintenance would be regimented and operability of elements like storm drain inlets and roadside ditches is better assured. By minimizing service calls to newer areas of the City through the establishment of maintenance districts and similar localized funding mechanisms, more municipal response capacity is available for service calls to other areas of the City.

Regarding the statement that roadway improvement projects would favor capacity enhancements over safety. Most capital improvement roadway projects enhance or heavily weigh safety concerns, and they only sometimes add to the roadway capacity. Roadway safety features prominently in the roadway design manuals listed in Response to Comment 9-77, above. Many considerations go into deciding which roadway improvement projects get built; it often has to do with matching a demonstrable need in the city's road network with federal and state funding opportunities.

9-79 The comment states that only Alternative 1 adequately addresses the project's significant environmental impacts and notes that Alternative 4 addresses the project's significant impacts but contains fewer low-income housing units and converts more land than under Alternative 2.

The comment is noted. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

9-80 The comment notes that Alternative 2 includes 23% more open space than Alternative 4, and that Alternative 2 should receive a reduction in VMT since it includes a greater increase in MHDR units than Alternative 4.

The Draft EIR addresses project alternatives in Chapter 6. The comment is correct that Alternative 2 would contain more open space than Alternative 4, although the exact percentage increase is not confirmed with this response. On page 6-12 of the Draft EIR, Alternative 2 is acknowledged to have similar, although lower VMT than the proposed project. However, it was because Alternative 2 would have fewer residents and less on-site commercial square footage. Alternatives 2 and 4 are both shown to have less transportation impacts than the proposed project, as shown in Table 6- 12 of the Draft EIR. The commenter's observations are noted and do not require any changes to the Draft EIR.

9-81 The comment notes that Alternative 2 would provide for a reduction in housing units and commercial square footage relative to the proposed project and asserts that comparing the built acreage, density and housing types would reveal that the increase in residential units in the proposed project is entirely due to low density and very low density housing.

The statements made under this comment are essentially correct, additional details for Alternative 2 would show that the increased acreage of areas planned for low density and very low density residential development would account for the increased number of units anticipated within the proposed project, despite the proposed project also reducing the acreage allotted to medium-high density residential. The analysis of alternatives to the proposed project evaluated in Chapter 6 of the Draft EIR complies with CEQA, which requires the EIR to include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project (CEQA Guidelines section 15126.6(d)). The analysis compares each

alternative to the proposed project across a range of potentially significant or significant environmental impacts (see Table 6-12 on page 3-32 of the Draft EIR). Alternative 2 evaluates the City's conceptual land use plan for the Doe Mill-Honey Run Special Planning Area as presented in the General Plan. The General Plan does not include a detailed breakdown of estimated housing units by land use designation; therefore, this level of detail is not provided for Alternative 2 as it is for the other alternatives. However, even absent this level of detail the Draft EIR adequately addresses the project alternatives as required by CEQA.

9-82 The comment offers an observation that the analysis of Alternative 4 provides more detail as compared to Alternative 2.

The commenter's observations are noted. Please see Responses to Comment 9-81 and 9-86.

9-83 The comment asserts that the community is unable to properly balance the need for housing with goals to reduce dependence on automobiles, prevent loss of habitat and preserve the foothills for public enjoyment because none of the alternatives do so. The comment goes on to assert that the range of alternatives is improperly portrayed because it should include an alternative that addresses housing needs "while retaining the reduced development footprint of the 2030 General Plan Alternative." This comment also introduces an idea for a new alternative.

Chapter 6 of the Draft EIR evaluates project alternatives. As noted on page 6-1 of the Draft EIR, Section 15126.6(a) of the CEQA Guidelines states there is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. Section 15126.6(f) of the CEQA Guidelines further explains that the "range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." As defined in Section 15126.6(f), the rule of reason limits alternatives analyzed to those that would avoid or substantially lessen one or more of the significant effects of a project. Of those potential alternatives, an EIR only needs to examine in detail the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of alternatives that was selected for analysis includes those that would result in reduced impacts when compared to those of the project.

The range of project alternatives selected for analysis in the Draft EIR complies with CEQA, as each alternative would avoid or substantially lessen one or more of the significant effects of the project and, together, they help to foster informed decision-making and public participation. The range of alternatives evaluated in the Draft EIR is adequate and complies with CEQA. Please see Response to Comment 9-86 regarding the commenter's suggestion for a new alternative.

9-84 The comment asserts that the City needs to include another alternative, that increases the project's proposed density more than Alternative 4, concentrates development along the collector roadways (thereby also increasing the amount of open space), requires the City to maintain all the basic infrastructure and guarantees full public access of the area.

As explained in the Response to Comment 9-83, above, only a reasonable range of alternatives is required to "permit a reasoned choice" by City decision-makers. No additional alternatives to the proposed project are necessary.

Please see Response to Comment 9-86 regarding guidance provided in the CEQA Guidelines for identifying and addressing project alternatives.

9-85 The comment asserts that the alternative referenced in the comment above would reduce impacts to sensitive species and wetlands, reduce vehicle miles traveled, and potentially reduce greenhouse gas emissions and would meet a majority of the project objectives.

Please see Responses to Comments 9-83, 9-84 and 9-86.

9-86 The comment suggests an alternative to rezone the project site from SPA to Open Space with a Resource Constraint Overlay which would prohibit development of the project site.

While this suggested alternative would reduce impacts of the project, it would not achieve any of the project objectives, with the exception of using open space to preserve and protect sensitive biological and cultural resources. Such an alternative would be similar to Alternative 1, the No Project Alternative, in which no urban development would occur on the project site. Please see Response to Comment 9-83

9-87 The comment notes that the Butte Environmental Council supports Alternative 1, which is the No Project alternative.

The commenter's support of Alternative 1 is noted and forwarded to the decision-makers for their consideration.

Comment Letter 10

AQUALLIANCE
DEFENDING NORTHERN CALIFORNIA WATERS

12/13/2021

Sent via email

Mike Sawley
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Re: Valley's Edge Specific Plan Draft Environmental Impact Report, SCH No. 2019089041

Dear Mr. Sawley:

These comments are submitted on behalf of the Center for Biological Diversity (the "Center") and AquAlliance regarding the Valley's Edge Specific Plan (the "Project"). The Center and AquAlliance have reviewed the Draft Environmental Impact Report ("DEIR") closely and are concerned the DEIR fails to adequately disclose, analyze and mitigate the Project's impacts to biological resources, water supply and wildfire, among other impacts. The Center and AquAlliance urge the City to Chico (the "City") to revise the DEIR to better analyze and avoid the Project's significant environmental impacts. 10-1

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Butte County, including Chico.

AquAlliance is a public benefit corporation established to defend Northern California waters and to challenge threats to the hydrologic health of the northern Sacramento River watershed to sustain family farms, communities, creeks and rivers, native flora and fauna, vernal pools and recreation.

CEQA and the CEQA Guidelines impose numerous requirements on public agencies proposing to approve or carry out projects. Among other things, CEQA mandates that significant environmental effects be avoided or substantially lessened where feasible. (Pub. Res. Code §

21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d).) Unfortunately, the DEIR for the Project fails to comply with CEQA and the CEQA Guidelines in numerous respects.

I. The DEIR Fails to Adequately Disclose, Assess, and Mitigate Impacts of New Development in High Fire-prone Areas to Wildfire Risk.

Wildfires ignited by lightning strikes and Indigenous cultural burning have occurred on California's landscapes for millennia. They're a natural and necessary process for many of California's ecosystems. But in the past 200 years since European colonization, poor land-use planning and land management have shifted historical fire regimes, causing exceptional harm to communities and wildlife.

Between 2015 and 2020 almost 200 people in the state were killed in wildfires, more than 50,000 structures burned, hundreds of thousands of people had to evacuate their homes and endure power outages, and millions were exposed to unhealthy levels of smoke and air pollution. This includes the 2018 Camp Fire, which occurred very close to the Project area in Paradise, CA. It moved west and north, threatening Chico and requiring evacuations on the eastern side of the city. Meanwhile costs for fire suppression and damages have skyrocketed. Increased human-caused ignitions and the conversion of native habitats to more flammable non-native grasses have led to increased fire activity in the urban wildland interface, which is harmful to numerous biological resources and people.

10-2

A. The DEIR Fails to Adequately Assess the Potential Impacts of More Fire Ignitions from Placing More Homes and People in Fire-Prone Areas.

According to a report from Governor Gavin Newsom's Office, construction of more homes in the wildland-urban interface is one of the main factors that "magnify the wildfire threat and place substantially more people and property at risk than ever before" (Governor Newsom's Strike Force, 2019). Syphard et al. (2019) found that housing and human infrastructure in fire-prone wildlands are the main drivers of fire ignitions and structure loss. This is not new information; scientists have been reporting it for many years in scientific, peer-reviewed journals, and firefighters have observed it.

As outlined in the Center's recent report, *Built to Burn* (Yap et al., 2021), increasing housing development in fire-prone wildlands is putting more people in harm's way and contributing to a dramatic increase in costs associated with fire suppression and damages. Sprawl developments with low/intermediate densities extending into habitats that are prone to fire have led to more frequent wildfires caused by human ignitions, like power lines, arson, improperly disposed cigarette butts, debris burning, fireworks, campfires, or sparks from cars or equipment (Balch et al., 2017; Bistinas et al., 2013; Keeley et al., 1999; Keeley & Fotheringham, 2003; Keeley & Syphard, 2018; Radeloff et al., 2018; Syphard et al., 2007, 2012, 2019). However, a recent study stated that "[d]enser developments, built to the highest standards, may protect subdivisions against direct flame impingement of a vegetation fire, but density becomes a detriment once buildings ignite and burn" (Knapp et al., 2021).

10-3

The DEIR fails to adequately assess and disclose the impacts of increased wildfire beyond the project area's boundaries. Such developments do not only affect future residents. The increased wildfire risk affects existing communities adjacent and downwind of the project area. Fires ignited in or near the project area could lead to the destruction of homes within the new development as well as homes downwind of the project area. Homes can also add fuel to fires and increase spread (Knapp et al., 2021). Impacts to areas beyond one development is exemplified by the Camp Fire, which was sparked by a powerline in Pulga, CA and spread to Paradise and East Chico. Not only were families in these areas affected by burned homes and lost loved ones, but they, along with families hundreds of miles away, were affected by severe air pollution from the wildfire smoke. And unlike wildland wildfires, the burning of 19,000 structures resulted in high levels of heavy metals like lead and zinc being detected in air pollution more than 150 miles away in Modesto, CA (CARB, 2021). In addition, there are significant economic impacts of wildfires on residents throughout the state. One study estimated that wildfire damages from California wildfires in 2018 cost $148.5 billion in capital losses, health costs related to air pollution exposure, and indirect losses due to broader economic disruption cascading along with regional and national supply chains (Wang et al., 2021). Such impacts should be disclosed in the EIR.

10-4

10-5

10-6

B. The DEIR Fails to Adequately Disclose the Public Safety Threats of Increased Wildfire Ignition Risk Due to the Proposed Project.

The EIR must fully disclose the danger of fast-moving wildfires and mitigate the resulting impacts. Public safety threats are often exacerbated by infrastructure unable to accommodate the consequences of more human-caused fires at the wildland urban interface. Thus, it is imperative that adequate safety plans for residents and construction/maintenance workers that reflect real-world experience associated with wildfires in California are in place prior to an emergency. Notification systems may not function as expected during an emergency, and evacuation routes can get clogged with traffic quickly, endangering the lives of those trying to evacuate (Johnson & Hovik, 2018). In addition, the combination of smoke obscuring roads and signage, trees collapsing or being flung into roadways by the wind, and the emotional state of those fleeing for their lives can lead to deadly collisions and roadblocks. And survivors are left to cope with the death of loved ones, physical injuries, and emotional trauma from the chaos that wildfires have inflicted on their communities. These issues are heartbreakingly depicted in an article published in the Sacramento Bee on Oct 22, 2017 (Lundstrom et al., 2017).

10-7

10-8

It is important to note that even if an adequate evacuation plan is in place, in natural areas with high fire threat where fires have historically burned, a public safety or evacuation plan may not be enough to safeguard people and homes from fires. Having warning systems and evacuation routes in place is important for fire preparedness and fire safety, but these are not guaranteed to function when a fire occurs. And wildfires may ignite with little or no notice, and, as mentioned previously, in severe weather conditions, wind-driven fires can spread quickly—they can cover 10,000 hectares in one to two days as embers are blown ahead of the fires and towards adjacent fuels (e.g., flammable vegetation, structures) (Syphard et al., 2011). This occurred in the Camp Fire in Butte County, which spread at a rate of 80 hectares a minute (about one football field per second) at its fastest, and in its first 14 hours burned over 8,000 hectares (Chico Enterprise Record, 2018; Sabalow et al., 2018). And the 2018 Hill Fire in Ventura

10-9

County spread three miles in 15 minutes (County of Los Angeles, 2019). In these types of emergencies warning systems can be slow and ineffective at reaching all residents in harm's way, and planned evacuation routes may not be sufficient. These issues were observed during the Camp Fire, which led to at least 85 deaths and 13,000 burned homes (Sabalow et al., 2018), as well as in last year's Tubbs Fire in Sonoma County and Thomas Fire in Lake County and Ventura County, which led to more than 40 deaths and almost $12 billion in property damage (Lundstrom et al., 2017; St. John, 2017).

10-9 Cont.

Impacts of wildfire disproportionately affect vulnerable communities with less adaptive capacity to respond to and recover from hazards like wildfire. Low-income and minority communities, especially Native American, Black, Latino and Southeast Asian communities, are the most marginalized groups when wildfires occur (Davies et al., 2018). Past environmental hazards have shown that those in at-risk populations (*e.g.*, low-income, elderly, disabled, non-English-speaking, homeless) often have limited resources for disaster planning and preparedness (Richards, 2019). Vulnerable groups also have fewer resources to have cars to evacuate, buy fire insurance, implement defensible space around their homes, or rebuild, and they have less access to disaster relief during recovery (Davis, 2018; Fothergill & Peak, 2004; Harnett, 2018; Morris, 2019; Richards, 2019). In addition, emergency services often miss at-risk individuals when disasters happen because of limited capacity or language constraints (Richards, 2019). For example, evacuation warnings are often not conveyed to disadvantaged communities (Davies et al., 2018). In the aftermath of wildfires and other environmental disasters, news stories have repeatedly documented the lack of multilingual evacuation warnings leaving non-English speakers in danger. (Axelrod, 2017; Banse, 2018; Gerety, 2015; Richards, 2019). Survivors are left without resources to cope with the death of loved ones, physical injuries and emotional trauma from the chaos that wildfires have inflicted on their communities.

10-10

C. The DEIR Fails to Adequately Mitigate the Project's Impacts to Wildfire Risk to Less Than Significant.

The project area is sited in a moderate fire hazard severity zone that has burned in 1999, 2007, and 2018 in a county where 78% of wildfires (51/65) between 2008 and 2018 have been started accidentally by people. Clearly, it's a matter of if, not when, a wildfire will occur in the project area. Yet the DEIR downplays the risk, stating that "no substantial evidence has been identified that links increases in wildfires with the development of ignition resistant communities" (DEIR at 4.14-26). Conversely, there is no evidence that building ignition resistant communities is even possible. In addition, this insinuates that they are developing ignition resistant communities, which is not substantiated with scientific evidence. But there is substantial evidence indicating that more people in high fire-prone areas leads to increased ignitions(Yap et al., 2021).

10-11

Mitigation Measure WFIRE-2 simply states that structures will be in compliance with California Fire Code, which is required by law. But compliance with the fire code has not shown an improvement in fire safety or ignition reduction. A 2021 study found that 56% of homes built during or after 2008 (when the new fire building code went into effect) burned in the Camp Fire (Knapp et al., 2021). The researchers show that there was no significant difference in fire survival between buildings built between 1997 - 2007 and 2008 - 2018 (11 years before and after

10-12

code was in effect) (Knapp et al., 2021). This study also found that homes can add fuel to fires and fire safety is not guaranteed (Knapp et al., 2021). The authors sum it up succinctly here: "Denser developments, built to the highest standards, may protect subdivisions against direct flame impingement of a vegetation fire, but density becomes a detriment once buildings ignite and burn" (Knapp et al., 2021).

10-12 Cont.

First and foremost, the primary policy to minimize impacts to wildfire risk should be to avoid placing human infrastructure in high fire-prone areas. *Second*, developers should be required to go above and beyond current state and federal standards and building codes to further minimize wildfire risk. The project requires defensible space "within 20-30 feet of the rear property line adjacent to the WUI perimeter to reduce fire hazards" (DEIR at 4.14-29), but such mitigation has not been found to be effective at reducing ignition risk. Defensible space is most effective within 5 to 30 feet immediately adjacent to structures (Knapp et al., 2021; Syphard et al., 2014), and, in combination with ember-resistant vents and roofing, such measures may help make homes *fire-resistant*. But even the best mitigation cannot make a development *fire-proof*.

10-13

There are other mitigation measures that should be implemented to minimize wildfire impacts of sprawl development in fire-prone areas. For example, external sprinklers with an independent water source would reduce flammability of structures (California Chaparral Institute, 2018). Although external sprinklers are not required by law, water-protected structures are much less likely to burn compared to dry structures. The DEIR should require 30 feet of irrigated defensible space immediately adjacent to structures and external sprinkler systems for any new development in wildfire zones. In addition, rooftop solar and clean energy microgrids should be required for all structures.

10-14

Mitigation Measure WFIRE-3 is also insufficient. While post-fire flooding and landslides/erosion are a concern after wildfires occur, understanding the post-fire conditions should include fire ecologists, not just engineers and firefighters. Fire ecology is complex in California's landscapes, and understanding the post-fire landscape requires those knowledgeable of how different species in different ecosystems respond to and recover from wildfire. For example, some species of oaks can survive wildfires, and, even if they appear dead aboveground, they may have extensive root systems that survive fire and allow them to regrow (basal or epicormic resprouting). Salvage logging and compacting the soil could lead to more harm than good for both the ecosystem and erosion control. WFIRE-3 should require coordination with CDFW or fire ecology experts when assessing post-fire landscapes.

10-15

D. The Negative Declaration Fails to Adequately Assess and Mitigate the Potential Health and Air Quality Impacts from Increased Smoke from Human-caused Ignitions.

Human-caused wildfires at the urban wildland interface that burn through developments are becoming more common with housing extending into fire-prone habitats. This is increasing the frequency and toxicity of smoke exposure to communities in and downwind of the fires. This can lead to harmful public health impacts due to increased air pollution not only from burned vegetation, but also from burned homes, commercial buildings, cars, etc. Buildings and structures often contain plastic materials, metals, and various stored chemicals that release toxic

10-16

chemicals when burned, such as pesticides, solvents, paints, and cleaning solutions (Weinhold, 2011). The California Air Resources Board found that the Camp Fire burning 19,000 structures resulted in high levels of heavy metals like lead and zinc being detected in air pollution more than 150 miles away in Modesto, CA (CARB, 2021). Such impacts should be disclosed in the EIR. 10-16 Cont.

Wildfire due to human activity and ill-placed developments lead to increased occurrences of poor outdoor and indoor air quality from smoke (*e.g.*, Phuleria et al. 2005), which can have public health effects. Hospital visits for respiratory symptoms (*e.g.*, asthma, acute bronchitis, pneumonia, or chronic obstructive pulmonary disease) and cardiovascular symptoms have been shown to increase during and/or after fire events (Delfino et al., 2009; Künzli et al., 2006; Jia C. Liu et al., 2015; Rappold et al., 2012; Reid, Brauer, et al., 2016; Viswanathan et al., 2006). Children, elderly, and those with underlying chronic disease are the most vulnerable to the harmful health effects of increases in wildfire smoke. And, as discussed in the Center's Built to Burn report, health impacts from wildfires, particularly increased air pollution from fine particulates ($PM_{2.5}$) in smoke, also disproportionately affect vulnerable populations, including low-income communities, people of color, children, the elderly and people with pre-existing medical conditions (Delfino et al., 2009; Hutchinson et al., 2018; Jones et al., 2020; Künzli et al., 2006; Reid, Jerrett, et al., 2016). 10-17

Increased $PM_{2.5}$ levels during wildfire events have been associated with increased respiratory and cardiovascular emergency room visits and hospitalizations, which were disproportionately higher for low socioeconomic status communities and people of color (Hutchinson et al., 2018; Jones et al., 2020; Jia Coco Liu et al., 2017; Reid, Jerrett, et al., 2016). Similarly, asthma admissions were found to have increased by 34% due to smoke exposure from the 2003 wildfires in Southern California, with elderly and child age groups being the most affected (Künzli et al., 2006). 10-18

Farmworkers, who are majority people of color, often have less access to healthcare due to immigration or economic status. They are more vulnerable to the health impacts of poor air quality due to increased exposure to air pollution as they work. Yet farmworkers often have to continue working while fires burn, and smoke fills the air, or risk not getting paid (Herrera, 2018; Kardas-Nelson et al., 2020; Parshley, 2018).

Unprecedented California wildfires in the urban wildland interface are increasing negative health impacts within and beyond its borders. A recent study found that wildfire smoke now accounts for up to 50% of ambient fine particle pollution in the western United States (Burke et al., 2021). Land-use planning must improve now. The DEIR fails to adequately assess, disclose, and mitigate potential impacts of increased smoke exposure due to human-caused ignitions. 10-19

E. The DEIR Fails to Adequately Assess and Mitigate the Impact of Increased Wildfires on Fire Protection Services and Utilities. 10-20

The DEIR fails to adequately consider the impacts on firefighters and first responders of the proposed project. Adding more development to these wild areas will necessitate significant

firefighting costs from both state and local authorities. Cal Fire is primarily responsible for addressing wildfires when they occur, and its costs have continued to increase as wildfires in the wildland urban interface have grown more destructive. During the 2017-2018 and the 2018-2019 fiscal years, Cal Fire's fire suppression costs were $773 million and an estimated $635 million, respectively (Cal Fire, 2019). Note that this does not include the cost of lives lost, property damage, or clean up during these years, which is estimated to be billions of dollars. The vast majority of wildfires in California are caused by humans (Balch et al., 2017; Keeley & Syphard, 2018), and building more roads and inducing more sprawl development in high fire hazard areas will increase the frequency and likelihood of such fires (Radeloff et al., 2018; Syphard et al., 2012, 2013, 2019). This project will burden future generations of California with the costs of defending and recovering even more cities from dangerous blazes.

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According to Captain Michael Feyh of the Sacramento Fire Department, California no longer has a fire season (Simon, 2018); wildfires in California are now year-round because of increased human ignitions in fire-prone areas. Emergency calls to fire departments have tripled since the 1980s (Gutierrez & Cassidy, 2018), and firefighters (and equipment) are being spread thin throughout the state. Firefighters often work 24- to 36-hour shifts for extended periods of time (often weeks at a time), and they are being kept away from their homes and families for more and more days out of the year (Ashton et al., 2018; Bransford et al., 2018; Del Real & Kang, 2018; Gutierrez, 2018; Simon, 2018). In addition, the firefighting force often must rely on volunteers to battle fires year-round.

The extended fire season is taking a toll on the physical, mental, and emotional health of firefighters, as well as the emotional health of their families (Ashton et al., 2018; Del Real & Kang, 2018; Simon, 2018). The physical and mental fatigue of endlessly fighting fires and experiencing trauma can lead to exhaustion, which can cause mistakes in life-or-death situations while on duty, and the constant worry and aftermath that family members endure when their loved ones are away working in life-threatening conditions can be harrowing (Ashton et al., 2018). According to psychologist Dr. Nancy Bohl-Penrod, the strain of fighting fires without having sufficient breaks can impact firefighters' interactions with their families, their emotions, and their personalities (Bransford et al., 2018). There have also been reports that suicide rates and substance abuse have been increasing among firefighters (Greene, 2018; Simon, 2018). This is not sustainable.

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The EIR must adequately assess and mitigate the impacts to fire protection services and first responders. Placing more roads and development in fire-prone areas will further burden already strained people and resources. Funding is already lacking for the increasing costs of fire suppression in California. According to Cal Fire, costs were over $4.6 billion in the past five years (2016-2020) (Cal Fire, 2021). But the DEIR does not provide a mechanism for developers to reimburse Cal Fire for the many millions (or billions) of dollars Cal Fire will likely expend when—not if—Butte County community members need to be defended from natural or human-caused wildfires in the vicinity. If costs are not sufficiently covered by the developers, California and federal residents end up paying in the form of fire insurance premiums and taxes that support Cal Fire and federal government subsidies and grants for homes in high-risk areas. And these costs do not include other indirect/hidden costs associated with wildfires, such as the costs of doctors' appointments, medication, sick days taken from places of work, funerals, etc. As the

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costs of housing in California continues to increase, these costs will also continue to rise. Given the current lack of funding and shortage of firefighting personnel, any development in high fire-prone areas should be required to provide adequate funding and resources for firefighting operations and safety measures.

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II. The DEIR's Water Supply Analysis is Inadequate

A. The EIR must disclose, analyze, and mitigate the Project's impacts on groundwater

The Project has the potential to negatively impact groundwater supplies, yet an analysis of these impacts is absent from the DEIR. A lead agency is not bound by the thresholds of significance provided in appendix G of the CEQA guidelines, it has discretion to develop their own thresholds. (See *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068.) Given the Project's water demand will be met exclusively with groundwater (DEIR at 4.12-2), the city should establish a project-specific threshold of significance to address potential drawdown of groundwater within the Vina Subbasin.

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CEQA requires that an EIR assess potentially significant environmental impacts (Cal. Pub. Res. Code § 21100(b)(1); 14 Cal Code Regs §§15126.2(a), 15143), and the drawdown of groundwater basins is an established negative impact, exemplified by the passage and ongoing implementation of the Sustainable Groundwater Management Act ("SGMA"). The project will drawdown groundwater by approximately 1 foot in order to supply the city's demand, accounting for the project. (DEIR at 4.12-20.) The DEIR makes the erroneous claim that "groundwater withdrawals within the Chico District are not limited by regulation, the theoretical water supply is the total design capacity of all the active wells, which is 99,200 AFY (City of Chico 2010)." (DEIR at 4.12-22.) This statement ignores the facts and current legal requirements relevant to the Project.

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A draft Groundwater Sustainability Plan for the Vina Subbasin ("draft GSP"), which encompasses the Project site, will be submitted to the California Department of Water Resources for final review in January of 2022. (Vina draft GSP.) The draft GSP includes the following assessment of groundwater trends in the subbasin:

> Since the year 2000, there has been a cumulative decline in March 1 groundwater storage of about 400,000 acre-feet (AF). This indicates that the cycles of groundwater pumping are not in balance with the cycles of recharge that replenish the aquifer, and that groundwater depletion has occurred consistent with long-term decline in groundwater levels.

(Vina draft GSP at 94.)[1] To say that groundwater extraction is unregulated is at best an outdated reference included by error, and at worst a misrepresentation of fact and law employed to overstate the amount of water available for the Project. The DEIR must be revised to accurately

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[1] Vina GSA, 2021. Draft Vina Subbasin Groundwater Sustainability Plan, December 15, 2021. Available at https://www.vinagsa.org/files/48795fc14/Vina_GSP_12.09.2021_redline.pdf. Viewed 12/13/2021.

disclose the Project's impacts on groundwater, and how much groundwater will be available for Project use throughout the 20-year water supply planning horizon. 10-25 Cont.

A revised water supply analysis is needed to determine whether there is sufficient groundwater to supply the Project, as the DEIR states. If a legally adequate analysis of available water supplies concludes that current groundwater supplies in insufficient to supply the Project's demand, alternative supplies must be identified, and the environmental impacts associated with procuring that supply must be analyzed. (See *Vineyard Area Citizens for Smart Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 434.) The amount of water used is a critical component of a Project's CEQA analysis, but it is not the full extent of the inquiry. The source of water, and the timing of extraction or diversion, has environmental consequences that must be disclosed, analyzed, and mitigated. 10-26

III. The DEIR Fails to Adequately Disclose, Analyze and Mitigate the Project's Impacts to Biological and Hydrological Resources

A. The DEIR fails to adequately disclose, evaluate, and consider impacts to Waters of the U.S., uplands, adjacent preserves, and species dependent on the vernal pool landscape

Preserves and Open Space

The DEIR does not contain sufficient detail and analysis concerning the establishment, management and long-term success of the onsite preserve and open space areas. Many of the preserve areas are small and linear, and raise the following concerns: 10-27

a. "The size of small preserves presents unique management challenges related to higher levels of human and domestic animal (pet) impacts as compared with larger preserves, especially when situated within heavily developed or fragmented areas. Small preserves have a much higher edge to area ratio, especially for preserves that are more linear in shape, as well as a much shorter distance into the center of the preserve. As a result, as shown in this study, small preserves, especially those in proximity to moderate to high density residential areas, are generally prone to much higher levels of human and domestic animal impact as compared with large preserves or more remote small preserves." (Vollmar 2009, pp. 18-19)

b. "The size of small preserves also presents unique management challenges related to thatch management and invasive plant control. As discussed extensively below, thatch management through regular grazing or mowing is generally critical for maintaining ecological health within pools and associated upland annual grasslands (Marty 2005, Pollak and Kan 1998; Tu, Hurd, and Randall 2001). This is easier to achieve on large preserves where the owner or a lessee will graze the site as part of a separate, economically feasible ranching operation." (Vollmar 2009, p. 19) How will the open space and preserves be managed for biological values? 10-28

c. "In combination, these unique management challenges translate into the need for much more intensive management and monitoring efforts and 10-29

consequently much higher funding requirements on a per acre basis for small preserves as compared with large preserves. Preserve managers and regulatory agencies should take this into consideration when determining the size of endowments for new small preserves." (Vollmar 2009, p. 19) Will an endowment be required for preserve and open space management into perpetuity?

10-29 Cont.

d. "Preserves varied in shape from square or oval to linear; preserve shape is an important consideration size [as] more linear preserves have a greater edge to area ratio and thus greater potential edge effects." Edge effects include exotic weed invasions, wildlife harassment and/or collection, trash accumulation, management challenges, and more. (Vollmar 2009, p. 20)

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Butte County Meadowfoam

In addition to the impacts to species and waters from the proposed Project, the impacts to Butte County meadowfoam (BCM) are considerable and not properly disclosed, analyzed or mitigated by the DEIR. The DEIR fails to discuss how the Project will maintain a healthy BCM population and habitat in light of the Vollmar research provided above and the following facts.

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a. The Project's BCM preserves are surrounded by hardscape that will cause significant impacts to the species. "Another ongoing degradation of Limnanthes floccosa ssp. californica habitat involves illegal trash dumping and off-highway vehicle use (U.S. Fish and Wildlife Service 1992). Also, competition from grasses and other weedy non-native plants poses a potential problem to four occurrences of L. floccosa ssp. californica (California Natural Diversity Data Base 2003). For example, at the II-43 Doe Mill Preserve, competition from the non-native grass Taeniatherum caput-medusae (medusahead) apparently has reduced population size and seed set in L. floccosa ssp. californica (Center for Natural Lands Management 1997). In addition, threats are also continuing due to inappropriate grazing practices in certain instances such as insufficient grazing at the Doe Mill Preserve." (USFWS 2006, p. II-43)

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b. "[t]wo populations of L. floccosa ssp. californica are small enough (fewer than 500 plants even in favorable years) that random events could lead to their extirpation (C. Sellers in litt. 2001, California Natural Diversity Data Base 2003). Moreover, the narrow geographic range of the taxon increases the likelihood that a single catastrophic event could destroy all or most of the occurrences." (USFWS 2006, p. II-43)

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c. "Another potential threat is lack of pollinators. 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." (USFWS 2006, p. II-43)

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Vernal Pool wildlife species

The DEIR erroneously reports that there are no branchiopods "adjacent to the project site." (p. 4.3-19) However, the Army Corps of Engineers contradicts this assertion when it revealed that the Schmidbauer property, due west of the proposed Project, contained two shrimp species: "The annual grassland landscape is interspersed with vernal pool/vernal swale complexes that are known to support the federally-listed endangered Butte County meadowfoam, federally threatened vernal pool fairy shrimp (Branchinecta lynchi) and the federally endangered vernal pool tadpole shrimp (Lepidurus packardi)."[2] Next, the DEIR concludes that there is "low potential" for crustaceans to occur within the proposed Project. This is unsupported. The U.S. Fish and Wildlife Service indicates that "Although the vernal pool fairy shrimp has been collected from large vernal pools, including one exceeding 10 hectares (25 acres) in area (Eriksen and Belk 1999), it tends to occur in smaller pools (Plantenkamp 1998), and is most frequently found in pools measuring less than 0.02 hectare (0.05 acre) in area (Gallagher 1996, Helm 1998). The vernal pool fairy shrimp typically occurs at elevations from 10 meters (33 feet) to 1,220 meters (4,003 feet) (Eng et al. 1990)..." (USFWS 2006, p. II-200) The fairy shrimp and tadpole shrimp are found just next door, as it were, and it is highly probable that at the very least fairy shrimp could be found in the small pools on the proposed Project site. Biological assessments by third-parties unattached to the proposed Project and its funders would be essential to provide accurate information about branchiopod presence and/or potential for restoration.

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The DEIR must also disclose, analyze and mitigation the Project's potentially significant impacts on the Stonegate and Doe Mill vernal pool preserves that are immediately to the west of the Project site. Project construction and operation has the potential to impact the hydrology of the adjacent preserves, in addition to the risk introducing pollutants to the sensitive habitat preserves.

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Additionally, vernal wetlands provide habitation and foraging for many special status species. Shrimp are an integral part of this wetland landscape, providing food chain support for migratory waterfowl and other native animals (Krapu 1974; Swanson et al., 1974; Silveira 1996). Numerous listed birds rely on the grasslands surrounding vernal wetlands for foraging, including: Swainson's hawk (*Buteo swainsoni*), Aleutian Canadian goose (*Branta canadensis leucopareia*), ferruginous hawk (*Buteo regalis*), golden eagle (*Aquila chrysaetos*), American peregrine falcon (*Falco peregrinus anatum*), merlin (*Falco columbarius*), northern harrier (*Circus cyaneus*), prairie falcon (*Falco mexicanus*), sharp-shinned hawk (*Accipiter striatus*), white-tailed kite (*Elanus leucurus*), greater sandhill crane (*Grus canadensis tabida*), long-billed curlew (*Numenius americanus*), short-eared owl (*Asio flammeus*), western burrowing owl (*Athene cunicularia hypugea*), and loggerhead shrike (*Lanius ludovicianus*).

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In summary, the characterization of impacts in the DEIR is inadequate, particularly where high value resources are in close proximity to the Project hardscape and/or where resources are without adequate wildland and/or waters to thrive due to the Project's design. Much of the impacts that will occur in these areas were not discussed in the DEIR. These include destruction or degradation by vehicles, mountain bikes, joggers, pedestrians, pets, trash dumping, pollution,

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[2] U.S. Army Corps of Engineers, 2020. Department of the Army Environmental Assessment and Statement of Findings (SPK-1994-00040). p. 2.

etc. Over time, direct and indirect impacts and the effects of isolation will likely reduce the functions and values of the vernal pools, swales, and uplands to near zero. These impacts and suitable mitigation are not adequately addressed in the DEIR

10-39 Cont.

B. The DEIR failed to disclose the cumulative impacts to Waters of the U.S., uplands, and dependent species

The DEIR fails to provide an accounting of the losses of wetlands, uplands, and wetland dependent species in Chico, 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.

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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." (USFWS 2006, p. II-43)

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IV. Conclusion

Thank you for the opportunity to submit comments on the Draft Environmental Impact Report for the Valley's Edge Specific Plan. The Project poses a multitude of improperly potentially significant impacts to the environment that are not properly analyzed or mitigated in the DEIR. The Center urges the City to revise the DEIR to address the legal and factual deficiencies identified in this letter.

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Given the possibility that the Center will be required to pursue legal remedies in order to ensure that the County complies with its legal obligations including those arising under CEQA, we would like to remind the County of its statutory duty to maintain and preserve all documents and communications that may constitute part of the "administrative record" of this proceeding. (§ 21167.6(e); *Golden Door Properties, LLC v. Superior Court* (2020) 53 Cal.App.5th 733.) The administrative record encompasses any and all documents and communications that relate to any and all actions taken by the County with respect to the Project, and includes "pretty much everything that ever came near a proposed [project] or [] the agency's compliance with CEQA . . . ." (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further includes all correspondence, emails, and text messages sent to or received by the County's representatives or employees, that relate to the Project, including any correspondence, emails, and text messages sent between the County's representatives or employees and the Applicant's representatives or employees. Maintenance and preservation of the administrative record requires that, *inter alia*, the County (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

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Please add the Center and AquAlliance to your notice list for all future updates to the Project and do not hesitate to contact the Center and AquAlliance with any questions at the numbers or emails listed below. 10-44

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Response to Letter 10

**Center for Biological Diversity (Ross Middlemiss, Staff Attorney)
and AquAlliance (Barbara Vlamis, Executive Director)**

10-1 The comment states that the Center for Biological Diversity and AquAlliance have reviewed the Draft EIR and it is their opinion that the Draft EIR does not adequately disclose, analyze or mitigate potential impacts to biological resources, water supply and wildfire and request the City revise the Draft EIR to better analyze potential impacts.

The comment is noted and forwarded to the decision makers for consideration. The responses provided to the individually bracketed comments in this letter address all of the concerns regarding the adequacy of the Draft EIR raised by the commenter.

10-2 The comment asserts that the Draft EIR fails to adequately disclose, assess and mitigate impacts of development in a high fire-prone area, and provides a historical overview of wildfires dating over the past 200 years and provides a general overview of the physical and economic effects of wildfires.

To clarify, the project site is designated by CAL FIRE as a "Moderate" fire severity area. No information is provided in this comment to support the statement that the Draft EIR fails to adequately disclose, assess and/or mitigate impacts of the proposed project relative to wildfire risk. Please see Master Response 1 which addresses specific concerns regarding wildfires.

10-3 The comment states that the Draft EIR fails to adequately assess the potential impacts of more fire ignitions from placing more people and homes in fire-prone areas. The comment also references reports that evaluate the hazards of constructing homes in fire-prone areas, including in the wildland-urban interface that results in increased costs for fire suppression and how development patterns are affected by wildfires.

Please see "Wildfire Risks" under Master Response 1 which addresses increased development in the WUI and the potential to exacerbate wildfire risk.

10-4 The comment states that the Draft EIR fails to adequately assess and disclose how the project would increase wildfire potential beyond the project area boundaries. The comment states that development can affect communities adjacent and downwind due to fire being ignited in or near a developed area resulting in home ignition that could potentially spread beyond the project boundary. The comment offers the Camp Fire as evidence, which was sparked by a powerline in Pulga, California and spread to the Town of Paradise and East Chico.

Please see "Wildfire Risks" under Master Response 1 which addresses concerns regarding increased wildfire potential beyond the project boundaries. Further, the comment provides no information that development or human activity associated with the uninhabited gold rush town of Pulga bears any relationship to the failure of the PG&E transmission tower which caused the Camp Fire and is located in the general vicinity of Pulga.

10-5 The comment asserts that the Draft EIR inadequately assess the impacts of increased wildfire beyond the project area's boundaries. The comment also refers to effects on air quality from the Camp fire due to air pollutants from buildings that were burned that contributed to heavy metals being emitted.

Please see "Wildfire Risks" under Master Response 1 which addresses concerns regarding increased wildfire risk beyond the project boundaries and air quality impacts resulting from wildfires.

10-6 The comment notes that wildfires result in significant economic impacts that can be experienced throughout the state. The comment goes on to state these impacts are related to direct loss in capital and other indirect losses that should be disclosed in the EIR.

CEQA provides that economic or social effects are not considered significant effects on the environment unless the social and/or economic changes are causal factors connected to subsequent physical environmental effects. A social or economic change resulting in a physical change may be considered in determining whether the physical change is significant (CEQA Guidelines Section 15382). The guidance for assessing economic and social effects is set forth in Section 15131(a) of the CEQA Guidelines:

> Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on physical changes.

In this case, the Draft EIR did not address the economic effects of wildfire because it is not known what or when wildfires would occur, how extensive one would be, and what the economic effects resulting from the environmental effects would be, if any. Section 15145 of the CEQA Guidelines recognizes that some impacts may be too speculative for evaluation due to the inability to predict a future outcome. The ability to predict when and where a wildfire would erupt is highly speculative. Also, the commenter does not indicate what, if any, environmental effects would result from the economic loses and/or disruption.

Please see Master Response 1 with respect to the environmental effects regarding wildfires.

10-7 The comment asserts the Draft EIR failed to adequately disclose the threat to public safety and public infrastructure and claims the project is unable to accommodate increased wildfire risk in the wildland-urban interface due to challenges associated with evacuation.

Please see "Public Safety and Evacuation" under Master Response 1 which addresses concerns regarding public safety and evacuation as they relate to wildfires.

10-8 This comment provides background information regarding how wildfires survivors are impacted by the loss of loved ones, physical injuries, and emotional trauma.

The comment does not raise any issues regarding the adequacy of analysis contained in the Draft EIR. Please see Master Response 1 which addresses concerns regarding wildfires. The project includes a multi-layered approach to ignition management, fire prevention, and fire protection. The emotional impact to wildfire survivors is not considered an environmental effect of the project and is not required to be evaluated in a CEQA document. The comment is forwarded to the decision makers for their consideration.

10-9 The comment suggests that public safety or evacuation plans may not be adequate to protect homes and people from wildfires. The comment notes wildfires can spread rapidly within little or no notice and references the rate of fire spread from the 2018 Camp Fire and the 2018 Hill Fire in Ventura County. The comment further asserts emergency warning systems are not always effective and planned evacuation routes are not always sufficient.

The comment does not raise any issues regarding the adequacy of analysis contained in the Draft EIR. The comment is forwarded to the decision makers for their consideration. Please see Master Response 1 which addresses concerns regarding wildfires.

10-10 The comment asserts that wildfires disproportionately effect vulnerable communities. The comment further indicates that disadvantaged communities such as low-income and minority groups often have limited resources for disaster planning and are less likely to have the adaptive capacity to respond and recover from wildfires. Additionally, the comment asserts evacuation warnings often are often not well-conveyed to disadvantaged communities.

The comment describes social conditions that are not environmental impacts of the project (e.g., at-risk populations having limited resources for disaster preparedness and insurance). The commenter's information and opinion are forwarded to the decision makers for their consideration.

For a discussion of wildfire impacts both within and outside the project site, please see Master Response 1 which addresses wildfires.

10-11 The comment states that the project site is in a moderate fire hazard severity zone that has burned three times in 1999, 2007, and 2018 and that wildfire will clearly occur in the project area again. The comment asserts there is no evidence that ignition resistant communities are possible and further suggests that more people in high fire-prone areas lead to increased ignitions and fires.

To clarify, the project site is designated by CAL FIRE as a moderate fire severity area. Please see Master Response 1 which addresses concerns regarding wildfires.

10-12 The commenter asserts that mitigation measure WFIRE-2 is not adequate because it simply requires compliance with fire code requirements which already apply to the project, and which the comment asserts have not been shown to improve fire safety or ignition reduction.

Please see "Ignition Resistant Construction and Building Codes" under Master Response 1 which addresses concerns regarding wildfires. It is not correct that mitigation measure WFIRE-2 simply requires compliance with the California Fire Code, because once the project site is annexed into the City of Chico it would no longer be subject to CalFire WUI standards for development within a Wildfire Hazard Severity Zone within the State Responsibility Area. Therefore, WFIRE-2 creates continuity for the application of these fire-wise development standards and adds several components to the Draft VESP Firewise Guidelines, Standards & Vegetation Management Standards, which, as discussed on page 4.14-27 of the Draft EIR would ensure all feasible steps are taken to minimize the potential for wildfires to expose future residents to hazards.

10-13 The comment states an opinion that the primary policy should be to minimize wildfire risk by avoiding placing human infrastructure in high fire-prone areas and that developers should go above and beyond what is required in the state and local building codes. The comment suggests that defensible space is most effective within 5 to 30 feet of structures and the project's defensible space of "within 20-30 feet of the rear property line adjacent to the WUI perimeter" would not be effective in reducing ignition risk. The comment further suggests that defensible space is most effective in combination with ember-resistant vents and roofing.

To clarify, the project site is designated by CAL FIRE as a "Moderate" fire severity area. The defensible space standard referenced in this comment would apply to the outer perimeter of a subdivision along the WUI and would be in addition to the defensible space required around homes and other structures within individual lots. The draft specific plan includes multiple layers of wildfire protection, and wildfire mitigation measures ensure that all feasible efforts are applied to minimize wildfire risks. Please also see Master Response 1 which addresses concerns regarding wildfires.

10-14 The commenter asserts that additional mitigation measures should be implemented such as external sprinklers and the Draft EIR should require 30 feet of irrigated defensible space immediately adjacent to structures.

Please see Master Response 1 which addresses concerns regarding wildfires. The comment does not indicate how requiring rooftop solar and clean energy microgrids would reduce fire risk; however, the request is forwarded to the decision makers for their consideration.

10-15 The commenter asserts that mitigation measure WFIRE-3 is not sufficient because it does not require coordination with the California Department of Fish and Wildlife or fire ecology experts when assessing post-fire landscapes. Due to the complexity of California landscapes and ecosystem variability, salvage logging and soil compacting could result in increased harm to the environment.

A wide variety of experts are brought to bear in the assessment of post-fire conditions after a major wildfire, many more than just engineers and firefighters as the comment suggests. To address these concerns mitigation measure WFIRE-3 has been revised to include post-fire review by CDFW or a fire ecologist. Please see Chapter 3, Changes to the Draft EIR for the revised text. Please also see Master Response 1 which addresses concerns regarding wildfires.

10-16 The comment states that the Draft EIR fails to adequately assess and mitigate the potential health and air quality impacts from increased smoke from human-caused ignitions. The commenter asserts that the health impacts associated with toxic smoke resulting from human-caused wildfires should be disclosed as project impacts in the EIR.

It is not agreed that the project would significantly increase human-caused ignitions of wildfires and therefore have the effect of increasing harmful smoke in the air, considering the proposed application of the VESP Firewise Guidelines and compliance with mitigation measures WFIRE-1 and WFIRE-2. Since the project would not result in an increase of toxic smoke from wildfires that would exacerbate the health impacts of people exposed to wildfire smoke, no changes to the Draft EIR are required and impacts would be less than significant.

10-17 The commenter states that wildfire due to human activity and ill-placed development leads to increased occurrences of poor outdoor and indoor air quality and health impacts from wildfires, particularly due to an increase in fine particulates ($PM_{2.5}$) in smoke, which disproportionality affects vulnerable populations and leads to hospital visits for respiratory issues.

The comment does not raise any issues regarding the adequacy of analysis contained in the Draft EIR. Since the project would not result in an increase of smoke from wildfires, no changes to the Draft EIR are warranted pursuant to this comment. Please see Response to Comment Master Response 1.

10-18 The commenter states that increased $PM_{2.5}$ levels during wildfire events have been associated with increased respiratory and cardiovascular emergency room visits and hospitalizations. The comment also refers to farmworkers being affected by poor air quality due to wildfires.

The comment does not raise any issues regarding the adequacy of analysis contained in the Draft EIR. Since the project would not result in an increase of smoke from wildfires, no changes to the Draft EIR are warranted pursuant to this comment. Please see Master Response 1 and Response to Comment 10-17.

10-19 The commenter states that wildfires in the urban wildland interface are increasing negative health impacts, and the EIR fails to adequately assess, disclose, and mitigate potential impacts of increased smoke exposure due to human-caused ignitions.

Please see Master Response 1. Considering the proposed application of the VESP Firewise Guidelines and the addition of mitigation measures WFIRE-1 and WFIRE-2, the project would not significantly increase human-caused ignitions of wildfires and, therefore, it would not have the effect of increasing harmful smoke in the air. No changes to the Draft EIR are required.

10-20 The comment provides information specific to the economic burden of wildfire suppression efforts and alleges development of the project would burden the state with the costs of fire suppression.

It is not agreed that the proposed specific plan would burden future generations with the costs of defending and recovering even more cities from dangerous blazes. The commenter's opinion regarding future financial obligations for the state caused by the project is noted and forwarded to the decision makers for their consideration. As discussed in Master Response 1, the project and Draft EIR contain numerous measures to minimize the risk of ignition and wildfire spread, which would reduce the severity of the wildfire impact. With respect to the costs of firefighting and loss of property and life, CEQA does not require an evaluation of the economic effects unless it would result in physical environmental impacts. The comment offers opinions and speculation but does not indicate how the described negative events would be attributable to the project. Please see Response to Comment 10-6 and Master Response 1.

10-21 The comment provides background as to the effect fighting wildfires has on fire personnel, including the physical, emotional, and mental health concerns due to the demanding aspects of the job.

The information provided is noted and forwarded to the decision makers for their consideration. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. Please also see Master Response 1 for a discussion of measures that would reduce the likelihood and extent of a wildfire occurring within the project area.

10-22 The comment suggests the EIR must address impacts to fire protection services and first responders and states the Draft EIR does not provide a mechanism for developers to reimburse CAL FIRE for the cost of wildfires in Butte County. The comment further states an opinion that due to the lack of funding any development in high fire-prone areas should be required to provide adequate funding to cover these costs.

The Draft EIR addresses impacts to local fire protection resources due to developing additional residential and commercial uses at the project site in Section 4.11, Public Services. Because wildfires are considered existing impacts of the environment which could affect a project or plan (as opposed to impacts of a project or plan on the environment) and are beyond the scope of required CEQA review. "[T]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project." (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 473). Please see Master Response 1 which addresses concerns related to wildfire including if the project would exacerbate existing hazards, and Response to Comment 10-6 which addresses how potential economic and social effects are regarded under CEQA. It is not agreed that it would be appropriate, or necessarily legal, for the City to require developers in Butte County to reimburse CAL FIRE for wildfire damage that may occur in the area. Lastly, to clarify, the project site is designated by CAL FIRE as a "Moderate" fire severity area.

10-23 The comment asserts that the Draft EIR does not address potential negative impacts to groundwater supplies. The comment further asserts that the lead agency is not bound by the thresholds provided in Appendix G of the CEQA Guidelines and has discretion to develop its own thresholds. The comment goes on to suggest that the City should establish a project-specific threshold of significance to address potential drawdown of groundwater within the Vina Subbasin.

The Draft EIR does analyze potential impacts to groundwater supplies. Specifically, in Section 4.9, Hydrology and Water Quality, the impacts of groundwater withdrawals needed to supply the project are evaluated (see Impact 4.9-2 on pp. 4.9-30 through 4.9-32; Impact 4.9-6 on pp. 4.9-41 and 4.9- 42; and Impact 4.9-9 on pp. 4.9-44 through 4.9-46 of the Draft EIR). The availability of an adequate water supply is also evaluated in Impact 4.12-2 on page 4.12-20 and Impact 4.12-6 on page 4.12-22 of the Draft EIR.

As the commenter notes, the City does have the discretion to adopt its own CEQA thresholds, although it is not required to do so. However, the City, in its discretion, has opted to use the checklist questions provided in Appendix G of the CEQA Guidelines in lieu of adopting separate thresholds, as there is nothing unique about the project that would warrant a different, more specific threshold. Meeting domestic water demand exclusively with groundwater is common in the Chico area.

The project's Water Supply Assessment (WSA), the 2015 Cal Water – Chico/Hamilton Urban Water Management Plan (UWMP), and the Sustainable Groundwater Management Act (SGMA) protocol were used as a basis in determining the level of significance to evaluate potential impacts to

groundwater. (Note: the updated 2020 UWMP was reviewed and the findings were generally the same as the 2015 UWMP.)

The Vina groundwater subbasin is currently not in critical overdraft but is a high priority basin with respect to SGMA, indicating the basin must achieve groundwater sustainability by 2042. As noted on page 4.9-11 of the Draft EIR, the main factors driving the high priority designation of the Vina Subbasin include population growth (4 out of 5 possible ranking points), production well density (5 out of 5 possible points), irrigated acreage per square mile (4 out of 5 possible points), and groundwater reliance (5 out of 5 possible points). Based on these factors, current groundwater withdrawals are not critical (or substantial) but must be addressed by 2042. The Groundwater Sustainability Plan (GSP) for the Vina Subbasin was finalized December 15, 2021 and is anticipated to be adopted by Butte County sometime in 2022. The projected growth in the GSP is based on the Butte County 2030 (estimates of population and per capita water use over time).

A determination of the adequacy of groundwater supplies for the project would not be directly dictated by the GSP. Rather, the GSP evaluates current conditions in the Vina Subbasin, establishes sustainable groundwater management criteria, includes provisions for ongoing groundwater data gathering and analysis, and summarizes the findings. Please see Response to Comment 10-24 for an overview of the GSP. The provisions and criteria in the GSP are required to be evaluated annually and every five years (in more depth) and updated as necessary. GSP implementation will begin upon approval of the document by the Department of Water Resources. In addition, the Vina and Rock Creek Reclamation District Groundwater Sustainability Agencies (GSAs) will continue their efforts with public engagement and to secure funding to monitor and manage groundwater resources. Please also see Response to Comment 10-24 for more information on the GSP.

Because adequacy of groundwater supplies for the project would not be directly dictated by the iterative GSP process, the project-specific WSA, which is based on the UWMP, establishes whether the project would result in groundwater withdrawals substantial enough to impede sustainable groundwater management of the basin. The UWMP concludes sufficient groundwater supplies are available to meet future demands in within the Chico-Hamilton service area in normal and multiple dry year periods through 2045. The 2020 UWMP specifically references the VESP in the water demand projections (UWMP p. 36), as adding 2,900 new residential and commercial services by 2040 and 1,750 AFY of additional water demand. As a result, the UWMPA indicates there is sufficient water for the project, in combination with other proposed growth in the area.

Based on the above analysis and the information already provided in Section 4.9 of the Draft EIR, the CEQA Guidelines (Appendix G) threshold regarding groundwater supplies is the appropriate threshold to evaluate potential project impacts.

10-24 The comment states that CEQA requires an EIR to assess potentially significant impacts associated with drawdown of groundwater basins, as exemplified by SGMA. The comment asserts that the Draft EIR makes an erroneous claim that “groundwater withdrawals within the Chico District are not limited by regulation. Rather, the theoretical water supply is the total design capacity of all the active wells, which is 99,200 AFY (City of Chico 2010).” (Draft EIR p. 4.12-22.) The commenter further asserts that this statement ignores the facts and current legal requirements relevant to the project.

The comment is correct in that the text indicating that withdrawals are not limited by regulation, which traces back to 2010, does not reflect the most recent regulations established under SGMA in 2014. The sentence on page 4.12-22 of the Draft EIR has been deleted, as shown in Chapter 3, Changes to the Draft EIR. However, the remainder of the paragraph remains correct, as it is based on the project-specific WSA and the 2015 UWMP. The environmental threshold indicates that groundwater impacts would be significant in the event that groundwater supplies are substantially decreased. As indicated on page 4.9-32 of the Draft EIR, both with and without the proposed project, groundwater usage in the Chico District would result in water level declines of less than 1.0 feet per year. These rates of decline are slow enough to not result in sudden or unexpected undesirable effects on groundwater beneficial uses and users. Furthermore, the rates of decline are consistent with historical fluctuations in groundwater levels within and near the Chico District which have ranged from -1.0 feet per year to +0.04 feet per year between 2005 and 2018. Because the Vina subbasin is not in a state of critical overdraft, continued annual groundwater declines of less than 1.0 feet per year would not be significant or abnormal.

Consistent with this analysis from the WSA, the Draft December 2021 Vina Groundwater Subbasin Groundwater Sustainability Plan (GSP), which has not been approved by the Department of Water Resources, indicates that "an undesirable result caused by the chronic lowering of groundwater levels is experienced if sustained groundwater levels are too low to provide a water supply of adequate quantity and quality to support rural areas and communities, and the agricultural economic base of the region, or if significant and unreasonable impacts to environmental uses of groundwater occur."

Consistent with the criteria established in the GSP with respect to declining groundwater levels, annual groundwater declines of less than 1.0 feet per year in the Vina subbasin would not be significant or unreasonable. The GSP defines undesirable results with respect to ground storage, and those are similar to the undesirable results defined for groundwater levels. Because groundwater levels and groundwater storage are closely related, measured changes in groundwater levels can serve as a proxy for changes in groundwater storage.

As stated in Response to Comment 10-23, a determination of the adequacy of groundwater supplies for the project would not be directly dictated by the GSP. Rather, the GSP evaluates current conditions in the Vina Subbasin, establishes sustainable groundwater management criteria, includes provisions for ongoing groundwater data gathering and analysis, and summarizes the findings. The provisions and criteria in the GSP are required to be evaluated annually and every five years (in more depth) and updated, as necessary. GSP implementation will begin upon approval of the document by the Department of Water Resources.

In addition, as indicated in the GSP, to achieve the sustainability goal and therefore preserve the desired condition for the groundwater basin over time, the Groundwater Sustainability Agencies, in setting groundwater sustainable management criteria for the basin, will implement appropriate projects and/or management actions as necessary to maintain groundwater levels within operational flexibility to limit the decline in groundwater levels to certain values and manage groundwater levels within certain ranges at representative management locations in the basin.

10-25 The comment states that the draft GSP for the Vina Subbasin will be submitted for final review in January 2022 and goes on to quote the draft plan. The commenter repeats their disagreement with the sentence in the Draft EIR concerning regulation of groundwater extraction that was addressed in Comment 10-24, above.

Please see Response to Comment 10-24, the outdated reference on page 4.12-22 of the Draft EIR has been deleted, as shown in Chapter 3, Changes to the Draft EIR.

10-26 The comment asserts that a revised water supply analysis is needed to determine impacts to groundwater supplies and that alternative water supplies must be secured if groundwater supplies are inadequate to support the project. The comment goes on to suggest that the Draft EIR should analyze impacts associated not only with the water demand quantity, but also the timing of extraction or diversion and the related environmental consequences.

Adequate groundwater supplies are available to support the project through 2045, as discussed in Response to Comment 10-23 and explained on page 4.9-32 of the Draft EIR. Therefore, a revised water supply analysis is not required and the analysis in the Draft EIR is adequate.

10-27 The comment states that the Draft EIR does not contain sufficient detail and analysis concerning the establishment, management and long-term success of the on-site preserve and open space areas. The comment also questions the effectiveness of smaller preserves such as those proposed for the project, due to their potential for indirect effects from surrounding human development.

Please see Master Response 2 for additional detail on the on-site preserves and regarding the effectiveness of smaller preserves for BCM preservation. While it is generally true in conservation planning that larger preserve areas better maintain habitat value, the unique narrow distribution of the biological resources protected under the VESP's proposed preserves make smaller preserves functional. The community park would be transferred to the Chico Area Recreation District (CARD), and the other park areas within the site would be owned and managed by the HOA or other private entity with interest in the project.

10-28 The comment questions how small preserves will be managed for thatch buildup and invasive plant control and asks how the preserves will be managed for biological values.

There are existing BCM preserves in the City that are small and adjacent to extensive urban development that continue to maintain healthy BCM populations, with minimal thatch buildup and few invasive species issues. For instance, the Doe Mill Preserve adjacent to the project site and E. 20th Street is approximately 15 acres and maintains a significant BCM population. BCM populations have also persisted for several years in the City outside of preserves in roadside drainages despite the effects of roadway runoff and the potential effects from being driven over by vehicles and the complete lack of a preserve or other management tools, including thatch management. Site conditions on the project site are unique in that the naturally thin soils may not result in the build-up of thatch or influx of ants or other species that tend be more problematic on richer soils. Refer to revisions to mitigation measure BIO-1 on page 4.3-54 of the Draft EIR in Chapter 3, Changes to the Draft EIR. The proposed changes to the mitigation measure include monitoring of the preserve for evidence of any erosion or sedimentation that may be detrimental to the long-term preservation of the species, as well as evidence of public access impacts. Management proposed under mitigation measure BIO-1 to retain biological values include controls on introduction and spread of invasive plant species, remediation of erosion and sedimentation, and requirements for fencing to control public access and pet entry into preserves. However, the revisions to BIO-1 also include a performance standard of maintaining meadowfoam population extent at equivalent or greater areas than under baseline (pre-project) conditions, which would demonstrate that biological values are maintained.

10-29 This comment continues to note the complications of managing smaller preserves and asks whether an endowment would be established to ensure management of the preserves and other open space in perpetuity.

Consistent with anticipated future state and federal permitting processes, funding for ongoing management and monitoring of the preserves and open space would be required under mitigation measure BIO-1 (Draft EIR p. 4.3-54). That measure has been revised in this Final EIR to specifically require that the VESP Habitat Mitigation Monitoring Plan must include "a funding strategy such as a non-wasting endowment or property assessment to ensure that prescribed monitoring and management would be implemented in perpetuity to ensure efficacy of the preserves." See Chapter 3 for the revised language.

10-30 This comment continues to note the complications of managing smaller preserves, specifically as it relates to preserve shapes with a greater edge to volume ratio including exotic weed invasions, wildlife harassment and /or collection, trash accumulation, management challenges and more.

Refer to response to Comment 10-28 and Master Response 2 regarding the effectiveness of smaller preserves.

10-31 The comment states that project impacts to BCM are not properly disclosed, analyzed, or mitigated in the Draft EIR.

Please refer to Master Response 2 regarding impacts to and mitigation for BCM.

10-32 The comment supports comment 10-31 and asserts that being surrounded by hardscape will cause significant impacts on BCM, and in support provides excerpts from the Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (USFWS 2006), specifically a 30-year-old reference to trash dumping and off-highway vehicle use and a 25-year-old invasion of medusahead grass at the Doe Mill Preserve.

Please refer to Master Response 2 regarding BCM. The early concerns in the 1990s over invasive species extirpating BCM from the Doe Mill-Schmidbauer Preserve were proven unfounded in 2018 when thousands of BCM plants were surveyed on the site. BCM maintained healthy populations in the Doe Mill Preserve despite the fact that no active management (such as annual grazing or periodic burning) occurred over the prior 20 years.

10-33 The comment supports comment 10-31 and provides an excerpt from the Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (USFWS 2006), specifically a statement that two populations of BCM are small enough (fewer than 500 individuals even in favorable years), that random events could lead to their extirpation.

Please refer to Master Response 2 regarding BCM preserves. It is generally true of biological groups that populations with fewer individuals are more susceptible to disturbance and possible extirpation from random events. The comment does include any linkage relating the excerpt from the Recovery Plan to the BCM preserves contemplated for the proposed project.

10-34 The comment supports comment 10-31 and provides excerpts from the Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (USFWS 2006), specifically a statement regarding the importance of pollinators to the species.

Please refer to Master Response 2 regarding BCM.

10-35 The comment claims that the Draft EIR is incorrect when it states no branchiopods are present adjacent to the project site. It cites an Army Corps EA that analyzed development of the adjacent property.

The analysis cited in the comment is stating generally that vernal pool/vernal swale complexes support BCM and federally listed branchiopods but is not stating or providing evidence that they exist in that location or on that property. There are no records of federally listed branchiopod species occurring on the referenced property.

10-36 The commenter claims the Draft EIR lacks support for the statement that there is a low potential for vernal pool branchiopods to occur within the project site. The comment cites sources that vernal pool branchiopods commonly occur in small pools. The comment also suggests that biological assessments by third parties would be essential to provide accurate information.

The smaller wetlands that provide potential habitat for vernal pool branchiopods were included in the several rounds of protocol-level vernal pool branchiopod surveys conducted at the site. Of the 132 wetlands delineated on the project site, 67 were determined to be potentially suitable habitat for invertebrates. This determination was based on lack of sufficient ponding to support the life cycle of large branchiopods, or flow velocities that would make the presence of branchiopods infeasible. Of the 67 features with potentially suitable habitat, there are 11 features that were not fully sampled because they were planned for avoidance. Since that initial iteration, the preserve design has been revised and now one of these unsampled pools may be directly or indirectly impacted. Of the 56 pools that have been surveyed during both wet and dry season conditions, none have resulted in positive observations of listed vernal pool branchiopods. The surveys conducted by Gallaway biologists were independently reviewed by a third-party consultant (Dudek) prior to preparation of the Draft EIR and found to be valid surveys. These survey findings, plus the lack of documented occurrences at adjacent properties, support the Draft EIR conclusion that listed vernal pool branchiopods have a low potential to occur within the project site.

10-37 The commenter requests that the Draft EIR include an analysis of indirect impacts to the Stonegate and Doe Mill vernal pool preserves west of the project site. Specifically, the comment suggests that the project could impact hydrology of adjacent preserves and introduce additional pollutants.

Regarding hydrologic effects to off-site wetlands, drainage from the project site is contained in storm drains and ditches and is topographically located below the protected vernal pools and swales of the adjacent Stonegate and Doe Mill-Schmidbauer BCM preserves. The vernal pools and swales containing the sensitive BCM habitat are also located upslope from the drainage ditches that carry storm water runoff exiting the site to the Butte Creek Diversion Channel. Therefore, minor changes to the hydrologic output from the project site would not impact the Stonegate or Doe Mill-Schmidbauer preserves. Similarly, any pollutants that may be present in drainage from the project site would not enter those preserves for the same reasons. The text on page 4.3-61 in the Draft EIR has been updated to clarify the hydrologic connection between the properties and is provided in Chapter 3, Changes to the Draft EIR.

10-38 The commenter states that vernal pools and surrounding grasslands provide habitat for a variety of special-status species, specifically listing various special-status bird species.

The Draft EIR notes that several of the species called out in the comment have some potential to occur on the project site, including but not limited to burrowing owl, loggerhead shrike, and American peregrine falcon. The potential for these and other species to occur on the project site was considered in the BRA prepared for the project (Draft EIR, Appendix C) as well as in the body of the Draft EIR (Draft EIR p. 4.3-20 for western burrowing owl, p. 4.3-27 for loggerhead shrike and American peregrine falcon). In addition, the BRA notes there are no-special status shrimp present on the site, as well as other invertebrates that provide food sources.

10-39 The commenter provides a summary of their comments. The comment reiterates assertions that project occupancy and operation will result in a range of impacts to avoided resources. Specific impact mechanisms cited in the letter include degradation by vehicles, mountain bikes, joggers, pedestrians, pets, trash dumping, and others.

The vernal pools present on the project site have been subject to extensive study over several years and most do not provide sufficient water to support vernal pool species lifecycles. Impacts to sensitive riparian habitats from public access are described on page 4.3-58 of the Draft EIR and are considered potentially significant. Impacts to avoided aquatic resources are described on page 4.3-61 of the Draft EIR, and as described, the project includes a variety of measures to avoid and minimize indirect effects to these avoided areas, including trail drainage, trash controls, and protective fencing. The Draft EIR includes measures (mitigation measure BIO-1) to reduce public access impacts to preserves, including fencing to control public access and pet access that must be detailed in a Habitat Mitigation and Monitoring Plan approves by USFWS and/or the City prior to permit issuance.

10-40 The comment asserts that the Draft EIR did not account for cumulative losses of wetlands, uplands, and wetland dependent species in the City.

Impacts 4.3-5, 4.3-6 and 4.3-7 starting on page 4.3-64 of the Draft EIR, evaluates cumulative impacts on uplands, wetlands, and special-status plant and wildlife species (including wetland-dependent species), due to other recent and pending projects that are included on the City's Active Development Map. The impact analysis incorporates the finding from the City's General Plan EIR that losses from these and other projects would be cumulatively considerable and significant and unavoidable. The analysis under Impact 4.3-5 incorporates the extensive analysis done for the Butte Regional Conservation Plan (BRCP), which is cumulative in nature, and compares the development footprint for the project to the estimated acreages of each impacted land cover type in the BRCP Plan area. The analysis notes that without mitigation provided for under the BRCP, the project would constitute a cumulatively considerable contribution to potentially significant cumulative impacts even with the project-level mitigation and proposed avoidance of over 40% of the project site as open space.

10-41 The comment continues the assertions made in comment 10-40 but focuses on upland habitat losses.

Please see Response to Comment 10-40 regarding cumulative impacts to habitat.

10-42 The comment asserts that based on prior comments in the letter the Draft EIR did not properly analyze significant impacts to the environment and urges the City to revise the Draft EIR.

The commenter's opinion is noted and forwarded to the decision makers for consideration. Please see Responses to Comments 10-1 through 10-41.

10-43 The comment reminds the City of the lead agency's duty to maintain and preserve all sources and communications relied upon to prepare the Draft EIR that constitutes the administrative record.

The comment appears to incorrectly refer to the "county" as the lead agency for the purposes of CEQA. The City of Chico is the lead agency and is the jurisdiction processing the project application. As lead agency, the City will maintain the Administrative Record pursuant to legal requirements.

10-44 The comment requests that the Center for Biological Diversity and AquAlliance be added to the City's list to receive notification for all future updates to the project.

The Center for Biological Diversity and AquAlliance has been on the Interested Parties list for this project and will continue to receive notifications and updates related to the project.

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Comment Letter 11

Friends of Butte Creek
2024 West Sacramento Avenue
Chico CA 95973

December 13, 2021

City of Chico Community Development Department
Attn: Mike Sawley, Principal Planner Re: Valley's Edge Specific Plan Draft Environmental Impact Report
411 Main Street, P.O. Box 3420, Chico, California 95927. mike.sawley@chicoca.gov

Mr. Mike Sawley

There is no demonstrated need for this type of housing with more needless retail. And where it is located is ridiculous. California Park was the first intrusion into our valuable foothills. Since then, most big projects have ended up in court or referendum, and eventually purchased for conservation. We need to open that conversation now. 11-1

Butte Creek is where it all drains. Every over-watered lawn, washed car, driveway or sidewalk, and residential pool overflow will carry pollutants, such as nutrients, fertilizers, pesticides, animal waste from dogs and cats and every rain storm will bring down more, plus automobile contaminants. It has been shown that a chemical in automobile tire shedding, 6PPD-quinone, leaches out of the particles that tires shed onto pavement. Even small doses killed coho salmon in the lab. Kolodziej, et al, Science, University of Washington, 2020. 11-2

It has been clearly demonstrated across the Pacific Northwest: the more developed the watershed, the less return of salmon and other anadromous fish. We only have to look in the middle of town. Many people remember regular returns of salmon to Big Chico Creek. Now almost nobody sees any salmon at all. Multiple years without spawning and a run is extirpated and likely not coming back without extreme measures and a dedicated community. 11-3

Butte Creek supports the Last Best Run of Threatened Spring Run Chinook Salmon in the State. We simply can't be chipping away at the fringes of this valuable watershed and dumping the polluted runoff directly into the creek. Chipping away the fringes of Butte Creek is only going to further the stressors that have put them on the endangered species list. In addition, every other wild species of bird, mammal, reptile, plant, and the soil bacteria and fungi that connects it all, will be disrupted and their habitats reduced. Spreading development into this habitat at a time when Climate Change is stressing every wild creature's territory, while making things worse by adding more CO2 to the atmosphere is environmental suicide. Let's Save Our Foothills for the Wildlife. 11-4

Allen Harthorn, Executive Director

Friends of Butte Creek

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Response to Letter 11

Friends of Butte Creek (Allen Harthorn, Executive Director)

11-1 The commenter is opposed to the project and to the location of the project with the foothills.

The commenter's opinion is noted and forwarded to the decision makers for their consideration. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

11-2 The comment states that development at the project site all drains to Butte Creek and that pollutants from the project will be carried into the creek.

The Draft EIR notes on page 4.3-4 that the project site is located within the Butte Creek watershed, that Butte Creek is located south of the project site, and that both Butte Creek and Little Chico Creek are tributaries to the Sacramento River. A more detailed evaluation of the project site's hydrology is provided in Section 4.9, Hydrology, Water Quality and Drainage. As discussed in Impact 4.9-1, on-site detention features would employ best management practices (BMPs) and "Low Impact Development" (LID) methods to slow water, filter out containments, and encourage infiltration and evapotranspiration. A benefit of these approaches is that nutrient loading to the detention features and water bodies farther downstream is minimized. LID design concepts may include the implementation of techniques such as limiting the amount of hardscape, amended soil, rain garden (or bioretention cell to treat polluted runoff from a parking lot, for example), disconnected roof drain, tree planting, native vegetation preservation, and natural drainage flow.

11-3 The comment notes a general reduction in abundance and occurrence of anadromous fish species in the Pacific Northwest, and also in Big Chico Creek.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

11-4 The comment states that Butte Creek supports the "Last Best Run of Threatened Spring Run Chinook Salmon in the State". The comment asserts that development within the vicinity of Butte Creek will adversely affect this species as well as other species and elements of the ecosystem.

The project would not directly affect this population of Chinook salmon as Butte Creek is outside the project area. Project impacts to the hydrology of Butte Creek that are required to support this species are analyzed in Draft EIR in Section 4.9 Hydrology, Water Quality, Drainage. Specifically, Impact 4.9-3 on page 4.9-32 examines how the proposed project could alter existing drainage patterns and change flow rates, and Impact 4.9-6 (Draft EIR p. 4.9-41) considers how the project could affect water quality control plans applicable to area waterways. The evaluation concluded that compliance with the existing stormwater control regulations, including Chapter 15.50 (Stormwater Management and Discharge Controls), the Construction General Permit, Phase II MS4 Permit requirements, and VESP development standards would ensure discharges from the storm drain system do not contain pollutant loads at levels that violate water quality standards and would not adversely affect water quality in Butte Creek or result in direct impacts to Chinook salmon. Cumulative effects of the project and other area projects were considered in the 2030 General Plan EIR and further analyzed under Impacts 4.9-7 and 4.9-8 of the Draft EIR (Draft EIR pp.4.9-42 and 43).

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Comment Letter 12

To: Mike Sawley AICP Principal Planner Community Development Department

From: Eric M Veith 2995 Wingfield Ave Chico Ca 95928

Eric.m.veith@gmail.com 916-952-1058

Subject: Draft Environmental Impact Report Comments and Questions

Dear Mr. Sawley

Please find below my comments and questions regarding the Valleys Edge Draft EIR. My general overall question is a request to know the estimated time lines for Draft EIR approval, Final EIR approval and when anticipated phase 1 N construction would begin. 12-1

Specific Draft EIR questions and comments are contained below and are by subject(s) covered in the Draft EIR. I appreciate your consideration of these comments / questions and look forward to a dialogue with you and your department on this important effort. 12-2

Storm Drainage:

FRAYJI Design Appendix H: CONNECTION: "RD(Dawncrest)C1A, C1B"

"Flow from Reach 1 (R1) is passed through two PVC pipes (C1A and C1B) that are part of this connection. The 54" and 42" pipes were able to convey runoff from the 2- and 10-year storm events, but not the 100-year storm event. The rise in backwater during the 100-year storm event caused water to spill over into the adjacent subdivision (Belvedere). A computed flow rate of **25 cfs** out of a total of **306 cfs** was observed to go over Dawncrest Dr and into the adjacent subdivision. This contradicts the study on these pipelines, which was done by NorthStar Engineering, where they reported that the PVC pipes convey the full 100-year flow. Since we are using a higher frequency TR-55 rain gauge in our study, the recorded discharge (Q) values at that connection are higher, therefore exceeding the handling capacity of the pipes." 12-3

Cropped Image from Appendix I showing Dawncrest Overflow

Questions:

1. Since this analysis pertains to the current condition what is the City of Chico's current mitigation response to protect Belvedere development now until the reach 2 diversion channel referenced in the EIR is completed which is in the unknown future? 12-4

2. What is the City of Chico maintenance interval and procedures to ensure the reach 1 existing culverts are not impaired with debris and or vegetation further exasperating the condition? 12-5

3. In February 1986 the Sacramento region incurred three massive storms back-to-back. I know this from serving in 1988 on the jury for the chicken ranch slew civil damage lawsuit brought by Cal Expo horse owners who were flooded. What analysis of coupled storms (up to 100 yr.) has been conducted for Reach 1 now, during construction phase and at final build out. 12-6
    a. Note the back-to-back storm analysis needs to consider different run off volumes due to laden / moisture saturated soil (which was presented to the jury in 1988).
    b. Is Reach 1 and or Reach 2 diversion channel adequate to handle back to back storms? 12-7

4. What is the analysis basis for the build out housing communities hard surface percentages and the impact for run off volumes? Has this been modelled in the EIR and what flow increases have been considered by this analysis? 12-8

5. Due to the potential for flooding in Belvedere sub division, I believe that the study of the temporary facilities and exact detailed design and construction phasing of the retention ponds/basins and sediment basins be required to make sure Dawncrest Rd is not overflowed during a 100-year flood or successive back-to-back storms during the construction period which could span years. This detailed design / construction phasing study effort and plan should be required ***prior*** to any approval of the EIR and presented to the community to ensure the safety of those Belvedere and nearby residents. 12-9

6. Since the analysis did not take into account the impacts of plugging of the two 54- and 43-inch culverts with construction sediment / run off from dust mitigation and or seasonal vegetation, this analysis should be conducted prior to approval of EIR to determine if reach 2 sizing is adequate. 12-10

Noise:

From February 27, 2019 File: 1679 Geoplus Partners Appendix E

However, largely due to the presence of surficial and near-surface hard bedrock, geotechnical issues that will impact the project design and construction include the following: 12-11

- Excavation for utilities, foundations and roadways.
- Fill construction with coarse materials.
- Perched groundwater and springs.

- Seepage through utility backfill and pavement section base.
- Cut-fill transitions resulting in differential settlement within fills; and
- Water-feature water retention.

These concerns will require modifications in the schedule and/or approach to site grading and possibly to planned utilities, structures and pavements during site development. General recommendations to reduce potential adverse effects of these issues as well as general information regarding the geotechnical aspects of project design and construction are presented in the following report.

12-11 Cont.

Excerpts from section 4.0

1. Based on the results of our field investigation, the Caterpillar D-10 trial ripping operation performed in 2015, and observation of grading in adjacent areas, the exposed lahar bedrock is generally impenetrable to moderate excavation effort, and resistant to heavy excavation effort such as the Caterpillar D-10 bull dozer with single shank ripper.
2. The lahar matrix material is not strong compared to other types of rock, i.e. basalt or granitic rock, which when only slightly weathered are commonly very difficult to excavate; however, it is the very limited fracturing present within the lahar that makes excavation very difficult. The fracture spacing is typically greater than about 10 feet in nearly vertical in orientation; this makes breaking up the rock with conventional excavation equipment very difficult. ***The use of mechanical rock breaking equipment, blasting and/or chemical rock breaking may be necessary***

12-12

Questions for the EIR:

1. Due to the Tuscan lava formation the requirement for rock jack hammering and or rock crushing is likely going to be implemented as reference in the Geotechnical report. The EIR concludes that exceeding the 86.5 dB sound levels at the property boundary is likely. What temporary sound attenuation plan is envisioned? This plan should be required to be developed and provided for community comment before approval of the EIR.
2. Given the geotechnical report that blasting may be necessary what considerations has the EIR made for potential impacts to nearby residents who are unaware of blasting operations? Will the construction hours of the project include the potential blasting efforts?
3. Since unsuitable fill material is available and rock crushing maybe employed and therefore what considerations has the EIR made for noise, airborne particulate, dust and other nuisances?
4. On page 4.10-23 the on-line document showed an error reference. What was this error / document, please identify what referenced noise document was not included in the EIR on your website?

12-13

12-14

12-15

12-16

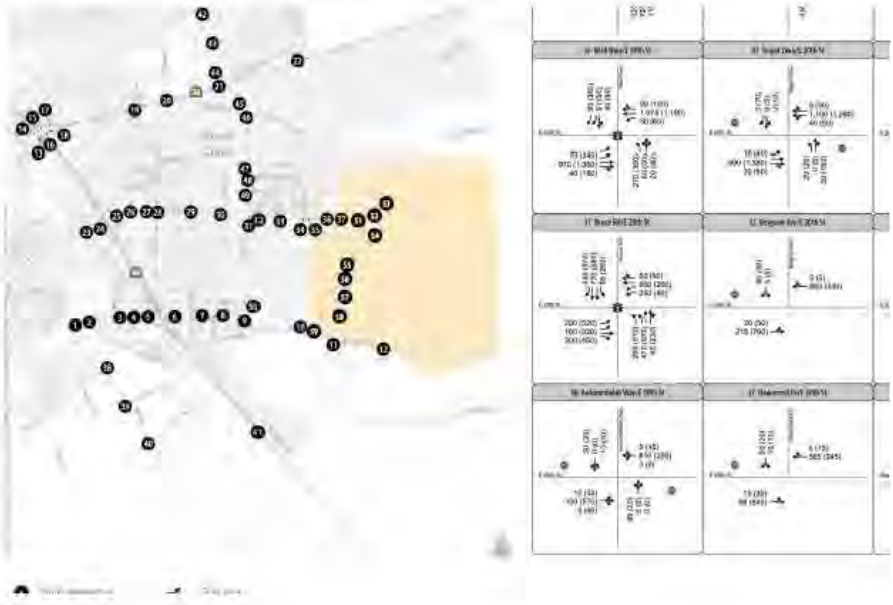
Public Safety

1. With the Notre Dame fire station being manned with 1 Captain, 1 firefighter what personnel additions are anticipated to be added to that station to support approx. 1200-1300 additional single-family dwellings plus commercial facilities. 12-17

2. While the fire analysis conducted a response time analysis, no such analysis was conducted for the Chico police force. Given the proximity of Chico Police to the new subdivision it is likely that they will be responding to 911 calls from the new communities even though they are in unincorporated Butte county due to the shared response agreements. A complete analysis of the response time impacts to City of Chico residents, especially those in the adjacent communities should be completed and added to the EIR. 12-18

Traffic

1. Given the volume of cars going down E 20th (up to 560 – 610 at build out) the ability for Belvedere residents to make a left turn across that traffic volume seems unsafe. Inclusion of a round about at that interchange and or one 1 block down at Autumn Fields Way seems like a safe way to keep E 20th traffic moving while allowing Belvedere residents reasonable and safe access for the left turn from E 20th 12-19



4.3 Response to Individual Comments

Response to Letter 12

Eric M. Veith

12-1 This comment is an introduction to comments that follow.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

12-2 The comment is an introduction to comments that follow and states the comment letter is organized by subject(s) covered in the Draft EIR. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

12-3 The comment includes a paragraph and cropped image from the hydrology report prepared by FRAYJi Design (Draft EIR, Appendix H) pertaining to storm drain capacity.

Responses pertaining to this report excerpt are included below in Responses to Comments 12-4 through 12-10, below.

12-4 The comment asks for status of the City's current mitigation response to protect the Belvedere development until the Reach 1 diversion channel referenced in the Draft EIR is completed, which is at an unknown date. The commenter states a 100-year flood would exceed the capacity of the culvert and spill over into the Belvedere development, causing flooding.

The comment is requesting information about any City plans to address an existing condition and does not raise any issues pertaining to the adequacy of environmental analysis contained in the Draft EIR. However, as indicated in the last paragraph on page 4.9-35 of the Draft EIR, temporary measures would be implemented to divert and detain stormwater to prevent overtopping of Dawncrest Drive pending completion of development. There are no current drainage improvement projects planned by the City that would address potential flooding from Reach 1 into the Belvedere Subdivision. The study by Northstar Engineering (cited in Draft EIR Appendix H, Drainage Report), which found the infrastructure that supports the Belvedere development (54-inch and 42-inch pipes) to be adequate under 100-year storm event conditions was done specifically with a focus on the watershed of Reach 1 and used the most applicable rain gauge data for Reach 1. The study from Frayji Design Group for the project models Reach 1 in conjunction with Reaches 2 through 6, which are larger watersheds that extend to much higher elevations. The rain gauge data for higher elevations indicates higher rainfall totals during large events, and those higher rainfall totals were applied to the entire project site, including Reach 1 where the values were higher than those used in the Northstar study. Thus, the project's drainage study does not undermine or supersede the Northstar study with respect to Reach 1 and does not reveal the need for a drainage improvement project to address existing conditions.

Also see Response to Comment 12-9 below.

12-5 The comment requests information on the City's maintenance procedures to ensure the Reach 1 culverts are not impaired with debris and/or vegetation, which can exacerbate potential flooding.

The comment does not raise any issues pertaining to the adequacy of the environmental analysis contained in the Draft EIR. However, the City's Public Works Operations & Maintenance Department (O&M) conducts routine inspections of storm drain inlets, surface ditches and creek flows citywide, paying particular attention to those with potential for debris accumulation during storm events, and assigns field crews, as necessary, to remove hazards as they are identified. As with all city services, there is some reliance on the public to report issues and concerns to ensure a timely and effective response. The commenter is encouraged to help monitor for hazards at the inlets in question and report any emergent concerns to O&M at (530) 894-4200, which is also available on the City's website at: https://chico.ca.us/operations-maintenance.

12-6 The comment states that the Sacramento region incurred three massive floods in February 1986 and asks what analysis of back-to-back 100-year storms has been conducted for Reach 1, during construction and at final project build-out?

No analysis of multiple storm events was performed for the Draft EIR analysis. Such an analysis would depend on the assumptions made for the intensity and duration of rainfall during back-to-back storm events, which could vary widely. Therefore, such an analysis would be considered speculative. Section 15145 of the CEQA Guidelines recognizes that some impacts may be too speculative for evaluation due to the inability to predict a future outcome. The ability to predict when and where back-to-back storm events would occur is considered speculative.

The Draft Drainage Report (Draft EIR, Appendix H), as discussed in Section 4.9 of the Draft EIR uses modeling for the 2-year, 10-year and 100-year storm events to analyze flooding potential under existing and post-project conditions, which is standard for municipalities throughout California. Engineering for these storm events would comply with the City's Municipal Code Chapter 15.50, Storm Water Management and Discharge Controls as well as Chapter 18R.08.050, which requires subdivision projects to provide stormwater drainage facilities that are large enough to accommodate the additional runoff generated by new subdivision projects.

Modeling storm events up to the 100-year storm event accounts for unusual events, but not exceedingly rare events. As indicated on page 4.9-35 of the Draft EIR, The City recently installed a drainage pipe that would be capable of conveying most of the stormwater runoff in Reach 1, but not the entire amount in a clogged pipe condition. However, the project drainage design includes diversion of 100-year stormwater flows south to Reach 2, via a proposed storm drain (see Figures 2-10 and 4.9-2). This diversion would reduce 100-year storm flows by 64.4 cubic feet per second (Table 4.9-5 p. 4.9-35), thus reducing stormwater flows in Reach 1 such that overtopping of Dawncrest Drive would not occur.

12-7 The commenter asks if Reach 1 and the Reach 2 diversion channel (which would divert some of the runoff from Reach 1 to the Reach 2 watershed), is adequate to handle back-to-back storms.

Please see Response to Comment 12-6.

12-8 The comment requests the estimated percentage of hardscape at project build-out, impact on runoff volumes, if it was modeled in the EIR, and for the flow increases that were considered by the analysis.

The addition of hardscape from the proposed project was modeled in the Draft Drainage Report, included in Appendix H of the Draft EIR. The drainage report (Appendix H, p. 25), estimates that a total of 336.62 acres of impervious surfaces would be created as part of overall project buildout, which equates to approximately 23% of the project site. It is important to note that the assumptions are conservative, estimating an average house size of 3,000 square feet with 700 square feet of surface paving and a 300 square foot accessory building per lot. The conservative nature of these assumptions helps ensure that the retention basins, described below, are adequately sized.

The modeled increases in runoff caused by the addition of impervious surfaces from development are more-than offset within the project boundaries by retention basins designed to hold stormwater runoff and attenuate the potential for flooding from storm events. Table 4.9-5 in the Draft EIR (Draft EIR p. 4.9-35), lists the net decreases that are expected in each reach that exits the project site under a 2-year, 10-year or 100-year storm event used to analyze flooding potential. The numbers in the table show that peak outflows under post-project conditions would be slightly lower for the 2-year and 10-year events, and notably lower for the 100-year events. The Drainage Report was amended in December 2021 and has replaced the September 2021 version and the text on page 4.9-1 of the Draft EIR has been updated Please see Chapter 3, Changes to the Draft EIR for the updated report. This is due to the proposed multiple-culvert design for the retention basins that would sustain low flows during smaller events and only fill to capacity during larger events.

12-9 The comment suggests that with respect to the potential for flooding of the Belvedere subdivision pending project completion, a detailed hydrologic analysis and associated stormwater detention basin design should be completed demonstrating that the subdivision would not flood as a result of successive back-to-back 100-year flood events. This detailed design should be approved prior to project approval and presented to the community.

Detailed engineering drawings for the detention basins and other storm water treatment infrastructure would be required during future phases of the project as part of the tentative subdivision map and improvement plan stages. This current master planning and environmental review stage focuses more on verifying the feasibility of generally accepted engineering approaches for achieving adequate storm water retention needed for the project or identifying what other solutions may be needed and assessing any environmental impacts of those other solutions. In other words, the detailed specifications for the construction of storm water detention facilities will be required later in the process when maps are submitted for development, such plans are not designed by engineering professionals until they are needed for construction. The storm water detention basins and other storm water treatment infrastructure would be designed to attenuate post-project peak flow rates for storms up to the 100-year, 24-hour storm event.

12-10 The comment suggests that because the drainage analysis did not consider the impacts of plugging the 54-inch and 43-inch culverts with construction sediment or seasonal vegetation, this analysis should be conducted prior to project approval to determine whether Reach 2 culvert sizing is adequate.

To comply with state and City storm water regulations, construction activities associated with subdivision improvements and site development are required to include inlet protection, as well as many other best management practices to minimize discharges of sediment-laden runoff or debris flow, as described on pages 4.9-15 through 4.9-19 of the Draft EIR. With the application of existing regulations and best practices associated with Storm Water Pollution Prevention Permits (SWPPPs), which are routinely required prior to the issuance of building permits and grading permits, it is very unlikely that construction activities would result in sediment or runoff that would plug the existing 54-inch or 42-inch culverts serving the Belvedere Subdivision.

12-11 The comment quotes text from the February 2019 geotechnical investigation report, which is provided in the Draft EIR (Appendix E), and which summarizes issues that will arise during construction as a result of near-surface hard volcanic bedrock.

Please see Responses to Comments 12-13 through 12-16 for specific information pertaining to this concern.

12-12 The comment quotes text from the February 2019 geotechnical investigation report, which is provided in the Draft EIR (Appendix E), concerning potential grading and construction issues associated with the near-surface hard volcanic bedrock.

See Responses to Comment 12-13 through 12-16 which address concerns specific to this comment.

12-13 The comment states that rock hammering and/or rock crushing will be required, based on the geotechnical report, and cites the Draft EIR conclusion that sound levels at the property boundary would likely exceed 86.5 dB. The comment requests information pertaining to a sound attenuation plan and asserts that such a plan should be completed and submitted to the community for public input prior to project approval.

The Draft EIR provides relevant sections of the City of Chico General Plan and Municipal Code in Section 4.10, Noise on pages 4.10-12 through 4.10-15. The City's General Plan and Municipal Code establish goals and declarations to protect the people of the City from exposure to noise that would be considered excessive, unnecessary, or unreasonable. These goals and policies are implemented through establishing guidelines, regulations, and standards. Compliance with these regulations and standards would therefore be considered sufficient to provide the necessary protection from excessive noise level exposure.

As identified on pages 4.10-15 and 4.10-16 in the Draft EIR (Policy N-1.6 of the City's General Plan and Chapter 9.38.060.B of the City's Municipal Code), the City governs noise generated by construction activities through limitations on the hours of construction and noise level thresholds. The VESP also contains guidelines and phasing requirements that would also aid in limiting the noise level exposure to nearby sensitive uses. Mitigation measure NOI-1 establishes further restrictions on hours of construction operation, noise performance contract requirements, physical noise barriers, limitation of louder noise-generating equipment use near sensitive receptors, and active administrative control through the use of a construction noise disturbance coordinator who will involve a qualified acoustical consultant, as necessary, to ensure compliance with the City's construction noise level standards. The City does not require projects prepare a construction noise mitigation plan; however, implementation of mitigation measure NOI-1 would reduce noise levels

associated with the construction equipment, including mechanical rock breaking equipment and chemical rock breaking equipment to comply with the City's noise standards of 83 dBA at a distance of 25 feet from the source (regardless of where the nearest receptor is), and 86 dBA anywhere outside the property boundary.

12-14 The comment requests information pertaining to potential blasting related to noise mitigation and information pertaining to hours of blasting.

The Draft EIR addresses the potential for the project to use "mechanical rock breaking equipment" and "chemical rock breaking" associated with construction. Noise associated with mechanical rock breaking includes the sound of the rock cracking and a rock drill which has a noise level of 85 dBA at 50 feet (with a usage factor of 0.2), based on the Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM) reference noise levels. Applying the acoustical usage factor for a rock drill for use in rock breaking, preparation for rock cracking/fracturing, or chemical rock breaking, would result in noise levels of 74 dBA Leq at a distance of 50 feet or 80 dBA Leq at a distance of 25 feet. This would be in compliance with the City's construction noise thresholds. Additionally, these activities would also be addressed under mitigation measure NOI-1, on page 4.10-28, in bullets one, two and four, which would limit the hours of construction, require equipment to be properly maintained with respect to mufflers and other sound reduction materials, and require the use of shrouds or shielding around any work involving the use of impact tools at a distance less than 100-feet from a noise-sensitive receptor. Proper implementation of mitigation measure NOI-1 would reduce noise levels associated with mechanical rock breaking equipment and chemical rock breaking to comply with the City's noise standards of 83 dBA at a distance of 25 feet from the source (regardless of where the nearest receptor is), and 86 dBA anywhere outside the property boundary.

For blasting activities, the FHWA RCNM indicates reference noise levels of 94 dBA at 50 feet (with a usage factor of less than 0.01). At this time the exact location where blasting may be necessary is not known. Modern blasting protocols use a number of techniques including stemming (backfilling/plugging drill holes), modern explosive products, presplitting, blasting mats and ballast or other heavy materials to cover the blasting area, and the certified blasting engineer's judgment to properly scale the blast and control the noise and vibration levels in the surrounding areas. As noted in mitigation measure NOI-1, "[i]mpact sources," which would also include blasting activities based on FHWA RCNM and FTA guidance, "employed at distances less than 100-feet from noise-sensitive receptors shall have the working area/impact area shrouded or shielded… this may necessitate the use of temporary or portable, application specific noise shields or barriers." Also incorporated into mitigation measure NOI-1, bullet six, is the requirement for a disturbance coordinator to manage construction noise complaints (which would include blasting), and if necessary, retain a qualified acoustical consultant to ensure compliance with applicable standards. "Applicable standards" would include the City's construction noise level threshold of 86 dBA at the property boundary and 83 dBA for equipment. Additionally, it should be noted that application and measurement of the 83 dBA at 25-feet is specific to construction equipment and would likely not be feasible, as it would be within what would typically be the blasting safety area/evacuation area. The short duration of blasting events, which is reflected in the usage factor of 0.01 or less, and the limited number of blasting operations that would take place on a given day (typically one event per day at a scheduled timeframe) would also result in hourly noise levels well below the City's thresholds.

As also noted in mitigation measure NOI-1, all construction activity, including any mechanical or chemical rock breaking, and blasting activities, "shall be limited to the daytime construction noise thresholds outlined in the City of Chico Municipal Code Section 9.38.060. Construction shall be limited to the weekday hours of 7:00 AM to 9:00 PM and the Sunday or holiday hours of 10:00 AM to 6:00 PM. For construction activity taking place between June 15th and September 15th, construction hours shall be limited to the weekday hours of 6:00 AM to 9:00 PM and the Sunday or holiday hours of 10:00 AM to 6:00 PM."

Table 4.10-9 and Table 4.10-10 were updated to include reference noise and vibration levels for blasting activities and is provided in Chapter 3, Changes to the Draft EIR. The text on page 4.10-22 and 4.10-23 of the Draft EIR has been updated to clarify the potential noise levels associated with rock breaking and blasting, and is provided in Chapter 3, Changes to the Draft EIR.

12-15 The comment asks what considerations have been made for noise, airborne particulate, dust, and other nuisances associated with potential rock crushing.

As discussed on page 4.2-5 of the Draft EIR in Section 4.2, Air Quality, major sources of particulate matter (PM_{10}) include crushing or grinding operations; dust stirred up by vehicles traveling on roads; wood-burning stoves and fireplaces; dust from construction, landfills, and agriculture; wildfires and brush/waste burning; industrial sources; windblown dust from open lands; and atmospheric chemical and photochemical reactions.

Table 4.2-8 on page 4.2-32 shows the maximum daily construction emissions associated with the proposed project, which includes quantifying PM_{10} emissions associated with dust would not exceed the BCAQMD significance thresholds for PM_{10} or $PM_{2.5}$.

The project would also comply with Butte County Air Quality Management District Air Quality Significance Thresholds and Rules 200 (Nuisance) and 205 (Fugitive Dust) to control emissions of fugitive dust, as listed in Table 4.2-6 on page 4.2-27 and page 4.2-31. The Draft EIR has addressed dust associated with any potential blasting activities. Please also see Response to Comment 12-13 regarding noise.

12-16 The comment indicates a text reference error is present on page 4.10-23 of the Draft EIR and asks why the referenced noise document was not included in the EIR.

It is a typographical error on page 4.10-23 of the Draft EIR that has been corrected in Chapter 3, Changes to the Draft EIR. The corrected text references Table 4.10-9, which was contained in the Draft EIR and lists reference noise levels for various construction equipment.

12-17 The comment requests information on how many additional fire personnel would be required to support the project.

The Draft EIR evaluates the increase in demand on fire services and personnel in Section 4.11, Public Services and Recreation. The Chico Fire Department (CFD) operates four fire stations within 4.0 miles of the project site, as outlined in Table 4.11-1 on page 4.11-2. Fire services in the City are also supported by the North Division Battalion of the Butte County Fire Department. In addition, according to the CFD there are plans to re-open Fire Station 6 in the future (Draft EIR p. 4.11-20).

As discussed under Impact 4.11-1 on page 4.11-20, compliance with the California Fire Code along with the VESP's Fire Protection Development Standards the project would not require an increase in fire personnel to accommodate the project, because the existing and proposed procedures and standards for addressing fire safety concerns and compliance with General Plan Policy S-4.3 which requires City review of development and building applications for compliance with relevant codes.

12-18 The comment requests an analysis of response time of the Chico Police Department (CPD) to serve existing City residents because it is likely that City police will need to also respond to the new development.

The CPD in contrast to the CFD does not use response time as a metric to gauge the department's ability to respond to calls but rather a ratio of officers per population. As explained on page 4.11-20 of the Draft EIR, based on the police officer to citizen ratio, the CPD would have to hire five new police officers over the coming decades to address the increase in project residents at full buildout. Given that CPD facilities are not at capacity, and this number is less than half of the 13 new police officers proposed as part of the police department's staffing plan, it would be unlikely that new or expanded police facilities would be needed to house the extra staff needed to serve the proposed project. An analysis addressing the response time of the CPD to respond to calls throughout the City would not be considered a potential impact under CEQA and is not required to be evaluated in an EIR. When reviewing a proposed project, the CPD takes into consideration response times and the ability of officers to serve the site. CEQA does not require an analysis of response times, only the physical impacts if a project would require construction of a new facility to accommodate new officers in order to maintain response times.

12-19 The comment expresses concerns associated with the ability of existing residents along E. 20th Street to safely make a left turn onto the roadway given the volume of anticipated project traffic.

Once the Secretary of the Natural Resources Agency certified the new CEQA Guidelines, automobile delay, as described solely by level or service or similar measures of vehicle capacity or traffic congestion were determined to no longer be considered thresholds in CEQA documents. However, a roadway capacity analysis was conducted to evaluate consistency with the City's General Plan policy related to the capacity of the transportation system. Please refer to Appendix K of the Draft EIR for the analysis and improvement recommendations. A roundabout was recommended for the City's consideration at the E. 20th Street /Autumnfields Way intersection. This recommendation is consistent with General Plan Policy CIRC 1.4 (Level of Service Standards) that identifies maximum acceptable delays at intersections.

Impact 4.13-4 on page 4.13-22 of the Draft EIR addresses potential impacts of the proposed project related to traffic safety and the creation of hazards associated with project design features (e.g., sharp curves or dangerous intersections). The City's Municipal Code Title 18R – Design Criteria and Improvement Standards addresses vehicle speed, sight distance, minimum and maximum roadway grade, minimum curve radius, and lighting. Each project development application would be subject to review and approval by the City, including the City's Fire Department, which would include a review of the project's consistency with the City's design criteria to ensure safe vehicle access and intersection improvements are provided, including for emergency vehicles. This impact was considered less than significant since implementation of the proposed project would not substantially increase hazards due to design features or incompatible uses.

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Comment Letter 13

Mike Sawley

From: Kathy Ferguson <fergusonkathy@ymail.com>
Sent: Sunday, November 7, 2021 12:08 PM
To: Mike Sawley
Subject: Valleys Edge Specific Plan

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

I am very concerned about this plan. I see many areas for more transients to move in. I live right on the corner of Potter Rd and E 20Th St. Transients use the bike path daily. We have had two serious fires in the field across from me set by transients. It looks to me like we are just making more places for them to destroy. I really think the city needs to deal with the transient problem before you create more locations for them to move into, parks, lakes, etc.
I'm also concerned about wildfires in that area. I have lived in Chico all my life and my family owns the land adjacent to this plan. There have been countless fires here including the Camp fire. Has that even been addressed?
Kathy Ferguson
Sent from my iPad

13-1

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Response to Letter 13

Kathy Ferguson

13-1 The comment expresses concern regarding the project's potential to attract transient populations to the area by adding areas for them to move in, as well as wildfire potential in the project vicinity.

The commenter's concerns regarding social and economic effects of the project are noted and will be forwarded to the decision makers for their consideration. Regarding the addition of "areas for more transients to move in," most of the open space that would be set aside within the project site would remain under private ownership, and the HOA would be able to enforce private property rights against trespassing as needed in those areas. Exceptions include the community park and school site, which would eventually become owned and operated by CARD and the Chico Unified School District, respectively. To the extent the comment relates to potential physical environmental impacts of the project, they have been addressed in the Draft EIR. Please also see Master Response 1 which addresses concerns regarding wildfire.

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Comment Letter 14

Mike Sawley

From: Jona O'Shea <jonajoshea@me.com>
Sent: Saturday, November 13, 2021 9:40 AM
To: Mike Sawley
Subject: Valley's Edge Specific Plan – Comments

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

Dear Mr. Sawley,

We are writing this letter in order to ensure that our specific comments and concerns are represented in the project record and will be addressed in the Final Environmental Impact Report and at the Public Hearing on November 18, 2021.

We are very concerned about this project – the Valley's Edge Specific Plan (VESP) - being built in the proposed location (1.25 miles east of State Route 99 and bound by the Steve Harrison Memorial Bike Path formerly known as Potter Road on the west; Honey Run Road and Skyway on the South; undeveloped land on the east; and E. 20th Street, Dawncrest Drive, Lazy S Lane, and Stilson Canyon Road on the north. 14-1

One significant concern is the drainage and flooding issue in this location. In 2014, our home, along with five others in our Chico neighborhood in Belvedere Heights, was flooded. The city was sued by these homeowners (not including us) and the City of Chico was held responsible. In addition to the flooding damages paid to the homeowners, the home next to ours was torn down and that homeowner was compensated in order to relocate. The empty lot on Bancroft Drive is now there because of drain and flooding concerns. In addition to the above mentioned monies, the City of Chico also paid well over $750,000 in order to install a drain that was needed to siphon the water from the field above our development. This drain now pumps water from above the Belvedere Heights homes development into the field where this project is proposed to be built. When it rains, this particular location of the proposed project site is severely flooded and often floods over the Steve Harrison Memorial Bike Path. 14-2

Another more obvious significant concern is related to the aesthetics in this area. This proposed development will change the existing visual character for our neighborhoods. In addition, it will change the aesthetics of a beautiful place in Chico where many community members come to enjoy as they walk their dogs, walk, run, or ride bikes on the Steve Harrison Memorial Bike Path. One of the main reasons we purchased our home was because of the beauty of this open field area. 14-3

Our last and also very significant concern is regarding the Butte County Meadowfoam, a California endangered plant species. We were told when purchasing our home on Bancroft Drive that due to environmental reasons, specifically the concern of the endangered meadowfoam which grows in the proposed project site area, nothing could be built there. We would like to know about the environmental impact for the meadowfoam if this project is developed in the proposed area. 14-4

As stated on the California Department of Fish and Wildlife website: "Butte County meadowfoam is a California endangered plant species, which means that killing or possessing the plant is prohibited by 14-5

1

the California Endangered Species Act (CESA). Butte County meadowfoam is also listed as endangered under the federal Endangered Species Act. Butte County meadowfoam is an annual plant that has only been found in a narrow 28-mile strip along the eastern Sacramento Valley in Butte County. Plants are sometimes found at the edges of vernal pools, but they are primarily found in the deepest parts of vernal swales that connect vernal pools. At the time of this webpage posting, the California Natural Diversity Database lists 21 occurrences of Butte County meadowfoam that are presumed to still exist.

14-5 Cont.

Butte County meadowfoam habitat is highly fragmented throughout its range due to conversion of natural habitat for urban and agricultural uses. Although some Butte County meadowfoam occurrences have been partially or completely protected from development, habitat loss and degradation remains the biggest threat to the species. 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. The invasive waxy manna grass (*Glyceria declinata*) could become a serious threat to Butte County meadowfoam because it can invade vernal pool habitat that is typically resistant to other exotic plant species. Butte County meadowfoam habitat may be vulnerable to changes in hydrology from climate change, and populations of Butte County meadowfoam are also vulnerable to extirpation from unpredictable chance events.

14-6

To help prevent extinction, remaining populations of Butte County meadowfoam should be permanently protected and managed. Status surveys should be conducted for known populations and potentially suitable habitat should be surveyed for undiscovered populations. The effects of grazing, burning and invasive species on Butte County meadowfoam should also be investigated, with the goal of determining the best management practices for each population."

14-7

Thank you very much for addressing and representing our above concerns about the Valley's Edge Specific Plan.

14-8

Sincerely,

Terry and Jona O'Shea

2867 Bancroft Drive

Chico, CA 95928

(530) 898-0754

Response to Letter 14

Terry and Jona O'Shea

14-1 The commenter expresses concern regarding the project and indicates a desire that their written comments as well as verbal comments provided at the November 18, 2021 Planning Commission hearing are addressed in the Final EIR.

All of the concerns raised by the commenter are addressed below including any comments submitted at the November 18, 2021 Planning Commission hearing (provided at the end of this chapter). The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

14-2 This comment describes an incident in 2014 during which homes in the Belvedere Subdivision were flooded as a result of storm water runoff overwhelming a 42-inch storm drain in the subdivision. The comment states that resulting damage cost the City a significant sum of money, led to the removal of one of the homes in the subdivision, and compelled the installation of a 54-inch bypass culvert on the project site that works in tandem with the 42-inch culvert to reduce recurrence of flooding conditions within the subdivision. The comment also notes that flooding occurs downstream of the culverts serving the Belvedere Subdivision, often overtopping the Steve Harrison Memorial Bike Path.

As depicted on Figure 4.9-2 (Draft EIR p. 4.9-33) of the Draft EIR, drainage improvements for the project include transferring storm water runoff from a portion of Reach 1, which drains toward the Belvedere Subdivision, southerly into the larger Reach 2 and to a channel that bypasses the Belvedere Subdivision. The transfer area appears as a sort of hook-shaped northerly extension of Reach 2 (the green polygon) shown on Figure 4.9-2 of the Draft EIR. This transfer of watershed area from Reach 1 to Reach 2 is estimated to reduce 100-year storm event runoff draining towards the Belvedere Subdivision by 64 cubic feet per second (cfs), bringing the flow rate down from approximately 306 cfs to 242 cfs. This reduction of approximately 21% of incoming flows is expected to make the existing culvert system for the Belvedere Subdivision more capable of handling large storm events.

14-3 The comment describes the beauty of the area and asserts that the project will change the existing visual character of the neighborhood and the Steve Harrison Memorial Bike Path.

The commenter is correct, development of the project site would change the existing visual character of the site and would change views of the site from adjacent areas. The Draft EIR evaluates changes to scenic vistas, scenic resources, visual character, light and glare in Section 4.1, Aesthetics. As described under Impact 4.1-1 (see Draft EIR pp. 4.1-29, 30), compliance with City's Municipal Code, Foothill Development Standards, VESP Development Standards and Design Guidelines, and the guidance set forth in General Plan Policy LU-1.2 related to foothill development standards, Policy OS-2.4 which strives to preserve the foothills as a natural backdrop to the urban form to minimize changes to scenic vistas, and Action CD- 1.1.1 to incorporate and highlight natural features into project design, the project's impact on a scenic vista would be considered less than significant. However, the change in visual character, as shown in the visual simulations prepared for the project, would alter the existing

undisturbed and undeveloped visual character and public views of the project site. The project would permanently change views of the project site constituting a substantial degradation to the current visual character and quality of the site resulting a significant impact. There is no feasible mitigation available to fully offset the change in visual character of the site, thus, the projects impact to the visual character and quality of the site is considered significant and unavoidable.

14-4 The comment requests information about impacts to BCM if the project is developed.

The Draft EIR evaluates impacts to Butte County Meadowfoam (BCM), a federal and state listed plant species starting on pages 4.3-49 in Section 4.3 Biological Resources. Please see Master Response 2 that also addresses concerns associated with this plant species.

14-5 The comment quotes information contained on the California Department of Fish and Wildlife website regarding BCM and its status as a federal and state listed species. The quotation provides information on where this plant species is located.

Please see Master Response 2 that addresses concerns associated with this plant species. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

14-6 The comment continues a quotation from CDFW's website and provides more factual data specific to BCM habitat and threats to this species from other invasive plants and climate change.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. Please see Master Response 2 that addresses concerns associated with this plant species.

14-7 The comment continues a quotation from CDFW's website which states that, to help prevent extinction the remaining populations of BCM should be permanently protected and managed, surveys should be conducted known and unknown populations that may exist, and the effects of grazing, wildfire and invasive species be evaluated to determine best management practices for each population.

Section 4.3, Biological Resources in the Draft EIR evaluates impacts to BCM. As noted on page 4.3-49, multiple protocol-level surveys were conducted on the project site from 2007 to 2018 (which included surveys of BCM). The project includes approximately 20 acres of land surrounding the mapped BCM populations that would be set aside as two of the three environmental preserves. The BCM preserves would be managed by a qualified land trust for resource conservation purposes. No recreational access to these areas would be allowed.

Please also see Master Response 2 that addresses concerns associated with this plant species including future preserve management.

14-8 The comment indicates appreciation for addressing their concerns about the project.

The comment is noted and forwarded to the decision makers for their consideration. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

Comment Letter 15

Mike Sawley

From: Mary Kay Benson <mkbe.sparkles3@gmail.com>
Sent: Monday, November 15, 2021 4:30 PM
To: Mike Sawley
Subject: My Valley's Edge public comment - please distribute to all Planning Commissioners

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

November 15, 2021

Dear Chico Planning Commissioners:

Opposing Valley's Edge development - public comment

My qualifications:
Past - Board Member Sierra Club, local Yahi Group, 2018
Past - Board Member Butte County League of Women Voters
Director of Natural Resources, 2019-2020,
Present - Butte County League of Women Voters, Housing & Homelessness Committee, 2021
Present - Steering Council Manager of Chico 350 Butte County since 2017
Present - Board North State Shelter Team, Secretary since 2021
Present - Student in TEK certification training since 2019 https://tekchico.org/

Mechoopda TEK: Water and Trees

If the Mechoopda Traditional Ecological Knowledge (TEK) Masters were managing this land, as they once did and for about 20,000 years until about only 180 years ago here - and hopefully they will again as they are in our ecological preserves: they know better than to remove oaks and expect to keep wetlands. Those oaks pull the water table up. This is an ecosystem and they are a keystone species. Removing oaks is to destroy the very beauty of nature the developer wants to market. "**Oak** trees act as a water **lift, pulling** water from deeper." The wetlands there thrive because the oaks are there.
https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/CSPA%20et%20al/part2/aqua_283.pdf At the very least the Mechoopda tribe should be consulted on this, as with all land use development.

15-1

Wildfires:
Wildfires have already burned at this site in our 2018 Camp firestorms. It is not wise or cost effective to build in wildfire zones, and people are already experiencing the escalating insurance home insurance costs if they can even get coverage. Once again, the land managed by our Indigenous masters even today, such as the ecological preserves and Verbena Field, have not burned, so their prescribed burns must be incorporated into any successful planning.

15-2

"Rebuilding for a Resilient Recovery: Planning in California's Wildland Urban Interface
Report ~June 10, 2021
California must comprehensively reshape how we rebuild after wildfires—or risk an unthinkable surge in costs and major setbacks to the state's housing supply amidst a record housing crisis. That's the finding of Rebuilding for a Resilient Recovery: Planning in California's Wildland Urban Interface, released today from

15-3

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researchers at the UC Berkeley Center for Community Innovation and non-partisan, non-profit think tank Next 10.
The researchers studied three communities recently affected by fires—Santa Rosa (Tubbs Fire, 2017), Ventura (Thomas Fire, 2017) and Paradise (Camp Fire, 2018)—and found that state and local land use policies, coupled with the state's housing shortage, are ratcheting up the

economic and human cost of wildfire by incentivizing rebuilding in the high risk-wildland urban interface (WUI), instead of redirecting development away from fire-prone areas. This is intensifying untenable safety, economic, and climate risks as the state prepares for another harrowing wildfire season in the midst of record drought."

https://www.next10.org/publications/rebuilding-resilient

15-3 Cont.

Transportation:

In this arena, the developer's planning is sorely lacking other than the old car-centric approach, and what shows is not based on Chico commuting data but on some much larger than county resource, which does not apply. The 21st century public transportation required to service such a remote area cannot be sustained with such low ridership planning as presented. CA requires all electric buses by 2029, but Butte County bought 5 so-called "clean diesel" models last year instead, although there is no such thing as clean diesel or "clean burning gas" as the current buses proclaim. Reducing sulphur emissions is not the same as reducing CO2 emissions. Greenwashing is the new disinformation propaganda used to provide cover for companies not committed to sustainable business practices.

https://www.nytimes.com/2018/12/14/climate/california-electric-buses.html

15-4

I am a disabled low income senior myself living in a senior mobile home community which is a busy transport hub for B-line. Since Covid the ridership is down 70%. There are delayed plans to even purchase all electric buses by BCAG, and yet there is no masterful planning on how to make public transportation more usable and/or sustainable. http://www.blinetransit.com/documents/UTN/2122-Transit-Needs-Assessment-Final.pdf

There has been no planning for widening roads in that area, as will be necessary.

15-5

Need for Low-income Housing:

Lastly, I would like to bring up the need for more low-income housing and that Chico in particular has overbuilt luxury single family dwellings already, according to the latest Butte County Housing Needs report to the detriment of lower income units. Since the 2018 fires and ongoing we have lost 15,000 homes here. In Paradise, 3 years later, they have rebuilt a little over 1000 now of the 14,000 they had. Most were low income housing and most were for seniors. https://1p08d91kd0c03rlxhmhtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2020/06/Butte_Housing_Needs_Report_2020-HNR.pdf

15-6

As an environmentalist, I see no real sustainable green resiliency planning, other than the state mandating all new homes will have to be solar-powered. Therefore, I oppose this development as currently planned. Thank you for considering the future of our city and our peoples' housing needs.

15-7

In Solidarity,

Mary Kay Benson
510.388.5363

350 Butte County

Response to Letter 15

Mary Kay Benson

15-1 The comment asserts that Mechoopda Traditional Ecological Knowledge Masters would know better than to remove oak trees from the site and expect to retain on-site wetlands because oak trees pull the water table up, and that removing these trees would destroy the very beauty that the developer wants to market. The comment also asserts that wetlands thrive because of the presence of oak trees and that the Mechoopda tribe should be consulted on this project.

The reference cited in the comment related to oak trees supporting wetlands refers to an appendix to a comment letter on the California WaterFix project, which describes how other plants surrounding oaks benefit from the soil moisture that is retained and enhanced by the roots of oak trees. The reference does not appear to support the statement that wetlands are dependent upon the presence of oak woodlands. In fact, on the project site, most of the wetlands are isolated and ephemeral pools well removed from the extensive oak woodlands on the eastern portion of the site. These flashy pools fill from surface flows or potentially from springs or seeps with perched groundwater tables. Where oaks are present in the denser riparian areas of the site, the intermittent drainages are supported by overland flow from higher in the watershed as opposed to groundwater drawn to the surface by the force of transpiration,

As explained in the Draft EIR in Section 4.4, Cultural and Tribal Cultural Resources, pursuant to state law (AB 52) the Mechoopda Indian Tribe of Chico Rancheria (Tribe) was sent a letter along with a copy of the Notice of Preparation regarding the proposed project. The Tribe replied indicating that the project site lies within the ancestral lands of the Tribe and that the project area and surrounding landscape have long been considered as having cultural, historical, and religious significance for the Tribe. The Tribe has a deep and abiding cultural and spiritual attachment to their ancestral landscape, which includes and extends beyond the Tribes formal boundaries, including the project site. Based on this the Tribe has requested to have a Mechoopda Indian Monitor be present during all earth moving and grading activities to ensure that any potential tribal cultural resources found during project ground disturbance be protected. Mitigation measure CUL-2 on page 4.4-20 of the Draft EIR includes a Mechoopda tribal monitor be present during ground disturbing activities. No formal consultation was requested by the Tribe (Draft EIR p. 4.4-8).

15-2 The comment expresses a concern that building in a wildfire area is not wise or cost-effective, citing escalating home insurance costs and difficulty obtaining coverage.

The commenter's concerns regarding the merits of the project are noted and will be forwarded to the decision makers for their consideration. Please see Master Response 1 that addresses wildfire issues.

15-3 The comment cites a report released by researchers at the University of California, Berkeley titled *Rebuilding for a Resilient Recovery: Planning in California's Wildland Urban Interface,* which assesses the relationship between land use policies and the economic and human cost of wildfire. The comments assert that the report suggests that state and local land use policies incentivize rebuilding in high-risk wildfire areas, instead of directing development away from fire-prone areas.

The comment does not raise any concerns specific to the accuracy or adequacy of the Draft EIR; therefore, no further response is required. The commenter's concern regarding development in the wildland urban interface is noted and forwarded to the decision makers for their consideration. Please also see Master Response 1 which addresses wildfire issues.

15-4 The comment expresses an opinion that the project's transportation plan is not based on the City's commuting data but includes a larger area, and that due to its location, the project cannot sustain modern public transit. The comment notes that California requires all electric buses by 2029 and decries Butte County for purchasing five clean diesel buses because reducing sulfur emissions is not the same as reducing CO_2 emissions.

The commenter's opinion is noted and forwarded to the decision makers for their consideration. It should be noted, the project does support multiple modes of transportation, not just gasoline-powered vehicles. The project includes multi-use bike/Neighborhood Electric Vehicle (NEV) lanes, separated sidewalks, and trails to encourage residents to walk, ride bikes or use electric vehicles to move around the site, as described in Chapter 2, Project Description (Draft EIR p.2-21). All routes to the village core would be accessible for multiple modes of transportation. To facilitate future transit service, bus stops would be included at the Village Core and elementary school site, and community park. In addition, a park and ride lot would be located within the community park, for commuters and carpoolers (Draft EIR p. 2-22). Regarding the commenter's statement that "reducing sulphur emissions is not the same as reducing CO_2 emissions." Butte County would be replacing older CNG buses from 2008. The new clean-diesel buses would meet the current emission requirements and would be more fuel efficient than the older models.

15-5 The commenter states that they are a disabled low-income senior and asserts that no master planning has been done to make public transportation more usable and sustainable, and no planning has been done to widen roads.

The Draft EIR addresses transit that would serve project residents in Section 4.13, Transportation and Circulation. The Draft EIR does not address City-wide transit planning or roadway improvements. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. The comment is noted and forwarded to the decision makers for their consideration.

15-6 The commenter suggests a need for more low-income housing.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. The comment is noted and forwarded to the decision makers for their consideration. Please also see Responses to Comments 9-68 through 9-70 that address housing concerns, including affordable housing.

15-7 This comment concludes the preceding comments and expresses general opposition to the Project.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

Comment Letter 16

From: Addison Winslow
To: Nicole Acain
Subject: Valley"s Edge dEIR Transportation Impact
Date: Wednesday, November 17, 2021 2:35:02 PM

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Hi Nicole,

Would you pass this along to the commission?

Thank you,

Addison Winslow

***

Hi planning commissioners,

As part of the Butte Environmental Council's Advocacy Committee I reviewed the Valley's Edge Specific Plan and the Draft EIR. This is a very large project that will have a profound effect upon the character of Southeast Chico and the access of the whole of the city and visitors to experience the surrounding foothills. Issues are too numerous to expound within the reasonable bounds of one email, so what I want to focus on is specifically a critique of the project's Vehicle Miles Traveled analysis. 16-1

As a review, on July 1, 2020 SB 743 came into effect requiring public agencies to change the metric of automobile impacts from Level of Service, or the speed and volume of traffic through intersections, to Vehicle Miles Traveled (VMT), which better aligns with reducing greenhouse gas emissions, liability for road infrastructure, and automobile dependence. 16-2

The Valley's Edge dEIR analysis severely underestimates the amount of VMT the project is likely to produce and its disproportionate impact on the surrounding community. To simplify into three points, (1) the comparison used for VMT impact is inappropriate, (2) the VMT estimation per household doesn't accord with data based on the probable demographics, and (3) the expectations about transit and commercial services available to the development are not supported by ridership or market analyses. 16-3

(1) In the VMT analysis used in the dEIR, Valley's Edge receives reductions in the estimated VMT by virtue of its location near the city of Chico, the planned elementary school and commercial services, the 9-acre section of medium-high density zoning, and for around 50% of units being restricted to people age 55+, who are estimated to take about half the trips of other people.

Still, the dEIR analysis gave Valley's Edge a VMT per service population of 26.1, about 15% higher than the projection of the Chico 2030 General Plan. The threshold of significance for VMT impact is given in the dEIR as "85% or more of the existing average VMT per service population in the Region." 16-4

The region considered is Butte County because, as the dEIR states, "The City has not yet adopted thresholds for VMT impacts." Nor did the analysis default on data associated with Butte County. As the report explains, "modifications were made so that model estimates of trip lengths and VMT could better represent distance traveled outside Butte County." This is also misstated in the GHG portion of the report.

The Chico 2030 General Plan projected a VMT per household of 56. Given an average household size of 2.5, and utilizing the 85% threshold for a 'significant impact,' Valley's Edge should need to plan for a VMT per service population of 19.04 to reduce the impact to 'less than significant;' a 27% reduction before considering the other issues with the VMT analysis. The dEIR, however, only recommends a 1.4% reduction in VMT to reduce the impact to 'less than significant.' 16-5

The standard for measuring the impacts of automobile use should be no less local than the city of Chico urban area; and a more appropriate comparison would be the Southeast Chico neighborhoods, which have a more compact form than North Chico and are generally designed to better accommodate alternative modes of transportation. If the Valley's Edge project produces an unmitigated excess of car trips, that traffic will also hinder the safety and efficiency of walking, biking, and use of transit. The residents of Doe Mill, Meriam Park, and the surrounding neighborhoods who are better fitted for relying on alternative modes of transportation will be disproportionately impacted from the additional car traffic spurred by Valley's Edge. 16-6

(2) Among the factors listed in the dEIR which reduce the project's VMT per service population is the "senior adult housing units." These include about half of the total dwelling units. "Senior adult housing," the report states, "generates about half of the daily trip generation of general market single 16-7

family residential dwellings." Restricting half of the dwelling units to ages 55+ therefore grants the VESP around a 25% reduction in estimated VMT.

A number of data points however suggest this reduction is overly optimistic. The Federal Highway Administration's Office of Highway Policy Information (OHPI) estimates average annual VMT per driver (see Table 23a). While older drivers do travel less than those in prime commuting age, the numbers have converged over time. In data from 2017, drivers aged 55+ have only about 13% less VMT compared to the overall average. This difference is entirely accounted for by the 65+ age group. Drivers aged 55-64 travel more than the average of all age groups.

16-7 Cont.

Much of the difference between the VMT of the senior population and that of the younger age group is related to retirement. The average age of retirement has been increasing over time. Those born after 1960 are not eligible to claim full social security benefits until 67 years of age, up from 65 for the older generations. According to an analysis based on US Census labor force participation data, the average age of retirement in California is 64.

The rising cost of living compared to wages and salaries will complicate retirement for the younger generations. Housing is the largest cost in a household budget, followed by transportation. The underemphasis on design for affordable housing in the Valley's Edge plan, the liabilities for infrastructure and amenities which will be assumed either by the HOA or the city, and the overall imbalance in local incomes and cost of housing make it probable that residents of the Valley's Edge community will be required to prolong their work life, increasing the years of VMT-heavy commuting.

16-8

Insomuch as the population who settles in Valley's Edge will not experience pressure to prolong work life beyond the average age of retirement, the effects on VMT may actually be worse. According to the same OHPI report cited above, households making over $100,000 annually take about 22% more trips than the overall average (see Table 8 in above link). The group earning $75,000 and up take around 28% more trips than the lower earning groups which make up the bulk of the population of Chico currently.

16-9

(3) Service population is a fundamental element in determining the feasibility for both transit and commercial services and is closely related to density.

Out of the 668.5 acres proposed for residential development, Table 2-1 in the dEIR gives a mean density of 4.1 units per acre. Another 56.3 acres are single-use commercial; and the roads make up another 40.4 acres, bringing the average density of the built out (non-park or open space) portion down to 3.6 units per acre.

47% of the project area, or 683 acres, are designated parks, open space, plus land for an elementary school. Open space is compatible with transit-supportive densities insofar as the housing is clustered and not spread throughout. While the entirety of the 9 acres designated for MHDR units and some medium and low density housing is located near the commercial center, most of the housing is low-density spread linearly along ridges, leading to both longer travel times to a transit stop or shop and more difficulty walking and cycling, especially for those less physically able. Another section of very-low density housing is located in the center of the proposed regional park with the only access from Honey Run Road to the southeast.

16-10

According to the Butte County Transit and Non-Motorized Transportation Plan, "A general threshold for transit-supportive residential uses is 15 units per acre for high-frequency bus service." Due to the low overall residential density, it is likely that a transit route extending to the Valley's Edge plan area would require a greater subsidy to operate than existing routes in more compact areas of Chico. In compliance with Policy CIRC-5.3 in the General Plan, "Ensure that new development supports public transit," the Valley's Edge plan should make transit more viable as an option in Chico's future, not make the transit system more strained and inefficient.

The dEIR also lacks an analysis of the feasibility of basic retail services, like a grocery and a pharmacy, given the population projected for Valley's Edge, leaving us to take as an article of faith the claims of a "20 minute neighborhood" in the VESP. The plan expresses the intent to accommodate a grocery in the village core, but with the low population density, commercial uses are more likely to consist of specialties people travel to access, in a similar way that the uses in the commercial center of the Longfellow neighborhood went from a focus on the basic needs of nearby residents (grocery, pharmacy, hardware store) into being dominated today by a fitness center used by residents from

16-11

all across the area, mostly arriving by car.

16-11 Cont.

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The conclusion this information leads me to is that the mitigation required for VMT is understated by more than 30%. In the current design, it is significant and unavoidable, but reductions in the extent of low-density sprawl, the removal of Equestrian Ridge, and a more compact form with an average residential density above 15 units per acre around the Village Core area could reverse the impacts. Special Planning Areas present the best opportunities in Chico to anchor reliable and efficient public transit routes and have a positive effect upon automobile dependence in the existing neighborhoods.

16-12

Addison Winslow

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Response to Letter 16

Addison Winslow – (1 of 2 letters received)

16-1 This comment is an introduction to comments that follow. The commenter expresses concern regarding the project's effects on Chico's character and access to the surrounding foothills. The comment also notes that comments to follow will address VMT issues.

The commenter's concerns regarding the project are noted and will be forwarded to the decisionmakers for their consideration.

16-2 The comment refers generally to recent changes to the CEQA Guidelines that no longer recognize level of service and roadway capacity as environmental effects. The new metric to evaluate traffic impacts is vehicle miles traveled or VMT.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

16-3 The commenter claims the Draft EIR severely underestimates the project's VMT because (1) the analysis used an inappropriate comparison; (2) the estimation of VMT per household does not track with probable demographics; and (3) the expectations for transit and commercial services available to the development are not supported by ridership or market analysis. The comment notes that the VMT analysis included reductions by virtue of the site's proximity to the City of Chico, the planned elementary school and commercial services, the nine-acre Medium-High Density Residential site, and because about 50% of the units would be age-restricted and those units are estimated to produce about one-half the VMT of conventional units.

The three points summarized in this comment constitute an outline for the remaining comments in the letter; see Responses to Comments 16-4 through 16-11, below.

The comment is accurate that certain elements of the project, as identified on page 4.13-24 of the Draft EIR and listed below, contribute to the overall VMT efficiency of the proposed project:

- *Location* – The VESP is located adjacent to the City, which is VMT efficient relative to other communities in the region. A diverse land use mix that places jobs, goods, and services located close to where people live reduces VMT.
- *Land Use Diversity* – The VESP includes a mix of land uses, including local-service commercial (Village Commercial) and an elementary school. Having a good housing-jobs balance within a relatively small area reduces VMT.
- *Senior Adult Residential* – The VESP includes 1,385 senior adult housing units (i.e., about 50% of total dwelling units). Senior adult housing generates about half of the daily trip generation of general market single family residential dwellings.
- *Medium-High Density Residential (Multi-Family)* – The VESP includes higher density residential land use, with an approximate density of 18 dwelling units per acre, that is located within walking distance to the Village Core and Village Commercial land use.

Please see Responses to Comments 9-50, 9-51, and 9-53 for more information specific to the VMT methodology and data used in the Draft EIR to calculate project VMT.

16-4 The comment questions why the project's VMT per service population of 26.1 from the Draft EIR is approximately 15% higher than what was assumed for VMT in the City's General Plan and takes exception with using the region for the project's service population.

Please see Response to Comment 9-47. The Draft EIR and Chico General Plan used different traffic models with different assumptions, thus the results are not comparable, and using a regional VMT threshold is consistent with guidance from the state Office of Planning Research.

16-5 The comment refers to VMT projections from the City's 2030 General Plan and suggests a different significance threshold. The comment suggests that the VMT per service population should be 19.04 to reduce the impact to a less-than-significant level.

Please see Response to Comment 9-47. The Draft EIR and Chico General Plan used different traffic models with different assumptions, thus the results are not comparable or interchangeable, and the VMT threshold used in the Draft EIR is consistent with guidance from the state Office of Planning Research.

16-6 The commenter suggests the standard to evaluate the project's VMT should be limited to specific neighborhoods and goes on to assert that if the project results in an increase in vehicle trips it would affect the safety and efficiency of biking, walking, transit and will impact surrounding neighborhoods that are better suited to relying on alternative transportation modes.

Please see Responses to Comments 9-45 and 9-49.

16-7 The comment addresses the VMT assumed for the age-restricted component of the project, and questions if the reductions in VMT associated with this component of the project are overly optimistic.

Please see Response to Comment 9-50. The data that support the trip generation rates used in the Draft EIR are based on existing survey data, and therefore provide a reasonable approach to assessing project impacts compared to existing conditions, as required by CEQA (Guidelines Section 15162.2(a)).

16-8 The comment provides information specific to retirement age assumptions as it relates to the age-restricted component of the project and suggests that due to a variety of factors people are retiring at older ages, increasing the years of VMT-heavy commuting.

Please see Response to Comment 9-50. The data that support the trip generation rates used in the Draft EIR are based on existing survey data, and therefore provide a reasonable approach to assessing project impacts compared to existing conditions, as required by CEQA (Guidelines Section 15162.2(a)). It would be speculative to assume that the age-restricted housing in the project would have disproportionally fewer retirees than found in the traffic survey data.

16-9 The comment references a report that correlates higher household incomes with more vehicle trips and suggests that VMT could be higher for the project if it becomes populated with affluent retirees.

Please see Response to Comment 9-50. It would be speculative to assume that the age-restricted housing in the project would have disproportionally more affluent individuals than found in the traffic survey data.

16-10 The comment claims that the project's density is too low to support transit without a greater subsidy than existing routes in more compact areas of Chico, and that the specific plan should make transit more viable to be consistent with General Plan Policy CIRC-5.3.

The comment does not address the accuracy or adequacy of the Draft EIR. Please see Response to Comment 9-53. General Plan Policy CIRC-5.3 (Transit Connectivity in Projects) states "[e]nsure that new development supports public transit." The policy is followed by two Actions which directs implementation of the policy by including "transit stops, shelters, bus turnouts, and other transit improvements" (Action CIRC-5.3.1), and consulting with BCAG during project review regarding the specifics for installing a bus stops or other streetscape improvements to accommodate transit (Action CIRC-5.3.2). It is not the intent of Policy CIRC-5.3 to compel projects to achieve higher densities to make transit service more viable.

16-11 The comment refers to specific types of commercial businesses (e.g., pharmacy, grocery store, hardware store) and notes that the Draft EIR does not include a feasibility analysis for these types of basic retail services.

Please see Response to Comment 9-54.

16-12 The commenter asserts the project's mitigation for VMT is understated by more than 30% and suggests changes to the VESP including adding more density and removing the low density "Equestrian Ridge" neighborhood could reduce the VMT impacts.

Please see Responses to Comments 9-50 through 9-53.

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Comment Letter 17

From: Addison Winslow
To: Mike Sawley
Subject: Country Clubs in Valley"s Edge dEIR
Date: Monday, December 13, 2021 1:28:18 PM

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

Hey Mike,

I have one additional item of concern in the Valley's Edge dEIR. According to the Specific Plan, golf courses and country clubs are allowed with a use permit in all residential areas besides the MHDR, and in the valley open space designation, which together totals more than 900 acres.

The use-permit process doesn't (and really shouldn't) include a substantial environmental review, so if approval of this project allows a streamlined process for establishing another foothill country club over an area as large as this, the EIR should cover the potential impacts of that, or it should be removed as an allowable use.

Frankly, I'd prefer the latter and, to be clear, I'm not worried about disk golf.

17-1

Also, in case it wasn't belabored elsewhere, the city ought to consider changing the name "valley open space" to something geographically accurate, like "woodland open space," or just make use of an existing zoning category. If I'm not mistaken, secondary open space is the appropriate zoning for golf courses in the rest of the city, and primary open space typically covers sensitive habitats like oak woodlands and riparian areas. The Valley Open Space land use designation covers areas of the latter category while enabling uses of the former. This really should be made explicit and if there isn't a good reason for the parallel zoning code, the city should stick with the familiar categories, if just to save paper.

17-2

Thanks for being such a reliable, informative, and helpful recipient of all these comments,

Addison Winslow

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Response to Letter 17

Addison Winslow (Letter 2 of 2)

17-1 The comment expresses concern regarding golf course and country club uses that are allowed in the VESP, with a Use Permit in areas designated residential or Valley Open Space and suggests that if these uses are allowed then the Draft EIR should address impacts of these potential uses or remove them as an allowable use.

According to the VESP, golf courses and county clubs are allowed with a use permit in all residential areas besides areas designated for medium-high density. The Draft EIR provides a comprehensive analysis of the potential impacts resulting from VESP implementation, which considers all allowable land uses. If the City receives a request for a discretionary Use Permit to develop a golf course or country club in areas currently designed residential or Valley Open Space, the City will determine if additional environmental review would be required or if potential impacts have been adequately addressed in this EIR, pursuant to Public Resources Code section 21166 regarding subsequent environmental review and later activities. As a practical matter, a commercial golf course (9 or 18 holes) is unlikely to fall within the scope of the EIR and may also be inconsistent with several VESP policies. Disc golf uses, on the other hand, as well as a private recreational clubhouse use for the senior area are anticipated future use types within the project.

17-2 The comment suggests that the City should change the name "Valley Open Space" to a more geographically accurate name, and recommends that the City should use existing zoning and land use categories in the VESP that are familiar to residents.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

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Comment Letter 18

Mike Sawley

From: Heidi Musick <heidi@hmcbusiness.com>
Sent: Thursday, November 18, 2021 12:41 PM
To: Nicole Acain
Subject: Support for Valley's Edge

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

To: Planning Commissioners
Re: Support for Valley's Edge - November 18th Planning Commission Meeting
Date: November 18th, 2021

Good Afternoon Toni, Richard, Paul, Dennis, Bryce, Lindsay, Larry -

Heidi Musick here. Chico resident, born & raised & continues to create my family's future here.

Valley's Edge is exactly the type of well-thought out development that Chico ***needs***. The North State is an ideal place to live and Chico is on the map. We need to be prepared to build, but build in the right way - ***the Chico way***. I believe Valley's Edge plan accomplishes all that and more. 18-1

My husband and I were raised in Butte Creek Canyon, neighbors to the Valley's Edge community and we are excited. Just the open space design alone captures the beauty of Chico and it's foothills. Parks and public spaces are what created the original culture of Chico, this continues to build upon, ***and respect***, that culture. Conscientiously choosing to develop open space first and housing second.

Even beyond the open-space plan, Chico is in dire need of housing. I work remotely now and that trend is not going away. Families are flocking to communities outside of metro areas. Chico ***will*** become the destination for remote workers of Sacramento, the Bay Area, and Southern California. The Valley's Edge plan protects the beauty of this town and provides necessary housing, while increasing Chico's ability to attract and retain a talented workforce. 18-2

I say it again - This is an ideal place to live and raise a family. Let's build something in our image... because it is going to happen regardless.
The Valley's Edge plan is built in the Chico image.

I look forward to seeing this vision come to fruition.

Many thanks,

Heidi R. Musick
Cell: 530-513-1749

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Response to Letter 18

Heidi R. Musick

18-1 The comment expresses support for the project and praises the provision of parks and open spaces under the proposed project.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

18-2 The comment notes the City's need for housing to support existing and future populations and states that the proposed project provides necessary housing. The comment also states the project design supports the City's existing character and visual aesthetic.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

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Comment Letter 19

Dear Esteemed Planning Commission,

I am a resident of South Chico, in the Doe Mill neighborhood. A neighborhood once mocked and panned for its narrow streetscape, alleys and "east coast" architecture. Now 15 years later it has stood the test of time and is one of Chico's sought after neighborhoods. An example of "smart growth" once maligned as sprawl.; am proud to have played a part in it's creation, and to call it home. 19-1

As some of you may know, I have a 25 year history in sustainable development, renewable energy, urban planning and climate change solutions. So my perspective, for what it is worth is that of a staunch advocate for smart growth, climate solutions and building community. I am also a pragmatist, which means I look for real world implementable solutions that align with my values. 19-2

I have studied the Valley's Edge master plan in depth. In fact a couple years ago I worked with the Valley's Edge team. The team was working on their master plan and although 50% of the land was already preserved as parks and open space, they wanted to identify gaps in their strategy to make this a once in a generation example of responsible development and smart growth. 19-3

But before I share my perspective as a 40 year Chico resident, former Panther and Wildcat: I'd like offer a perspective on two words that seem to be used as an argument against this type of master planning, "Smart Growth".

Smart growth is a set of principles oriented around walkable communities, appropriate transit oriented urban planning, parks and open space, infill development, a variety of housing types and vibrant civic spaces. 19-4

I have noticed in Chico the term smart growth to be applied mostly to specific categories of housing and urban planning. Namely infill development and density rich housing. This thinking is not at all wrong in my opinion, just incomplete.

Infill development leverages existing transportation corridors, civic amenities, schools and public spaces through appropriate development within the urban core. This is a good thing and I am glad to see it happening throughout Chico. Empty lots are filling with apartments and mixed use projects. Multifamily housing is sprouting up along the edges of town everywhere. Roads are being connected. 19-5

But infill development is a part of smart growth, not the entire solution. Infill does not usually create parks and open space. It does not generally support intergenerational housing. Infill does not build schools or centers of gravity. Infill development uses the existing resources around it, and it does take a toll.

This brings me to Valley's Edge. Permit me to lay out the core tenets from the EIR in my observation.

1. Let the land determine where development takes place. Build on marginal land not suitable for agriculture or housing dense populations of sensitive habitat. Build on the rocks and thin soils. 19-6
2. Preserve the wildlife corridors, riparian areas and its diverse ecosystems and protect them in perpetuity. 19-7

3. Create low impact use opportunities for these 700 acres of open spaces so that people value them and the richness then bring, like they value Bidwell Park. Make the outdoors accessible to everyone 19-8
4. Create civic gathering spaces anchored around nature. Look at places like Bend Oregon, Portland, Even Pittsburgh. They have taken their natural resources and preserved them by making them integral to quality of life. 19-9
5. Implement low impact development strategies to minimize runoff pollution, encourage alternative transport. 19-10
6. Build housing for everyone. Create opportunities for multiple generations to live together and support each other. 19-11

Valley's edge to me represents a once in a generation opportunity. We can literally double our communities' parks, open space and trails. Build new housing for the growing segment of inter-generational families. Build a school. Build parks and preserve almost as much open space as already exists in the city today (excluding Bidwell). And importantly provide development opportunities within this structure that DON'T build on prime farmland or sensitive habitat like we see to the West and the North. 19-12

Is this plan perfect? No. Could it be improved? Probably. But should it be shut down or delayed over nuance and minutia? No. I have not seen a more thoughtful, well planned legacy building project in our community in my generation. If this is not smart growth, I don't know what is. 19-13

Sincerely,

Joshua Pierce

Jkpier1971@yahoo.com

530-624-5809

Response to Letter 19

Joshua Pierce

19-1 This comment is an introduction to comments that follow.

The comment is noted and forwarded to the decision makers for their consideration.

19-2 The comment expresses general support for smart growth, climate solutions, and building community.

The comment is noted and forwarded to the decision makers for their consideration.

19-3 The comment provides context for comments that follow and is noted and forwarded to the decision makers for their consideration.

19-4 The comment provides a definition of "smart growth" and discusses its application to development in Chico.

This comment is an introduction to comments that follow. The comment is noted and forwarded to the decision makers for their consideration.

19-5 The comment discusses infill development and its application to development in Chico.

The comment provides context for comments that follow. The comment is noted and forwarded to the decision makers for their consideration.

19-6 The comment expresses support for developing on marginal land that is not suitable for agriculture and does not support sensitive habitat.

The commenter's opinion and observation is noted and forwarded to the decision makers for their consideration.

19-7 The comment expresses support for preserving wildlife corridors and riparian areas and protecting them in perpetuity.

The commenter's support for preserving wildlife corridors and riparian areas is noted and forwarded to the decision makers for their consideration.

19-8 The comment expresses support for creating low impact and accessible recreational opportunities for the 700 acres of open spaces in Chico.

The commenter's support for providing low impact and accessible recreational opportunities is noted and forwarded to the decision makers for their consideration.

19-9 The comment expresses support for creating civic gathering spaces integrated with nature.

The commenter's support for creating civic gathering spaces is noted and forwarded to the decision makers for their consideration.

19-10 The comment expresses support for implementing low impact development strategies to minimize runoff pollution and encourage alternative transport.

The commenter's support for creating implementing low impact development strategies is noted and forwarded to the decision makers for their consideration.

19-11 The comment expresses support for building housing and creating opportunities for multiple generations to live together and support each other.

The commenter's support is noted and forwarded to the decision makers for their consideration.

19-12 The comment expresses support for increasing recreational opportunities, preserving open space, and providing trails. The comment also discusses support for building schools and accessible housing that do not build on prime farmland or sensitive habitat.

The commenter's support is noted and forwarded to the decision makers for their consideration.

19-13 The comment states that the proposed project is not perfect but is well thought-out and represents an example of smart growth.

The commenter's support is noted and forwarded to the decision makers for their consideration.

Comment Letter 20

Mike Sawley

From: Susan Tchudi <susantchudi@gmail.com>
Sent: Thursday, November 18, 2021 9:48 AM
To: Nicole Acain
Subject: Valley's Edge

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

Dear City Planners,

I have many, many concerns about the Valley's Edge project. I'll address a few of them here.

Natural Resources:
Much of the 1,448 acres of the land that is being proposed for the Valley's Edge development is wetlands. Four ephemeral drainages and two other drainages, including Comanche Creek, run through the site. There are around 30 acres of vernal pools and other wetland features. California has lost 90% of its vernal pools, and the diminishing of wetlands has meant a threat to the wildlife that the wetlands support. 20-1

Among the living things threatened by this project (on and off site) are: Butte County Meadowfoam (an endangered species), burrowing owls, the vernal pool shrimp, the Swainson's Hawk, a number of bat species, the Western Pond Turtle, the VELB (a beetle that lives in elderberry shrubs), and 38 species of nesting and migratory birds, including the western spadefoot, the loggerhead shrike, and the yellow warbler. Moreover, 20% of the mature oaks will be removed (this doesn't include the smaller trees that can be removed without a permit). And while the project developer claims it will protect and preserve the endangered Butte County Meadowfoam, the DEIR states that "the plan sets no clear parameters for the meadowfoam preserves, including timing for establishment or management or monitoring requirements" (4.3-49). 20-2

According to the DEIR, valley foothill riparian woodland is considered a sensitive natural community regulated as a part of the stream zone under the Fish and Game Code, section 1600. The DEIR claims that many of the threats to these species can be mitigated: surveys will be done to insure no birds are nesting, the Butte County Meadowfoam will be protected in a preserve; burrowing owls will be removed and relocated; a buffer zone will be created to protect creatures. It also claims that it will restore streambeds and riparian areas and "preserve and renew" oak woodlands. 20-3

Moreover, this property includes Waters of the United States and Waters of the State. The project developer claims that there will be no net loss to these jurisdictional waters (required by Army Corp of Engineers and Regional Water Control Board), but the engineering required to move these waters into ponds and artificial water feature will change the nature of the environment, potentially leading to collapse and failure of some species due to loss of habitat. 20-4

This is an enormous development, with the plan to create 2,777 units with an anticipated population of 5,654. During construction, huge amounts of dirt will be moved, grading by heavy equipment will be required, large machines will roar and vibrate. While the project developers claim they will watch out for the creatures, both the direct harm and indirect impacts--from dust, noise, runoff, the presence of polluting materials (wood paper, metal scrap, glass), constant human presence--give very little hope that natives of this habitat survive, much less thrive. While the project developers claim that they will restore riparian areas and replant vegetation, these "mitigations" will be too little, too late for the wildlife supported by this ecosystem. 20-5

And finally--when the project is complete--the open space, the water features, the vegetation will be overrun with people who don't stay on the trails, who don't respect natural resources. 20-6

Greenhouse Gases
A major flaw in the Valley's Edge--and one that cannot be mitigated--is the production of greenhouse gases that will result first, from the construction of the project (over a number of years, we suspect) and then, the travel of the 5,634 residents who live there to town for appointments, shopping, entertainment, etc.

The Chico General Plan calls for a different sort of community. Chico's Vision for 2030:

> Chico's compact land use pattern, transportation and energy choices, green building practices, technological advancements, and sustainability policies have reduced environmental impacts and greenhouse gas emissions.
>
> A major component of protecting the environment is the wise utilization of land. Focusing Chico's growth within the Sphere of Influence will reduce pressure to develop at the community's edges where it would impact agricultural lands and foothills. 20-7

1

> Strategies in this General Plan for protecting the environment include promoting compact, walkable, infill and mixed-use development; focusing redevelopment along transit corridors and at other central locations; protecting sensitive habitat, open space and agricultural lands; promoting the efficient use of energy and resources; improving local air and water quality; directing waste diversion and reduction; and establishing energy and water conservation measures in building, landscaping, and municipal operations.
>
> In 2030, Chico maintains its small-town character through sound planning and orderly growth. The urban form is compact, with a clear distinction between the City and its surrounding lands. The community enjoys a sustainable building pattern with green development, efficient use of land, mixed-use developments, and a circulation system supporting all modes of transportation. New neighborhoods have blended into and strengthened the existing fabric of the community.

Moreover:

> Infill development will play a large role in meeting future housing and job needs in Chico. Successful infill can present challenges as it often occurs on smaller and more irregularly- shaped parcels at densities higher than the adjacent development, and can require infrastructure upgrades. These changes from existing conditions can often result in neighborhood opposition. The two primary issues associated with infill development are compatible density and design. Policies to encourage infill development and address neighborhood compatibility have been in place since 1994, but these policies have not always yielded desired results. The Land Use Element focuses on the issue of infill compatibility from both a density and design perspective, and the issue is further addressed by policies in the Community Design Element.

20-7 Cont.

Valley's Edge represents the opposite of the Vision for Chico in the General Plan. It's urban sprawl. And it is urban sprawl that threatens water resources, animal habitat, increases energy consumption and the use of fossil fuels and thus greenhouse gasses.

Chico's Climate Action Plan (approved unanimously by the Chico City Council) calls for the reduction of greenhouse gas (GHG) emissions and "achieve the City's target of carbon neutrality by 2045." According to the CAP, transportation is the largest producer of GHG. The dEIR states, that "The proposed project [with an estimated 5,645 residents] would result in GHG emissions of approximately 3.13 MT CO_2e per capita. Thus, the proposed project's estimated GHG emissions would exceed the City's 2030 efficiency target of 2.76 MT CO_2e per capita per year."

An important measure of the CAP advocates; "Support implementation of the City's General Plan that promotes sustainable infill development and mixed use development in new growth areas to reduce vehicle miles traveled (VMT)." The Valley's Edge Project is the opposite of infill--it's sprawl.

20-8

Housing:

The General Plan, the Housing Element, and the Climate Action Plan all emphasize the need for greater density in housing development. Most of the units in Valley's Edge (over 1500) are low density.

20-9

The DEIR for Valley's Edge does not provide information about two issues that should be taken into consideration when evaluating this development project: 1) How does it address the issue of affordability? While the developer claims that the project meets the general plan guidelines of having a diversity of housing types, there will be no housing for low or very low income households. Moreover, Phase one of the project will be the building of Equestrian Ridge, a very low density project for the very wealthy.

20-10

The developers claim the development will have a diversity of housing types, but all of this diversity will be at upper income levels, housing for people who can pay HOA fees and upscale amenities. Moreover, the claim that this is a mixed use development is hugely overstated. The "village" area is small and can't begin to serve the food, medical, or social needs of a 5,000+ population. People will need to travel for most of their daily supplies.

20-11

Other Questions and Concerns
--Will public transit be able to serve an area with such low density? 20-12
--What is the jobs/housing balance for this development? 20-13
--In a time of drought, where will the water come from to fill their 1,000,000 water storage tank? 20-14
--Can we afford to lose 20% of our mature trees in a time when we need that growth for CO_2 sequestration? 20-15
--Does the developers' plan seriously consider the wildfire risk? 20-16
--Does the developers' plan seriously consider the flood risk? 20-17

I appreciate your consideration of all of these challenging issues related to this enormous project.

Sincerely,
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Response to Letter 20

Susan Tchudi (Letter 1 of 3)

20-1 The comment states that much of the 1,448 acres of the project area is wetlands, with approximately 30 acres of vernal pools and other wetland features. The comment also states that California has lost 90% of its vernal pools, and the diminishing of wetlands threatens the wildlife that wetlands support.

Potential impacts to wetlands as a result of project implementation are fully disclosed in Section 4.3, Biological Resources. As described therein, the plan area contains approximately 6.25 acres of wetland features. With implementation of mitigation measure BIO-10 and the other mitigation measures listed in Section 4.3, the proposed project would avoid or substantially reduce potential impacts to wetlands and other aquatic resources by ensuring protection during construction and project operation, and by providing compensatory mitigation for the removal of any aquatic resources in compliance with state and federal law. Compliance with these measures would ensure no net loss of these resources and reduce potential impacts to less than significant.

20-2 The comment notes the project would impact a variety of biological resources and asserts that the Draft EIR identifies no set parameters to manage the BCM preserve areas.

The Draft EIR analyzes potential impacts to biological resources including plant and wildlife habitat in Section 4.3, Biological Resources. The analysis identifies those species and/or their habitat that could be impacted and provides mitigation measures to avoid or reduce potential impacts in accordance with CEQA as well as local, state and federal requirements. Please see Master Response 2 which addresses concerns associated with BCM and the BCM preserves.

20-3 The comment reiterates information contained in the Draft EIR regarding valley riparian woodland and notes mitigation measures included in the Draft EIR are provided to address impacts to biological resources, such as nesting birds, BCM, burrowing owls.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. Please see Master Response 2 regarding the proposed BCM management and preserves.

20-4 The comment asserts that the engineering required to move Waters of the US and Waters of the State into ponds and artificial water features will change the nature of the environment and could lead to the collapse and failure of some species due to loss of habitat.

Please see Response to Comment 9-30.

20-5 The commenter states that noise, dust and runoff from construction activities would directly and indirectly impact biological resources and asserts that identified mitigation would not be sufficient to protect the species.

The Draft EIR evaluates the direct and indirect effects of project construction on biological resources, including dust, noise, runoff and polluting materials in Sections 4.3, Biological Resources, 4.9, Hydrology and Water Quality, and 4.10, Noise and mitigation is included, where required, to avoid or substantially reduce impacts specific to construction activities.

20-6 The commenter asserts that once the project is complete future residents will not follow the rules and will not respect the natural environment.

Please see Response to Comment 9-27 regarding public use of open space areas.

20-7 The comment refers to the City's General Plan and asserts that the project conflicts with the General Plan because it would not focus growth on infill and would adversely affect water resources, wildlife habitat and increase energy consumption contributing to an increase in greenhouse gases.

As noted in the draft VESP (p. 1-1) as well as the Draft EIR (Draft EIR p. 1-1), the specific plan would implement the Doe Mill-Honey Run Special Planning Area (SPA) designated by the General Plan, which identifies the site as a future growth area. The Draft EIR evaluates the project's greenhouse gas emissions in Section 4.7, Greenhouse Gases, and concludes that the project impact would be significant and unavoidable even with identified mitigation (Draft EIR pp. 4.7-31 and 4.7-49). The Draft EIR evaluates the project's consistency with the City's recently updated Climate Action Plan (CAP) in Section 4.7, and with the 2030 General Plan in Chapter 3, Land Use and Planning. The project's contribution of greenhouse gas emissions that exceed the air district's standards resulting in an impact does not make the project inconsistent with either the City's General Plan or CAP. Please see the analysis contained in Chapter 3, Land Use and Planning and Section 4.7, Greenhouse Gases for a detailed analysis of the project's consistency with these planning document. Please also see Responses to Comments 9-6, 9-11 and 9-15 regarding actions to reduce GHG emissions from the project.

The commenter is also directed to Appendix C – Special Planning Areas of the General Plan that provides the vision for the Doe Mill/Honey Run Special Planning Area, which is the project site. The City's vision for this area is a "recreation oriented mixed-use development offering a broad range of housing types and densities," similar to the project.

20-8 The comment refers to the City's Climate Action Plan and notes that the project would exceed the City's 2030 efficiency target. The comment goes on to quote the Climate Action Plan Measure T- 5, which "promotes sustainable infill development and mixed-use development in new growth areas to reduce vehicle miles traveled (VMT)." The comment concludes stating that the project is not considered infill.

The commenter is correct that the project is estimated to exceed the City's 2030 GHG reduction target included in the Climate Action Plan, resulting in a significant and unavoidable impact (see Draft EIR pp. 4.7-31 and 4.7-49). The City decision makers will review the project and the Draft EIR to determine if the benefits of the project outweigh the significant and unavoidable impacts of the project. Regarding consistency with CAP Measure T-5, by proposing commercial (56 acres), recreational (>700 acres), and educational (10 acres) land uses alongside a mix of single-family and multi-family residential uses and connecting the mix of land uses with a multimodal network of streets and trails, the project design constitutes a mixed-use development as sought by the Measure. Please see Response to Comment 20-7.

20-9 The comment refers generally to the City's General Plan and Climate Action Plan and claims that the documents emphasize the desire for increased density and goes on to state that a majority of the project's residential units are low density.

The claim that the City's General Plan and Climate Action Plan emphasize the need for greater density is only partially correct. The General Plan articulates a vision for (1) areas of stability, (2) areas of potential change, and (3) new growth areas. Increased density in housing development is only promoted by the General Plan in the areas of potential change, which comprise 15 "opportunity sites" identified by the plan. The Draft EIR evaluates overall consistency with the City's General Plan and Climate Action Plan in Chapter 3, Land Use and Planning and Section 4.7, Greenhouse Gases. Please also see Response to Comment 20-8 regarding project consistency with CAP Measure T-5, the only CAP Measure that pertains to residential density.

20-10 The comment requests more information that addresses affordable housing for low or very low-income levels and asserts that the Equestrian Ridge neighborhood would be designed for very wealthy home buyers.

Please see Responses to Comments 9-66 and 9-68. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

20-11 The commenter asserts that the project's diversity of housing would only accommodate households with higher income levels and that the village area is too small to support all the services (i.e., medical, grocery) needed by the project.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. Please see Responses to Comments 9-66 and 9-68. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

20-12 The comment asks if public transit would be available or feasible to serve the project.

Please see Responses to Comments 8-3 and 9-5.

20-13 The comment asks what the jobs/housing balance is for the project.

The project proposes 43.7 acres of Village Commercial and 12.6 acres of Village Core zoning to accommodate commercial uses with corresponding employment opportunities and has designated a site for a future elementary school which would also provide jobs. With a substantial portion of the project planned for age-restricted housing which tends to favor retirees, the project was not designed to provide an internal balance of jobs and housing. However, the project does include a mix of land uses that would provide both housing and jobs for future residents of the project.

20-14 The comment asks where water will come from to fill the water storage tank in the event of a drought.

Domestic water would be pumped by Cal Water from groundwater sources to fill the water storage tank. Please also see Responses to Comments 30-2 and 52-58 for a discussion of water supply.

20-15 The comment questions if we can afford to lose 20% of our mature trees when those trees are needed for CO_2 sequestration.

It is not accurate to state that the VESP proposes to remove 20% of the trees at the site. Please see Responses to Comments 9-1 and 26-8 for more details regarding tree removal.

20-16 The comment asks if the project considers the risk of wildfires.

Please see Master Response 1 which addresses wildfire issues.

20-17 The comment asks if the project considers flood risks.

The Draft EIR considers flooding and changes in hydrology in Section 4.9, Hydrology, Water Quality, Drainage. As stated on page 4.9-9, there are no special flood hazard areas mapped on the project site and FEMA indicates that the proposed project area, including Comanche Creek, to be within Zone X (Area of Minimal Flood Hazard) (FEMA 2011). The analysis also considers the potential for the project to contribute to downstream flood effects under 2-year, 10-year and 100-year storm events under Impact 4.9-3 on page 4.9-32 and concludes the potential impacts are less than significant.

Comment Letter 21

Mike Sawley

From: Susan Tchudi <susantchudi@gmail.com>
Sent: Thursday, November 18, 2021 9:55 AM
To: Nicole Acain
Subject: Public Comments for Planning Commission in response to dEIR for Valley's Edge

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

Dear Commissioners,

Here is the public comment I hope to make at the meeting tonight. I'm adding it in addition to the other comments I sent to you.

To the Planning Commission:

My name is Susan Tchudi. I cohost Ecotopia on KZFR in Chico. I also convene the Environmental Coalition of Butte County.

I can see why one could be seduced by the proposed Valley's Edge development. On paper, this Eastern foothill project looks beautiful—parks, ponds, green spaces walking trails amidst a large neighborhood, including apartments and housing for seniors. However, this project is in the wrong time and the wrong place.

The draft Environmental Impact Report is out for this project and it reports that two impacts— Greenhouse Gas Emissions and Aesthetics—are significant and cannot be mitigated. That means that the construction and the miles traveled to get Chico and back can't be fixed. And this pristine riparian woodland area with its birds, reptiles and animals and plants will be slashed through with 2,777 housing units with an anticipated population of 5,654. 21-1

The Valley's Edge development project is a contradiction (if not a violation) of some of Chico's guiding principles and documents. The current General Plan calls "protecting the environment include promoting compact, walkable, infill and mixed-use development." In addition, "In 2030, Chico maintains its small-town character through sound planning and orderly growth. The urban form is compact, with a clear distinction between the City and its surrounding lands." This enormous 1,448 acre urban sprawl project provides the opposite of a compact urban form. 21-2

The Climate Action Plan, approved by Chico's City Council just weeks ago, calls for zero net emissions by the year 2045, aligned with with the State's emission targets. According to the dEIR, "The proposed project would result in GHG emissions of approximately 3.13 MT CO_2e per capita. Thus, the proposed project's estimated GHG emissions would exceed the City's 2030 efficiency target of 2.76 MT CO_2e per capita per year." 21-3

And finally, the City Council will be approving the Housing Element Update, which emphasizes the need for affordable housing. The Valley's Edge development, with its Garden-of-Eden vision, is not meant for those in need, but for those with deep pockets. 21-4

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Response to Letter 21

Susan Tchudi (Letter 2 of 3)

21-1 The comment states that the Draft EIR identifies two significant and unavoidable impacts for GHG emissions and Aesthetics. The commenter expresses an opinion that development of the site would adversely impact biological resources due to the construction of homes and the addition of people.

Direct, indirect, and cumulative project impacts to biological resources are analyzed in the Draft EIR in Section 4.3, and mitigation measures are identified for impacts found to be potentially significant to avoid or substantially reduce those impacts to the extent feasible.

21-2 The comment asserts that the proposed project contradicts the City's guiding principles set forth in the General Plan. The commenter includes general quotes from the Sustainability Element of the General Plan that call for compact mixed-use development and maintenance of Chico's small-town character. The comment also states that the project is not consistent with the City's goal of a compact urban form.

The consistency of the project with applicable City General Plan goals and policies has been evaluated in detail in Chapter 3, Land Use and Planning of the Draft EIR. As described therein, the project has been designed to be consistent with the General Plan, including the Sustainability Element, and includes a mix of residential and commercial uses designed to promote a healthy and sustainable lifestyle and community. This includes an extensive network of multi-use trails, and housing options for a variety of lifestyles, incomes and ages. As explained on page 3-14 of the Draft EIR, the goal of the consistency analysis is to provide the reader with a general overview of whether the project is in harmony with the overall intent of the City's 2030 General Plan goals and policies. It is within the City's purview to decide if the proposed project is consistent or inconsistent with applicable City goals or policies. Under state law, a Specific Plan must be consistent with the General Plan (Cal. Gov't Code Section 65454) and cannot be approved if it is inconsistent with the General Plan; therefore, the proposed project could not proceed if determined by the City Council to be inconsistent with the General Plan. Based on the evaluations contained in the Draft EIR, it was determined the proposed project is generally consistent with the City's 2030 General Plan.

21-3 The comment states that the City's Climate Action Plan calls for zero net emissions by 2045, and the proposed project's estimated GHG emissions of approximately 3.13 MT CO2e per capita would exceed the City's 2030 efficiency target of 2.76 MT CO_2e per capita per year.

The facts provided by this commenter are correct. As discussed in Draft EIR Section 4.7, Greenhouse Gases, the project includes various actions and policies designed to help reduce GHG emissions resulting from project operation. The Draft EIR discloses the significant and unavoidable impact related to the project's estimated operational GHG emissions of 3.13 MT CO2e per year. However, the project's GHG impact does not mean the project is inconsistent with the City's General Plan or Climate Action Plan. Please see Response to Comment 20-7. The commenter's concerns will be forwarded to the decision makers for their consideration. Please also see Response to Comment 20-8.

21-4 The comment states that the City Council is set to adopt a Housing Element Update, which emphasizes the need for affordable housing, and further asserts that the project will not help meet that need.

In response to concerns regarding affordable housing, the VESP includes Action LU-1.1 that promotes a variety of housing types and affordability levels to help meet the City's housing needs including aging populations and residents permanently displaced by the Camp Fire. Further, as set forth by CEQA Guidelines Section 15131, Economic and Social Effects, economic effects (i.e., funding, affordability) are not considered to constitute significant effects to the environment. The commenter's opinion regarding the merits of the proposed project is noted and forwarded to the decision makers for their consideration. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. Please see Responses to Comments 9-68 through 9-70.

Comment Letter 22

Mike Sawley

From: Susan Tchudi <susantchudi@gmail.com>
Sent: Monday, December 13, 2021 4:07 PM
To: Mike Sawley
Subject: Comment on DEIR for Valley's Edge

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

Dear Mr. Sawley,
Below are my comments about the Draft EIR for the Valley's Edge Development. Among my major concerns is that the EIR overstates its claim that mitigation can reduce enormous environmental impacts.

In terms of Natural Resources, for example, much of the 1,448 acres of the land that is being proposed for the Valley's Edge development is wetlands. Four ephemeral drainages and two other drainages, including Comanche Creek, run through the site. There are around 30 acres of vernal pools and other wetland features. California has lost 90% of its vernal pools, and the diminishing of wetlands has meant a threat to the wildlife that the wetlands support. 22-1

Among the living things threatened by this project (on and off site) are: Butte County Meadowfoam (an endangered species), burrowing owls (a California Species of Special Concern) , the vernal pool fairy shrimp, the Swainson's Hawk, a number of bat species, the Pond Turtle, the VELB (a beetle that lives in elderberry shrubs), and 38 species of nesting and migratory birds, including the western spadefoot, the loggerhead shrike, and the yellow warbler. According to former AltaCal Audubon Society conservation director, Scott Huber, "the yellow warblers are another California Species of Special Concern that regularly occur . . . [in this area]. Because of their size they are often overlooked by birders. Yellow warblers are associated with both the riparian vegetation and the valley oaks . . . . The Cornell Laboratory of Ornithology reports that yellow warblers "have been slowly declining, and according to the North America Breeding Bird Survey, 'have decreased by 25% between 1966 and 2014.'" (letter to Mike Sawley, May 18, 2018) 22-2 22-3

Also according to expert, Scott Huber, Western burrowing owl populations are in a freefall decline statewide. In nearby Yolo County in 2016 the Burrowing Owl Conservation Society and Institute for Bird Populations did a 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 ear between 2007-2008. Butte County birders provide similar anecdotal observations of a decline in our area. (letter to Mike Sawley, May 18, 2018) 22-4

The burrowing owl is a California Species of Special Concern, and could soon be listed. The dEIR claims that burrowing owls will be removed and relocated. This process is not simple. According to the California Burrowing Owl Association, the process includes a survey for burrows and owls of the entire project site that is suitable habitat "within 150 meters (approx 500 ft.) of the project impact zone." The buffer zone is used to account for owls outside the site but that use the site for foraging. Also it covers impacts from noise and vibration of heavy equipment. In addition the survey should allow 100 percent visual coverage. Attention has to be paid to differences in terrain or vegetation to make sure all surfaces are accounted for. If burrows are located, a map needs to be created to show where burrows are. "A preconstruction survey may be required by project-specific mitigations no more than 30 days prior to ground disturbing activity." Four site visits are required. (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83842&inline) This is not a process that a surveyor can check one day and construction work can resume the next. Moreover, nesting time runs from February 1 through August 31. During the times the owls are nesting, they cannot be relocated. While the dEIR states that it will remove and relocate the burrowing owls, including filling in their burrows so they cannot return, it says nothing about where or how the burrowing owls will be relocated. The plan for mitigation seems vastly inadequate and oversimplified. 22-5

The preservation of the Butte County Meadowfoam is another major concern for the proposed project area. According to the California Department of Fish and Wildlife, killing or possessing the plant is prohibited by the California Endangered Species Act (CESA). Butte County meadowfoam is also listed as endangered under the federal Endangered Species Act. Butte County meadowfoam is an annual plant that has only been found in a narrow 28-mile strip along the eastern Sacramento Valley in Butte County. Plants are sometimes found at the edges of vernal pools, but they are primarily found in the deepest parts of vernal swales that connect vernal pools. The California Natural Diversity Database lists 21 22-6

1

occurrences of Butte County meadowfoam that are presumed to still exist. While the project developer claims it will protect and preserve the endangered Butte County Meadowfoam, the DEIR states that "the plan sets no clear parameters for the meadowfoam preserves, including timing for establishment or management or monitoring requirements" (4.3-49). Again, the DEIR overstates its ability or plan to mitigate. 22-6 Cont.

According to the DEIR, valley foothill riparian woodland is considered a sensitive natural community regulated as a part of the stream zone under the Fish and Game Code, section 1600. The DEIR claims that many of the threats to these species can be mitigated: surveys will be done to ensure no birds are nesting; the Butte County Meadowfoam will be protected in a preserve; a buffer zone will be created to protect creatures. It also claims that it will restore streambeds and riparian areas and "preserve and renew" oak woodlands. This is a very, very large piece of land. The claims to mitigate seem extremely general and over optimistic. 22-7

Moreover, this property includes Waters of the United States and Waters of the State. The project developer claims that there will be no net loss to these jurisdictional waters (required by Army Corp of Engineers and Regional Water Control Board), but the engineering required to move these waters into ponds and artificial water feature will change the nature of the environment, potentially leading to collapse and failure of some species due to loss of habitat. 22-8

This is an enormous development, with the plan to create 2,777 units with an anticipated population of 5,654. During construction, huge amounts of dirt will be moved, grading by heavy equipment will be required, large machines will roar and vibrate. While the project developers claim they will watch out for the creatures, both the direct harm and indirect impacts--from dust, noise, runoff, the presence of polluting materials (wood paper, metal scrap, glass), constant human presence--give very little hope that natives of this habitat survive, much less thrive. While the project developers claim that they will restore riparian areas and replant vegetation, these "mitigations" will be too little, too late for the wildlife supported by this ecosystem. And finally--when the project is complete--the open space, the water features, the vegetation will be overrun with people who don't stay on the trails, who don't respect natural resources. 22-9

Neither the VESP nor the DEIR seems to consider the impacts of climate change--less availability of water, dangers of drought, and total lack of consideration of the impact of GHG emissions. The VESP flaunts the huge increase in greenhouse gas emissions in its unapologetic creation of a sprawling housing development. It will be impossible to get public transportation in an area of such low density and so far away from the city center. 22-10

A major concern barely touched upon in the DEIR is the danger of wildfires. With increasing drought, in Valley's Edge's location in the WUI, and the instances of fire in this area in the past, this piece of land is prime for wildfire. 22-11

There is one other issue I would like to address that is not part of the dEIR but I want to comment on because it became a part of the public record when it was addressed at the Planning Commission meeting. That is the issue of housing. BCAG's Regional Housing Needs Plan demonstrates the need for houses at the local income levels. It allocates 1,101 for very low income; 507 for low income; 770 for moderate income; and 1,110 for above moderate income. With the development of Meriam Park and others, there is no need for Valley's Edge's 2,777 units. The housing that we need is for workforce and low income people currently living in our community. A posh HOA community on the edges of town does not suit our needs. Moreover, the General Plan, the Updated Housing Element, and the Chico Climate Action Plan variously call for infill, reduction of GHG, and housing for low income residents. 22-12

Thank you for including my comments in response the the DEIR for Valley's Edge.

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2

Response to Letter 22

Susan Tchudi (Letter 3 of 3)

22-1 This comment is an introduction to comments that follow regarding wetlands, vernal pools and wildfire. The comment states that much of the 1,448 acres of the project area is wetlands, with approximately 30 acres of vernal pools and other wetland features. The comment also states that California has lost 90% of its vernal pools, and the diminishing of wetlands threatens the wildlife that wetlands support.

See Response to Comment 20-1, the project site was found to contain approximately 6.25 acres of wetland features. The comment does not identify any specific concerns that address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. Please see responses below to specific concerns.

22-2 The comment suggests a list of species that may be impacted by the project, including BCM, burrowing owl, Swainson's hawk, and yellow warblers, among others.

The comment does not identify any specific concerns that address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. However, impacts to biological resources, including the species identified in the comment to the extent appropriate, are fully disclosed in Section 4.3 of the Draft EIR. For a comprehensive discussion of impacts to BCM, please see Master Response 2. Also see Response to Comment 22-3 regarding yellow warblers.

22-3 The commenter offers data that populations of yellow warblers have been slowly declining and have decreased by 25% between 1966 and 2014.

The comment does not identify any specific concerns that address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. The commenter's concern is noted and will be forwarded to the decision makers for their consideration. As noted above, impacts to biological resources are fully disclosed in Section 4.3 of the Draft EIR. As noted on page 4.3-28 of the Draft EIR, yellow warbler was not observed within the project site during site surveys and there is only one documented occurrence of yellow warbler in 2002 approximately 9.5 miles southeast of the project site. However, there are numerous citizen science records of yellow warbler recorded between 1964 and 2020 within 1 mile of the project site (eBird 2020). A majority of the citizen science records are post-2014 and located in dense riparian corridors along Little Chico Creek north of the project site, and along Butte Creek in the foothills southeast of the site and where Butte Creek flows through the Mendocino National Forest Genetic Resource and Conservation Center south of the project site (eBird 2020). The riparian woodland along Comanche Creek on the project site provides potential nesting and foraging habitat for yellow warbler but is considered poor quality habitat due to the presence of cowbirds and minimal understory vegetation for nesting. Although their presence is unlikely, mitigation measure BIO-2 would ensure that nesting bird surveys are conducted prior to construction of any project component and would detect the nesting activity and establish protective avoidance buffers.

22-4 The comment states that Western burrowing owl populations are declining in Butte County and provides statistics indicating regional and statewide population decline of the species.

The comment does not identify any specific concerns that address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. However, the commenter's concern is noted and will be forwarded to the decision makers for their consideration. Please see Response to Comment 22-5 for more information on burrowing owls.

22-5 The comment asserts that the Draft EIR's mitigation plan to reduce impacts to burrowing owls is inadequate and oversimplified.

Impacts to burrowing owls are fully disclosed in the Draft EIR under Impact 4.3-1 in Section 4.3, Biological Resources. Mitigation measure BIO-3 requires burrowing owl surveys to be conducted prior to commencing any construction activities to prevent impacts to burrowing owls or active burrows. With implementation of mitigation measure BIO-3, impacts to burrowing owls are anticipated to be less than significant and the project would not contribute to a cumulative decline in burrowing owl populations. Therefore, as stated in the Draft EIR impacts related to burrowing owls would remain less than significant and no further revisions to the Draft EIR are required.

Please also see Responses to Comments 9-36 through 9-38, 52-40 and 25-5.

22-6 The comment provides a description of BCM and asserts that the Draft EIR does not provide sufficient information regarding the meadowfoam preserves.

Please see Master Response 2 which addresses proposed BCM management and preserves.

22-7 The comment reiterates information contained in the Draft EIR regarding valley riparian woodland and notes mitigation measures included in the Draft EIR are provided to address impacts to biological resources, such as nesting birds, BCM, burrowing owls. The commenter also asserts that the proposed mitigation is "extremely general and over optimistic".

The comment does not indicate what aspects of the mitigation are asserted to be general and over optimistic, so a specific response is not possible. The project has been designed to minimize stream crossings and avoid most of the biologically sensitive areas of the site, thus minimizing the need for future restoration efforts following construction. Please see Master Response 2 that addresses proposed BCM management and preserves, revisions to Biological Resources mitigation measures included in Chapter 3 of the Final EIR, and Responses to Comments 6-7, 26-8 and 52-34 regarding other commenters specific comments related to impacts and mitigation for birds, oak woodlands and stream zones, and riparian habitats.

22-8 The comment asserts that the engineering required to move on-site waters into ponds and artificial water features would change the nature of the environment, potentially leading to collapse and failure of some species due to loss of habitat.

Please see Response to Comment 9-30.

22-9 The commenter asserts that construction activities and subsequent human presence at the site would directly and indirectly impact biological resources and mitigation would not be sufficient to protect the species.

Please see Responses to Comments 20-5 and 20-6. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

22-10 The comment asserts neither the VESP nor the Draft EIR considers the impacts of climate change and ignores the consideration of GHG emissions, and that it will be impossible to have transit serve the project site due to its distance from the City center.

The Draft EIR discloses the potential effects of climate change (Draft EIR pp. 4.7-4 through 4.7-6) and evaluates the project's contribution to GHG emissions in Section 4.7, Greenhouse Gases. Please see Responses to Comments 9-11, 8-3 and 9-5, regarding transit.

22-11 The commenter asserts that the project site is in a high-risk area for wildfire and further asserts that the VESP and the Draft EIR do not include sufficient information regarding the danger of wildfire.

The VESP and the Draft EIR both address concerns associated with wildfire. Section 4.14, Wildfire, in the Draft EIR discusses, in detail, hazards associated with wildfire and discusses what requirements are included in the VESP to address wildfire concerns. To clarify, the project site is designated as a "Moderate" fire severity zone by CAL FIRE. Please also see Master Response 1.

22-12 The comment expresses a desire for more affordable workforce housing in the City and not market rate housing and notes the City's General Plan, Housing Element and Climate Action Plan support infill housing and housing for low-income residents.

The commenter's opinion is noted and forwarded to the decision makers for their consideration. The comment does not identify any specific concerns that address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. Please see Responses to Comments 9-68 through 9-70 that address affordable housing concerns.

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Comment Letter 23

Comments of David Welch, 13 Hilda Way, Chico 530-566-2898

I bring a somewhat unusual perspective to the examination of this EIR. I'm very much a member of the senior demographic and am also a lifelong cyclist, having ridden for transportation and sport for more than 50 years and I'm nationally certified to teach safe cycling. I also have long-standing familiarity with the topography of the site. 23-1

Looking at the EIR through that lens I see a lot of conflict between what my experience tells me and what the EIR visualizes as the role of active transportation in reducing vehicle miles traveled and mitigating the traffic and climate impacts of the project. 23-2

The combination of the large physical size of the project, the very low density housing in most of the project area, the concentration of commercial at one corner and the steep terrain in most of the project area tell me that the bike paths touted as an important part of the transportation mix will be used recreationally by a few sport cyclists like myself, but will likely play almost no role in the actual transportation mix in the project. Neither typical seniors, nor young parents with children in tow are going to climb those hills coming home from commercial services or employment sites within or beyond the project area. 23-3

At the same time, the increases in auto traffic on surrounding major roads as a result of the project will actually work to discourage the use of active transportation by residents of nearby areas better suited for it like Merriam Park. 23-4

On a broader scale, the comparison used in the EIR for assessing the significance of vehicle miles traveled is a very dubious one. It's not at all clear what area was used as a regional standard, but the population numbers tell us it was bigger than all of Butte County and had to include a lot of rural areas where people drive long distances by necessity. A comparison to the city of Chico or another similar urban area would be a much more valid standard. 23-5

I must also say, the assumption that the senior portion of the project population drive substantially less is outdated and likely erroneous for this population. Not only is retirement age steadily rising, but there is good evidence that high income seniors – the kind that will live in a high-cost project like this – generate high levels of VMT for leisure and other pursuits even in retirement. 23-6

Lastly, the EIR discusses at length the various active recreational amenities provided within the project but it is never made clear to what extent those amenities will be made available to the general public or only to project residents. Project residents absolutely will add to the burden on existing parks and recreational facilities in Chico – it's only right that the rest of us should be compensated for that by a commitment to making all of the parks and trails in the project open to everyone. 23-7

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Response to Letter 23

David Welch

23-1 The comment is an introduction for comments to follow.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

23-2 The comment expresses concern regarding the Draft EIR's discussion of the role of active transportation in reducing VMT and mitigating the project's traffic and climate impacts.

Please see Responses to Comments 9-47 through 9-55 for information specific to VMT.

23-3 The comment describes the site topography and layout, including locating a commercial use at one corner and the steep terrain over the project site. The comment also states that due to the large size of the project, low density housing areas, and terrain, the bike paths will be used by a few sport cyclists, will not likely be used by commuters or residents.

Please see Responses to Comments 9-44, 15-4 and 21-2. The project's streets, bike paths, enhanced trails and paseo trails would support the use of electric-powered vehicles (bicycles, golf carts, scooters, etc.), reducing the need for manual bicycling. Including electric vehicle options on project streets and off-street paths helps residents reach areas that one might only otherwise consider driving, such as the Village Core or a nearby park. The commenter's opinion is noted and will be forwarded to the decision makers for their consideration.

23-4 The commenter is concerned that an increase in traffic on roadways due to the project will discourage residents in the adjacent areas from using active transportation (bicycles) to move around.

The Draft EIR addresses potential impacts to bicycle facilities in Section 4.13. Class II bike lanes are provided along area roadways and many roadways surrounding the project site including on E. 20th Street and on segments of Bruce Road, Notre Dame Boulevard and Skyway. Posted speed limits of between 25 and 45 miles per hour (Draft EIR p. 4.13-2). As discussed under Impact 4.13-2 on page 4.13-21, the City's General Plan Circulation Element identifies numerous policies aimed at creating complete streets and providing a safe, connected pedestrian network. Please see Response to Comment 9-49.

23-5 The comment relates to the approach to evaluating the project's VMT and asserts it is not clear what area was used for the "region" and suggests a comparison to the City would be appropriate.

Please see Response to Comment 9-45.

23-6 The commenter does not agree that the age-restricted component of the project would result in less trips and a reduction in VMT.

Please see Response to Comment 9-50. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

23-7 The commenter asks what active recreational amenities would be available to the general public, and states that project residents will increase demand for other City recreational facilities; the commenter suggests that the project's recreational facilities therefore should be open to the public.

The Draft EIR evaluates impacts to public services, including parks and recreation in Section 4.11, Public Services and Recreation. As discussed on page 4.11-19, the City has specific standards for the provision of parks. Using the city's ratio of 4.0 acres of parkland and 2.5 acres of greenways per 1,000 people the project would require 21.86 acres of parks and 13.66 acres of greenways. The City also requires development projects to pay development impact fees for park facilities to fund the acquisition and development of parks and recreational facilities needed as a result of new development (Draft EIR p. 4.11-22). The proposed project includes approximately 720 acres of a mix of parks and open space, as well as an extensive multi-use trail system. This includes an approximately 420-acre regional park, a 35-acre community park, three neighborhood parks; mini-parks and tot lots; a senior and active adult park; and also a series of linear parks and creekside greenways. Based on the project's population this would result in a parkland ratio of 120.8 acres per 1,000 residents, far exceeding the City's established parkland goals (Draft EIR p. 4.11-22). Regarding public access, the community park (once improved) would be open to the general public, and the regional park (and likely the creekside greenways) would be conditionally available to non-resident members. Please also see Response to Comment 9-75.

Comment Letter 24

Mike Sawley

From: Wilson, April <A1W9@pge.com>
Sent: Thursday, November 18, 2021 2:37 PM
To: Mike Sawley
Subject: VALLEY'S EDGE SPECIFIC PLAN

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

Mike,

This is a terrible plan that will affect myself and all of my neighbors. We specifically bought and paid a premium to be in
a peaceful, serene environment. This a huge development that will have serious impacts on both our noise and traffic. I cannot see people entering this off the Skyway as it would be tough to cross traffic as well as slow down to turn. It would be one thing to add a small development that had limited number of homes but this is huge. We are talking about a school, a park, and many homes. The length of time this is going to take that impacts my neighborhood is enormous. I am contacting my builder Bill Webb to see what steps we all need to take to stop or at the very least alter to an acceptable size.
this project.

24-1

Thank you,

April Wilson

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Response to Letter 24

April Wilson

24-1 The comment asserts that the VESP would have serious noise and traffic impacts on existing residents in proximity to the project site due to plans to construct a school, a park, and many residences, and they oppose the project in its current configuration. The commenter also expresses doubt that project residents would use Skyway to access the project due to existing cross-traffic on Skyway.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. However, as discussed in Section 4.10, Noise, the project's noise impacts to sensitive land uses were addressed and determined to be less than significant with mitigation. Compliance with mitigation measures NOI-1 through NOI-5 would ensure that existing and future noise-sensitive land uses in the project vicinity are not exposed to sound levels in excess of City noise thresholds during project construction or operation. And, as discussed in Section 4.13, Transportation and Circulation, project impacts related to increased trips and VMT would also be less than significant with mitigation. Compliance with mitigation measure TRAF-2 would reduce average project-generated VMT per service population by instituting a Transportation Demand Management (TDM) program to reduce external vehicle trips generated by the proposed project. Regarding future use of the Skyway entrance, residents would be able to use a new roundabout at that location to access the project, reducing potential conflicts with cross-traffic. The commenter's concerns are noted and forwarded to the decision makers for their consideration.

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Comment Letter 25

From: Karen Laslo
To: Mike Sawley
Subject: Valley"s Edge Specific Plan - Draft EIR, Public Comment
Date: Tuesday, December 7, 2021 7:27:07 AM

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

VALLEY'S EDGE SPECIFIC PLAN - DRAFT EIR

Public Comment from Karen Laslo (karenlaslo@gmail.com)

General Comments

Our Chico General Plan 2030 calls for a compact urban form. The Valley's Edge Specific Plan (VESP) is not compact, it's sprawl. It's the exact opposite of where our town should be heading in regards to new housing development. We need small, "work force" houses, duplexes and apartments that are affordable to middle and low income residents. VESP housing will be mostly, large, single-family houses. Valley's Edge will only be affordable to wealthy people from out of Butte County, such as the Bay Area or Los Angeles, seeking to retire to "the country."

Valley's Edge will do nothing to answer Chico's housing needs. It will, however, create a wealthy class society living high up in the foothills above the rest of us down here below in Chico's flat land.

25-1

Climate Impacts

Since this project will be stuck way out in the middle of nowhere, away from any and all commercial stores, health clinics, grocery stores, etc., the biggest impact on climate change will be increased car traffic trips from the inhabitants. This is the opposite of Chico's Climate Action Plan. The impact from more greenhouse gas emissions is unacceptable and can't really be

25-2

mitigated and should be the grounds for denying the project right from the start.

25-2 Cont.

Air Quality

The air quality in Chico and the Sacramento Valley is already poor, especially in winter. Bad air is unhealthy. Particulate matter in air pollutions is bad for people's lungs, especially the elderly and children. VESP would add even more to the poor air quality that we already have since the inhabitants will have to drive to get everything they want to live there.

Mitigation measures which include an idling reduction, (Chico has this already but it's rarely enforced), a ride-share program (it's doubtful that the wealthy people, who would be the only ones who could afford to live there, would be into "ride sharing.")

It's obvious that the mitigations put forth by the VESP are inadequate and won't do much to reduce the significant impacts to our already poor air quality in Chico and Butte County. It's shameful that the low and middle income families living down below in Chico's flat land would suffer from even more air pollution caused by the wealthy people living high above them if the VESP is approved.

25-3

Biological Resources

Plant and animal species that will be impacted and/or destroyed by the VESPA include Butte County Meadowfoam, Elderberry Longhorn Beetle, Western Spadefoot Toad, Western Pond Turtle, Burrowing Owl, Yellow Warbler, Loggerhead Shrike, native and migratory birds, Pallid Bat and our native Blue Oak trees.

25-4

As a long-time "birder" I'm quite concerned about the impacts of VESP on our migratory and native birds and **especially the Burrowing Owl [**my emphasis**].**

25-5

These small owls are disappearing mainly due to habitat loss from over development and urban sprawl. The following status and biological information on this interesting creature can be found at *Burrowing Owl Conservation Network, see link:* *http://burrowingowlconservation.org/burrowing_owl_facts/:*

"LEGAL STATUS/PROTECTION:

The burrowing owl is federally protected by the Migratory Bird Treaty Act in the United States, Canada and Mexico.

Burrowing Owls are listed as Endangered in Canada and Threatened in Mexico. ***They are considered by the U.S. Fish and Wildlife Service (USFWS) to be a Bird of Conservation Concern at the national level, in three USFWS regions, and in nine Bird Conservation Regions*** [my emphasis]**.** *At the state level,* ***Burrowing Owls are listed as Endangered in*** *Minnesota, Threatened in Colorado, and as a Species of Concern in Arizona,* ***California,*** *Florida, Montana, Oklahoma, Oregon, Utah, Washington, and Wyoming.*

HABITAT:

This owl is found in dry, open areas with low vegetation where fossorial mammals (i.e. ground squirrels) congregate such as grasslands, deserts, farmlands, rangelands, golf courses, and vacant lots in urban areas [my emphasis]**.** *It was once distributed broadly throughout western North America, but has found itself declining in numbers throughout all historic ranges in the last 30 years. The burrowing owl also occurs in Florida, Central America, and most of South America.*

DIET:

Burrowing Owls primarily feed on insects and small mammals, but they will also eat reptiles and amphibians. ***Burrowing Owls hunt while walking or running across the ground*** [my

25-5 Cont.

emphasis] *and by swooping down from a perch or hover, and they will catch insects from the air.*

THREATS:

The greatest threat to burrowing owls is habitat destruction and degradation caused primarily by land development and ground squirrel/prairie dog control measures. Despite their protected status, burrowing owls are often displaced and their burrows destroyed during the development process [my emphasis]. *The natural life span of the Burrowing Owl is 6-8 years. Burrowing owls are also at risk of predation from coyotes, birds of prey, and feral cats and dogs.* ***Because of an increase in urban and suburban sprawl, hazards are now consisting of automobiles as well*** [my emphasis]**."**

I don't see that there can be *any* mitigation that will not disturb and/or destroy Burrowing Owls found at the VESPA site mainly because they nest and roost in holes in the ground. "Passively moving" these small, sensitive owls is a ridiculous notion and will only hasten their demise.

25-5 Cont.

Blue Oaks Removal

According to the VESP's website, the proposed development is supposed to be a place where people can ". . . take a dawn walk through the majestic oaks." That's ironic since the Plan calls for at least 1,100 of the 5,500 "majestic oaks" to be cut down.

The predominant oak in the VESPA area are Blue Oaks, with some Black Oaks and Live Oaks. Blue Oaks are fire resilient and drought tolerant. They are tenacious with tough roots that go down quite deep. It's commonly known that Blue Oaks are slow growing, see link: http://oaks.cnr.berkeley.edu/blue-oaks-grow-slowly/. Many of the Blue Oaks in the VESPA site are quite large which means that they could be really old. Some are about the same size as the Heritage Blue Oak located on Preservation Rd.,

25-6

not far from the VESP site. According to Chico Urban Forester, Richie Bamlet, that Heritage Blue Oak is about 300 years old. It should be mandatory to find out how old some of the largest Blue Oaks are *before* they're cut down. It would be a shame to cut down any "majestic" oak tree that would be considered a Heritage Tree.

As a member (but not the spokesperson) of Chico Tree Advocates I say that the destruction of 1,100 Blue Oaks for this project is totally unacceptable. Blue Oaks are the foundation of the foothill's oak woodland habitat ecosystem. Blue Oaks are critical for the sequestration and storage of carbon, a potent greenhouse gas that is steadily warming our planet.

25-6 Cont.

Construction Site of the VESP

If approved, the construction of the VESP would continue for several years. During that time it's doubtful that any wildlife would be able to survive the destruction of their habitat. The fields at the site are littered with rocks and boulders. It's assumed that heavy equipment will be used to remove of most of the rocks to create a level space to build the luxury homes for the proposed development. Even if the rocks are "saved" for aesthetic purposes, the wildlife will be gone.

25-7

The exhaust from heavy the equipment will also add to the air pollution.

25-8

The construction alone of the VESP will make the cost of houses far out of reach from the average Chico family or senior citizen.

25-9

Transportation and 55+ Housing

Because of the low density of houses and the linear distribution of the houses the development would not be supportive of a public bus system. Also, it's doubtful that the wealthy people, who would be the only ones able to afford houses there, young or

25-10

old, would be willing to ride a bus to get to where they want to go.

25-10 Cont.

Since the Plan call for the houses to be widely spread out, up and down the ridges in the foothills, it wouldn't be conducive to anyone who would want to use a bike for transportation instead of a car - unless they were in top physical condition, therefore, the transportation value of the bike trails would be minimized.

25-11

Since about half of the VESP housing would be restricted to people 55 or older, the lack of alternative transportation would be harmful to that aging population, especially when they would, inevitably, lose their ability to drive. It's unlikely that many seniors would be able to ride a bike for transportation instead of driving their cars.

According to Public Square, a CNU Journal, "Only 60 percent of the American population can drive. Our automobile environments disenfranchise and endanger those who are physically unable or too young to drive, or too poor to own a car. The total number of nondrivers is expected to increase dramatically as Baby Boomers age." See link: https://www.cnu.org/publicsquare/2020/03/05/aging-population-needs-walkable-bikeable-cities?fbclid=IwAR0hH4N87FB7jMDNR4AjtPf5BisOEuTZgPfP1Mq-DHSScuaqwszOh42f5dM

25-12

Fire Hazard

The danger of fire is really high for any development in the foothills. While the Blue Oaks may be fire resilient, houses, cars and buildings *are not*. During the horrific Camp Fire, along with the tragedy of peoples' homes being lost, all the contents of those homes and garages burned too. The burning of plastics (including cars), household chemicals, such as pesticides, cleaning supplies, etc., dramatically added to the existing air pollution. A wildfire

25-13

in the VESP would likely spread to other existing developments in the area, such as Doe Mill or the houses that are along east 20the St.

The extreme fire danger for the VESP area should be grounds for stopping the project. Trying to mitigate the fire hazard would, of course, add to the cost of the development that would be passed on to the homeowners. But the danger would still exist.

25-13 Cont.

Energy

The addition of electric vehicle chargers is a good idea. However, they would not be of much use unless the majority of homeowners owned electric cars.

The design and orientation of homes in any new development is crucial to saving energy. Solar panels along with the addition of "passive solar" design can make a huge difference in saving energy and making the people who live in the homes comfortable, see link: https://www.energy.gov/energysaver/passive-solar-home-design. Even apartment buildings can be designed to make use of passive solar energy.

Once the cost of constructing and building a house or apartment has been completed, using passive solar design, the energy savings is "free" for the life of the building.

Not only does passive solar design create "free" warmth in the winter but it provides year-round light so that traditional incandescent or fluorescent lighting are rarely needed during the day, saving even more energy. Southern orientation of houses and buildings with roof-top solar panels is an excellent combination for saving energy.

25-14

Thank you for taking my comments into consideration.
Karen Laslo

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Response to Letter 25

Karen Laslo

25-1 The commenter asserts that the project is not consistent with the goals of the City's General Plan to encourage compact urban development and does not provide affordable work force housing.

Please see Responses to Comments 9-66 through 9-69 which address housing affordability concerns and Responses to Comments 20-09 and 21-2 regarding consistency with the General Plan. This comment refers to General Plan Goal LU-1, which calls for reinforcing the City's "compact urban form, establish growth limits, and manage where and how growth and conservation will occur." As stated on page 3-17 of the Draft EIR, the "project site is identified in the City's General Plan as a growth area, and the Specific Plan proposes clustering development to maintain large areas of the site in open space." Ultimately, it is within the City's purview to decide if the proposed project is consistent or inconsistent with applicable City goals or policies. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

25-2 The commenter asserts that the project's remote location will increase vehicle trips and is inconsistent with the City's Climate Action Plan, and that the project's GHG emissions are grounds for denying the project.

The comment does not identify any specific concerns that address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. However, please see Responses to Comments 21-2 and 21-3. By proposing a mixed-use project and supporting the use of electric-powered vehicles, bikes and footpaths to make various areas accessible, the project design reduces the need for resident to drive in a gasoline-powered vehicle outside the project. Also, the site is located in southeast Chico, which has well over 1 million square feet of commercial retail space and offers at least as many goods and services as any other area of the city. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

25-3 The comment states that existing air quality in the region is already poor and the project would contribute more pollutants and particulates into the air basin. The comment further asserts that the proposed mitigation measures are inadequate.

Please see Responses to Comments 5-7 and 9-13 which address analysis and mitigation of air quality impacts, and Response to Comment 9-21 for more explanation of mitigation measure AQ-4. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

25-4 The comment states that the project will impact a variety of plant and wildlife resources.

The comment does not identify any specific concerns that address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. The commenter is correct in that implementation of the project would adversely affect various plant and wildlife resources. These impacts are evaluated in Section 4.3, Biological Resources. The Draft EIR includes 10 mitigation measures for biological resources to ensure potential impacts are reduced to less than significant.

25-5 The comment relates to burrowing owl impacts and provides excerpts on the protection status of the species along with information on its habitat, diet and threats. The comment also questions the feasibility of the mitigation measure BIO-3 included in the Draft EIR.

The Draft EIR fully evaluates potential impacts on burrowing owls (see Draft EIR pp. 4.3-20 and 4.3-50 through 4.3-55). Regarding mitigation to protect burrowing owls during construction, if present, passive eviction or passive relocation, as sanctioned by the California Department of Fish and Wildlife and described in mitigation measure BIO-3 does not involve actively moving individuals; instead, the burrows are modified so that burrowing owls can leave but not re-enter the burrow. After departing, they are expected to find and colonize a new burrow or burrow complex outside the construction area but because they are not actively moved it is impossible to direct where they relocate to after eviction. Passive eviction provides the best option to minimize impacts to burrowing owls when their burrow complexes cannot or will not be avoided by a project.

25-6 The commenter states an objection to the removal of "at least 1,100 of the 5,500 'majestic oaks' to be cut down," and suggests that some of the large blue oak trees could be considered Heritage Trees due to their size and age. The commenter further states their opinion that the proposed destruction of 1,100 blue oaks as part of the project is unacceptable.

It is not accurate to state that the VESP proposes to remove 1,100 trees at the site. Please see Responses to Comments 26-8 and 6-24 through 6-26 for more details regarding tree removal. The comment does not identify any specific concerns that address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

25-7 The commenter asserts that construction activities would eliminate wildlife species from the site due to the presence of heavy equipment and land disturbance.

The Draft EIR evaluates the direct and indirect effects of project construction on biological resources in Section 4.3 and mitigation is included, where required, to address impacts specific to construction activities. The Draft EIR states that construction activities will cause wildlife species to leave some areas of the project site due to loss of habitat or indirect effects of construction or operation. To mitigate these impacts, includes measures to conduct pre-construction surveys and avoid wildlife that are discovered (e.g., mitigation measures BIO-2 Nesting Bird Protection, BIO-5 Bats). The comment is correct that the project would be developed over many years; however, even when completed the site would retain approximately 664 acres of largely contiguous and connected open space areas that would continue to provide habitat for a wide range of wildlife species that currently use the site.

25-8 The comment states exhaust from construction equipment will add to air pollution.

The effects of construction equipment on air quality within the air basin associated with development of the project was evaluated in Section 4.2, Air Quality of the Draft EIR. Specific construction assumptions for each phase of construction along with assumptions for construction activities are listed on page 4.2-23. Table 4.3-7 on page 4.2-30 identifies the levels of pollutants that would be generated by year of construction and notes if the levels would exceed the Bay Area Air Quality Management District thresholds. As shown in the table, construction activities would

generate various pollutants but would be well with acceptable ranges and would not exceed the air district's thresholds. Thus, although construction equipment would contribute to air pollution, the impact would be less than significant.

25-9 The comment asserts that construction would make the cost of the homes out of reach for the average family or senior citizen.

The comment does not identify any specific concerns that address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. Please see Responses to Comments 9- 66 through 9-69 which address housing affordability concerns. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

25-10 The comment asserts that due to the low density of the project and the linear distribution of housing, the project would not be supportive of a public bus system.

Please see Responses to Comments 8-3 and 9-5 which address the project's density and transit. It should also be noted that the VESP provides for a range of housing densities and types, including multiple family housing, which should provide a range of housing options and costs, rather than solely high-end housing. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

25-11 The comment asserts that due to the project site's topography it would not be conducive to using a bicycle for transportation.

Please see Responses to Comments 23-4, 9-44 and 9-77 that address the project's network of bicycle trails. The project's streets, bike paths, enhanced trails and paseo trails would support the use of electric-powered vehicles (NEVs, EVs, scooters, etc.), reducing the need for manual bicycling. Including electric vehicle options on project streets and off-street paths helps residents reach areas that one might only otherwise consider driving, such as the Village Core or a nearby park. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

25-12 The comment asserts that the lack of alternative transit opportunities would be harmful to seniors living in the age-restricted portion of the project.

The comment does not identify any specific concerns that address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. However, it is anticipated that a shuttle service would be provided to seniors, similar to other age-restricted 55+ "Senior Housing" projects. Typically, these shuttle services provide trips to doctor appointments and shopping and some facilities offer "on demand" services to help foster independence for seniors. In addition, transit stops would be provided in the Village Core (Draft EIR p. 2-22).

25-13 The comment expresses concerns associated with wildfire, including air emissions associated with burning of plastics and other potentially hazardous materials and goes on to state that trying to mitigate the fire hazard would add to the homeowner costs but the danger would still exist.

Wildfire concerns were addressed in Section 4.14, Wildfire, of the Draft EIR. The analysis addresses measures the VESP includes to minimize, to the extent feasible, creating an on-site fire that could spread off-site. Please see Master Response 1 which further addresses wildfire concerns.

25-14 The comment generally notes that including energy conservation and sustainability design features such as electric vehicle chargers, passive solar orientation and use of solar panels help to reduce energy costs.

Energy is evaluated in Section 4.5 of the Draft EIR. The VESP includes design guidelines to promote energy efficient development including solar, consistent with CalGreen Building standards that require rooftop solar (Draft EIR pp. 4.5-7, 4.5-13). The commenter's support of energy conservation features is noted and forwarded to the decision makers for their consideration.

Comment Letter 26

From: Annette Faurote
To: Mike Sawley
Cc: Nicole Acain
Subject: Valley"s Edge Development
Date: Friday, December 10, 2021 11:48:49 AM

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

Please make this part of the permanent record and answer these important questions. Thank you.

Dear Planning Department:

While the developers of Valley's Edge have attempted to incorporate positive features much is still lacking in this development.

This is a huge development having lasting impacts on the Chico Environs. Many of these problems are NOT fully and honestly described in the EIR. Here are my points of deep concern: 26-1

1-Valley's Edge will **affect the air quality** of Butte County. This is a **car dependent development**. The EIR does not fully address the real life impacts. People in the 55+ age group will be driving everywhere (except recreationally). There is not enough density to support the bus system. Upper areas of the development are on large parcels which will be car dependent. These increases in emissions (ROG, PM 2.5 and NOx) will be **harming the health of our community.** Mitigation measures are inadequate. Monetary mitigation will not offset the impacts of health problems for our community. 26-2

2-Valley's Edge is defined as mixed use, but this is really stretching the mixed use definition. As the small amount of other uses are located near the entrance and Not mixed through the sprawling 1450 acres. 26-3

3-This development is the true definition of **urban sprawl**. Mitigation measures dealing with sprawl are inadequate. It will impact (RUIN) the viewshed for the east side of Chico with unsightly large houses. It will exacerbate traffic congestion in surrounding areas. 26-4

4-Will all of this development be open for the enjoyment and recreation of all Chico residents? Will it be a gated area? 26-5

5-This is all built in urban/wildland interface areas that are **extremely fire prone**. This area is defined by CalFire as a **moderately fire severity zone which is predicted to burn every 5-15 years.** The fire risk and expense of protecting these homes is a large concern. **Development** 26-6

should NOT be built in a zone predicted to burn every 5-15 years. 26-6 Cont.

6-This area is **important ecologically.** There are many important and threatened species that should be protected: ringtail cats, bobcats, burrowing owls, west pond turtles, wintering bald eagles, etc. What is being done about this? 26-7

7-This development **will destroy perhaps over 1,000 Valley Oaks. This amount of oak destruction is unexceptable.** Valley Oaks are one of the most important tree species for numerous varieties of birds, mammals and other native life. This will cause a huge amount of habitat destruction. This damage to wildlife and habitat needs stronger mitigation measures. 26-8

8-The interference of hydrologic recharge of the aquifer should be addressed. In these days of droughts this is of the utmost importance. Hydrologic interruption has not been adequately analyzed. And realize that the hydrologic system is interconnected to areas west of this development. 26-9

9-**There are 11 acres of other protected waters and 6 acres of wetlands that will likely be destroyed**. How is this being addressed? 26-10

10-**This development will significantly increase greenhouse gas emissions**. Chico and all of California has been tasked with reducing greenhouse emissions. This is in exact opposition with the Chico City Climate Action Plan. Sprawl is the opposite of urban infill which is how Chico should grow. **This MUST BE ADDRESSED.** 26-11

11-Chico has serious housing needs. But many of these houses will be expensive homes appealing to the wealthier population. We need more affordable housing, not urban sprawl subdivisions. 26-12

Due to these enormous problems with Valley's Edge I support and request a 5th alternative to be considered which would expand on alternative 4 and address problems, inadequacies and make positive changes.

Alternative 5 would have a more compact community allowing for greater open space and habitat protection. At greater housing densities the community could support a bus system. Additionally, a grocery store, pharmacy and other useful businesses were added that would decrease auto commuting and increase walkability and bicycling. The "Equestrian Ridge " area should be moved adjacent to the denser community and gain closer compliance to the Greenhouse Gas reduction targets of the Chico Climate Plan. 26-13

Please reconsider/rework this large development and make it smart 26-14

development. This is what is needed. 26-15

Sincerely,
A. Faurote
16 Rose Ave
Chico, Ca 95928

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Response to Letter 26

Annette Faurote

26-1 This commenter introduces comments that follow and states that the project is large and would have lasting impacts to the City.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

26-2 The commenter asserts the project is car-dependent, does not provide enough density to support transit and would increase air pollutants. The comment also states that the air quality mitigation measures are inadequate.

Please see Responses to Comments 8-3, 9-5 and 9-53 regarding the project's density and transit. In terms of air quality, the effects of project operation on air quality within the air basin was evaluated in Section 4.2, Air Quality. Assumptions for project development and activities that would generate air pollutants are listed on page 4.2-24. Table 4.2-8 on page 4.3-32 identifies the levels of pollutants that would be generated by the project prior to mitigation and notes if the levels would exceed the Bay Area Air Quality Management District thresholds. As shown in the table, levels of ROG, NO_x and PM_{10} would exceed the air district's thresholds. As explained on page 4.234, compliance with mitigation measures AQ-2 and AQ-3 would reduce operational-related criteria air pollutant emissions associated with mobile and energy sources and mitigation measure AQ-4 would require the project developer to either establish an off-site mitigation program within Butte County, coordinated through BCAQMD, or participate in an Off-site Mitigation Program by paying the equivalent amount of money equal to the project's contribution of pollutants (ROG, NO_x and PM), as recommended by the BCAQMD CEQA Handbook. See Response to Comment 9- 21 for more details on the planned implementation of mitigation measure AQ-4. With implementation of these measures, the project's net emissions would be below the identified thresholds, reducing the impact to less than significant.

26-3 The commenter asserts that the project stretches the definition of mixed use because the project's commercial uses are not spread throughout the site.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

26-4 The commenter asserts that the project is "urban sprawl" and proposed mitigation measures dealing with sprawl are inadequate. In addition, the comment states that development will impact the viewshed and exacerbate traffic congestion.

Please see Response to Comment 14-3 which addresses changes in the viewshed and visual character of the site and Responses to Comments 12-19 and 23-4 that address the increase in traffic and traffic congestion. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

26-5 The commenter asks if the project will be open to the public or be a gated community.

The project is not proposed to be a gated community. Access to the open space and recreational areas of the project are discussed in Response to Comment 9-75.

26-6 The comment states that the project is located within a wildland-urban interface area and has been defined by CAL FIRE as being within a moderate fire severity zone predicted to burn every 5 to 15 years. The commenter goes on to state the project should not be built in an area where wildfires occur.

Wildfire concerns are addressed in Section 4.14, Wildfire, of the Draft EIR. As explained on page 4.14-2, the project site has been identified as a "Moderate" fire hazard area within the State Responsibility Area but also appears to be within the incorporated Local Responsibility Area overlay (CAL FIRE 2007). The project site is currently under the jurisdiction of CAL FIRE regarding fire protection, but if the project is approved and annexed it would be folded into the jurisdiction of the Chico Fire Department. The commenter does not provide evidence supporting the claim that areas designated as having a moderate fire severity hazard are predicted to burn every 5 to 15 years. Please see Master Response 1 which further addresses wildfire concerns.

26-7 The comment states the area is ecologically important and contains many important and threatened species.

Impacts on special-status species and their habitat are thoroughly evaluated in Section 4.3, Biological Resources of the Draft EIR. In addition, please see Response to Comment 20-2 and responses to the letter from the California Department of Fish and Wildlife (Letter 6) which addresses numerous comments specific to protected species that may be present in the area.

26-8 The comment relates to removal of valley oak trees and asserts the loss of over 1,000 trees would contribute to habitat destruction and needs stronger mitigation measures to address these impacts.

It is not accurate to state that the VESP proposes to remove over 1,000 trees at the site. Tree removal is addressed under Impact 4.3-2 on page 4.3-58 of the Draft EIR. As explained, the proposed project would involve oak tree removal to support new development. As stated in Chapter 2, Project Description, trees on the project site would be avoided to the extent feasible, and mature trees would be retained where possible. According to the VESP, approximately 80% of oak canopy on the project site would be preserved as permanent open space, per Action PROS-6.2 which states that "no less than 80% of the total tree canopy shall be protected and preserved in parks, open space, and/or other areas where avoidance and preservation can be monitored and managed". It is estimated 200 acres of blue oak foothill pine woodland (a landcover type) may be removed to accommodate development, but the number of trees to be removed or retained during development is not known at this time. Each future subdivision map creating development lots would be required to show trees in and around the subdivision area and state the proposed disposition of each tree. It is not clear where the commenter identified the removal of over 1,000 trees would be required. The VESP includes an Appendix E, Tree Preservation Program (formerly called the Oak Woodland Mitigation and Management Plan) to ensure the existing oak canopy in the proposed development areas and elsewhere on the project site would be protected through the avoidance, preservation, enhancement, education, and replacement or regeneration activities. The project developer(s) would also be required to mitigate for trees removed and/or damaged by development in accordance with the OWMMP/VETPP (such as planting on site, off site, or paying

an in-lieu fee). Per VESP Action PROS-6.4, the City's Voluntary Heritage Tree Program (CMC Section 16.68) would be applied for trees within the project site that may be considered a 'Heritage Tree.' In addition, the Draft EIR includes mitigation measure BIO-9 which establishes specific requirements to protect trees from damage due to construction activities. Compliance with all of these measures would adequately mitigate potential project impacts on oak trees. Please also see Responses to Comments 6-24 and 9-1 for more details regarding tree removal.

26-9 The comment suggests that interference of hydrologic recharge of the aquifer should be addressed.

Please see Response to Comment 9-56 regarding groundwater recharge.

26-10 The comment asks how waters of the U.S. and wetlands that would be impacted by the project are addressed.

Section 4.3, Biological Resources, addresses potential impacts to protected aquatic resources. As stated on under Impact 4.3-3 on page 4.3-61 of the Draft EIR, a total of 17.43 acres of aquatic resources have been mapped and delineated within the project site and includes 0.997 acre of vernal pools, 3.212 acres of vernal swales, 0.211 acre of seasonal wetlands, 0.615 acre of wet meadows, 1.212 acres of seasonal swales, and 11.183 acres of drainages (including Comanche Creek). This results in 6.25 acres of mapped wetlands on the project site. Based on the proposed VESP Land Use Plan, permanent development areas appear to avoid approximately 5 acres of the approximately 6.25 acres of wetlands on the project site. With implementation of mitigation measure BIO-10 the project would reduce potential impacts to aquatic resources by ensuring protection of aquatic resources during project construction and operations, and by providing compensatory mitigation for lost aquatic resources in compliance with state and federal law.

26-11 The commenter states the project will significantly increase greenhouse gas emissions which contradicts the City's Climate Action Plan as well as state goals to reduce greenhouse gases.

As addressed in Section 4.7, Greenhouse Gases, of the Draft EIR the project's increase in GHG emissions is quantified and the impact is identified as significant and unavoidable. Please also see Response to Comment 9-3 which addresses an increase in GHGs associated with construction and operation of the project.

26-12 The comment states that the City has serious housing needs and the project's housing would not be considered affordable.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. However, please see Responses to Comments 9-68 and 9-70 which address housing affordability concerns. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

26-13 The comment requests consideration of another alternative that includes a more compact development that allows for more open space and can support transit and the Equestrian Ridge neighborhood be moved adjacent to other development.

The CEQA Guidelines requires EIRs to "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives" (14 CCR 15126.6(a)). An EIR must evaluate "only those alternatives necessary to permit a reasoned choice" (14 CCR 15126.6(f)) and does not need to consider "every conceivable alternative" to a project (14 CCR 15126.6(a)). The evaluation of alternatives to the project is included in Chapter 6 of the Draft EIR. A total of four alternatives are evaluated including the required no development (Alternative 1: No Project/No Development Alternative). In addition, an alternative that evaluates development of the site consistent with the General Plan Special Planning Area 5 or Doe Mill/Honey Run SPA (Alternative 2: No Project/ 2030 General Plan Alternative). The proposed land uses under SPA-5 are very similar to the proposed project; however, there would be a reduction in residential units and commercial development under this alternative. Alternative 3 increases the amount of commercial uses and decreases the number of residences (Alternative 3: Increased Commercial Alternative). Whereas Alternative 4 (Alternative 4: Increased Open Space and Higher Density Alternative) increases the amount of open space and shifts residential land uses to other areas within the project site resulting in an increase in in open space and overall project density. The need to provide an additional alternative with higher density and more open space is not required because the alternatives provided address the project's significant environmental impacts. However, the commenter's suggestion that a more compact development be considered is noted and forwarded to the decision makers for their consideration. In addition, it is doubtful the residential density would be great enough for Butte Regional Transit to provide bus service, as suggested in the comment. As provided in the guidelines, only a reasonable range of alternatives is required to "permit a reasoned choice". Please also see Response to Comment 9-83 regarding the Draft EIR's range of project alternatives and Chapter 3, Changes to the Draft EIR for revisions to the VESP that include eliminating development of the Equestrian Ridge planning area.

26-14 The commenter requests for the project to be redesigned to reflect "smart" development.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. The commenter's request is noted and forwarded to the decision makers for their consideration.

Comment Letter 27

From: volecole@juno.com
To: Mike Sawley
Subject: Fw: Valley"s Edge Development and the Draft Environmental Impact Repor t
Date: Sunday, December 12, 2021 3:31:51 PM

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

Dear Mr. Sawley,

This is to let you know that my husband and I are opposed to the Valley's Edge Development Plan and do not believe that the Draft Environmental Impact Report presents complete consideration of all the issues. Firstly, we do not need another big housing development, particularly for higher income people, in an area where there are already large housing developments. (Oak Valley, Meriam Park and proposed Stonegate). This would significantly increase car useage, incurring traffic problems, increased greenhouse gas emissions, and lowering air quality. In the time of the Climate Change crisis we need to be reducing the negative impacts on our planet and inhabitants, not increasing them. 27-1

Secondly, yes, we do need more housing, but at this point in time we need more housing for lower income people. A better plan would be to provide lower income housing in infill areas. (The proposal from Smart Growth Advocates given to the Chico City Council is a good example). 27-2

And lastly, it would cause a loss of habitat for sensitive species (both flora and fauna), bring the wildfire threat closer to houses, and damage our water recharge area. 27-3

We believe that these issues have not been adequately addressed the Draft Environmental Impact Report and ask that you consider these concerns further.

Respectfully,

Jane Coleman and David McKinney

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Response to Letter 27

Jane Coleman and David McKinney (Letter 1 of 2)

27-1 The comment expresses opposition to the project and asserts that the Draft EIR does not accurately present each of the potential issues. The comment also states that other large housing projects exist or are proposed in the area, and another large housing development catering to higher income demographics is not necessary. The comment also states the project would significantly increase car usage, incurring traffic issues, increase in GHG emissions, and impact air quality.

CEQA Guidelines Section 15131 establishes that economic effects (including affordability of residences constructed under the project) are not considered to constitute significant effects on the environment. Regarding the increase in vehicles, Section 4.13, Transportation and Circulation, addresses traffic impacts and concludes impacts are less than significant or can be reduced to less than significant with mitigation. Air Quality and GHG emissions are addressed in Section 4.2 and Section 4.7. The analysis concludes construction and operation of the project would result in air quality impacts that are either less than significant or can be reduced to less than significant with mitigation. The project would; however, result in a significant and unavoidable contribution of GHG emissions. The commenter's opinion regarding the merits of the proposed project is noted and forwarded to the decision makers for their consideration.

27-2 The comment states that more housing is needed in Chico, but the City should focus on lower-income housing.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

27-3 The comment states the project would cause a loss of habitat for sensitive species, bring wildfire threats closer to houses, and damage water recharge areas.

The Draft EIR analyzes potential impacts to biological resources including plant and wildlife habitat in Section 4.3, Biological Resources. The analysis identifies those species and/or their habitat that could be impacted and provides mitigation measures to avoid or reduce potential impacts in accordance with CEQA as well as local, state and federal requirements. All biological impacts would be less than significant or reduced to less than significant with mitigation. Regarding potential wildfire impacts, refer to Master Response 1 and Section 4.14 of the Draft EIR for a comprehensive discussion of wildfire issues.

Regarding groundwater, groundwater recharge and site drainage are discussed in Section 4.9, Hydrology, Water Quality, and Drainage. As indicated under Impact 4.9-2 (Draft EIR p. 4.9-30), based on a preliminary hydrogeologic assessment of the project site, a relatively impermeable layer of well-lithified volcanic rock underlies the majority of the site, preventing groundwater recharge across most of the site. Groundwater recharge on site is limited to alluvial materials underlying creeks. See Response to Comment 9-56 for additional information regarding groundwater recharge at the project site.

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Comment Letter 28

From: volecole@juno.com
To: Mike Sawley
Subject: Valley"s Edge Development and Draft Environmental Impact Report
Date: Sunday, December 12, 2021 4:32:58 PM

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

Dear Mr. Sawley,

This is to let you know that my husband and I are opposed to the Valley's Edge Development Plan and do not believe that the Draft Environmental Impact Report presents complete consideration of all the issues. Firstly, we do not need another big housing development, particularly for higher income people, in an area where there are already large housing developments. (Oak Valley, Meriam Park and proposed Stonegate). This would significantly increase car useage, incurring traffic problems, increased greenhouse gas emissions, and lowering air quality. In the time of the Climate Change crisis we need to be reducing the negative impacts on our planet and inhabitants, not increasing them.

Secondly, yes, we do need more housing, but at this point in time we need more housing for lower income people. A better plan would be to provide lower income housing in infill areas. (The proposal from Smart Growth Advocates given to the Chico City Council is a good example).

And lastly, it would cause a loss of habitat for sensitive species (both flora and fauna), bring the wildfire threat closer to houses, and damage our water recharge area.

We believe that these issues have not been adequately addressed the Draft Environmental Impact Report and ask that you consider these concerns further.

28-1

Respectfully,

Jane Coleman and David McKinney

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Response to Letter 28

Jane Coleman and David McKinney (Letter 2 of 2)

28-1 This comment letter is a duplicate of Comment Letter 27. Please see Responses to Comments for Letter 27.

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Comment Letter 29

From: Patricia Puterbaugh
To: Mike Sawley
Subject: Valleys Edge
Date: Sunday, December 12, 2021 12:15:51 PM

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

Hello - This is Patricia Puterbaugh, 1540 Vilas Rd., Chico, CA 95973
Making comments on the plan for the Valleys Edge Development/Sprawl

Please make sure these comments are part of the public record, thank you

Valleys Edge Comments:

1. This is sprawl. We need infill projects done first. Infill projects which actually increase and address the lack of mid and low income housing in Chico. We do not need more projects for expensive homes - especially if they are designed to attract retirees and others from out of the area who will only add to our overburdened infrastructure in Chico. 29-1

2, Environmental Impacts are too numerous to list and they analysis in the documents is inadequate. Wildlife, water quality, air quality will be negatively impacted. Traffic will be a nightmare. What is the intersection of 20th St. and Bruce Rd going to look like after this is built out? Any plans for roundabouts in this area? At least that may keep the traffic moving.
This area is a FIRESHED. This is an area especially prone to wildfire and it is irresponsible and dangerous to build an entire community in a FIRESHED. People invite wildfire. The area will become even more prone to wildfire with homes within it. 29-2

This area is a WATERSHED and a place where water enters our precious Tuscan Aquifer. We do not need any more homes built on top of our aquifer.
We do not have enough water to service this huge development. 29-3

3. Build back Paradise. Build back Butte Creek Canyon. The infrastructure is already built in these two places that are now much safer from wildfire. We need to address the housing shortage in Butte County by building back SMARTER. We do not need to build where developers will make LOTS of money from outsiders. We need to build where our citizens want to live and with homes they can afford. 29-4

4. There will inevitably be a lawsuit to oppose this sprawl and unnecessary paving over of precious woodlands. Why are you inviting this? This kind of growth is unsustainable and will not allow Chico to attain any sort of Climate standards we know we have to enact. 29-5

Thank you very much for taking my comments. Patricia Puterbaugh

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Response to Letter 29

Patricia Puterbaugh

29-1 The comment asserts that the VESP is urban sprawl and the City should focus on infill projects that address the lack of mid- to low-income housing.

The commenter's opinion is noted and forwarded to the decision makers for their consideration. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. However, please see Responses to Comments 9-68 and 9-69 which address housing affordability concerns.

29-2 The comment expresses concern that there are too many impacts to list and the analysis is inadequate, and that wildlife, water quality, traffic and air quality will be negatively affected. The comment asks what the intersection of E. 20th Street and Bruce will look like and if there are plans for a roundabout. The comment concludes noting the area is a "fire shed" that would become more prone to wildfires with the addition of homes.

The comment does not identify where the analysis is deficient or inadequate; therefore, no additional response can be provided. However, biological resources are thoroughly evaluated in Section 4.3 of the Draft EIR; air quality impacts in Section 4.2, Air Quality, and water quality in Section 4.9, Hydrology, Water Quality, Drainage. Wildfire is addressed in Section 4.14. Regarding the intersection of E. 20th Street and Bruce Road, a signal would remain and additional turn lanes and turn-lane capacity would be added to accommodate existing and future traffic volumes. Regarding wildfire concerns, please also see Master Response 1.

29-3 The comment states that the project area is a watershed where water enters the Tuscan Groundwater Aquifer. The comment also asserts that the City does not have adequate water supplies to serve this project.

As indicated under Impact 4.9-2 (Draft EIR p. 4.9-30), based on a preliminary hydrogeologic assessment of the project site, a relatively impermeable layer of well-lithified volcanic rock underlies the majority of the site, preventing groundwater recharge across most of the site. Groundwater recharge on site is limited to alluvial materials underlying creeks. These areas have been excluded from proposed development, resulting in no impacts with respect to groundwater recharge.

Please see Response to Comment 9-56 for additional information regarding groundwater recharge at the project site and Response to Comment 10-23 regarding water supply.

29-4 The comment suggests that the City should build back Butte Creek Canyon and Paradise, which already have infrastructure in place and are now safer from wildfire risks. The comment also states that the City should focus on developing homes citizens can afford in places they want to live.

It should be noted that while occurrence of recent wildfire reduces short-term wildfire risk, vegetative communities typically recover with time and wildfire risk is comparable in the longer term. Please see Master Response 1 for further discussion of wildfire issues. In response to concerns regarding housing affordability, please see Responses to Comments 9-68 through 9-70.

The commenter's opinion regarding the merits of the proposed project is noted and forwarded to the decision makers for their consideration.

29-5 The comment states that the project is sprawl and unsustainable and does not allow the City to reduce greenhouse gas emissions to meet climate standards.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

Comment Letter 30

From: Suzette Welch
To: Mike Sawley
Subject: Valley"s Edge Development
Date: Sunday, December 12, 2021 11:53:03 AM

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

We do not need this development. Here are my objections to Valley's Edge:

There is no plan for high density low cost housing in Valley's Edge Development. Chico needs low cost, high density, infill housing and not another sprawl development which will decrease our environmental area of oak woodland and open country. 1,100 oak trees will be vulnerable for removal if this development gets approved. There are only 162 medium high density residential housing lots planned and 1739 very low and low density housing units which will be built out as large, luxury high priced houses. There is enough housing being built all over Chico right now especially luxury, high price housing. Meriam Park, which is being built out right down the road from this proposed development, does have high density housing but again it is luxury housing. 30-1

I am concerned that we will not have enough water for all of the new housing which is being built now plus water to meet all of the needs of agriculture if we add a lot more high water demand households. 30-2

All of the development which is happening all over Chico is putting more and more cars on the streets. There are already areas of Chico streets which become parking lots at certain times of day and we are beginning to look like Los Angeles. Plans call for Bruce Road to be widened up to Hwy. 32 but when that traffic gets to Bidwell Park there is only a 2 lane bridge crossing the creek. Increasing the width of this bridge will take away even more of the park. If this bridge needs to be made 4 lanes, which it will, the people of the city of Chico will have to pay for its construction. We do not have extra funds to do a project like this since we don't have enough funds right now to keep the streets we have in repair. Inevitably the development will bring more cars and air pollution into the city of Chico. 30-3

Suzette Welch
13 Hilda Way, Chico, Ca. 95926 530 570-3240

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Response to Letter 30

Suzette Welch

30-1 The comment asserts that the project is sprawl development and that the City should focus instead on low cost, high density infill housing. The comment also expresses concern regarding the removal of oak trees.

The commenter's concerns regarding the merits of the project are noted and will be forwarded to the decisionmakers for their consideration. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. Please see Responses to Comments 9-68 through 9-70 which address housing concerns and Response to Comment 26-8 regarding trees and tree removal.

30-2 The commenter expresses concern that the City (Cal Water) will not have adequate water supplies to meet demands of all the new housing projects plus agriculture if we add a lot more high water demand households.

As described under Impact 4.12-6 on page 4.12-22 in Section 4.12, Public Utilities, the Chico-Hamilton Water District's Vina Basin groundwater supply is estimated to be sufficient to support the Chico District's projected water demands without causing significant and unreasonable effects on groundwater levels and storage. Given the following: (1) historic groundwater use in the Basin and demand is within the sustainable pumping range, (2) the demonstrated effectiveness of the Chico District's Water Shortage Contingency Plan, and (3) the increasing efficiency and drought planning requirements from the State, sufficient water supply is estimated to be available to Cal Water to meet all future demands within the Chico District service area (see Appendix J to the Draft EIR). Therefore, the 2015 UWMP and the City's 2030 General Plan Update EIR concluded that adequate water supply is available to serve build-out of the City and the Chico District.

30-3 The comment states that the project will bring more cars and air pollution to Chico and that the City does not have the funds to widen a bridge located three miles north of the project site or upgrade other roadway infrastructure within the City.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. Please also see Response to Comment 9-76 regarding the widening of Bruce Road. No evidence is provided that the Manzanita Avenue Bridge over Big Chico Creek would need to be widened as a result of the project. The commenter's concern is noted and will be forwarded to the decision makers for their consideration.

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Comment Letter 31

From: Nancy Wirtz
To: G Marvin
Cc: Mike Sawley
Subject: Re: DEIR of Valley"s Edge
Date: Sunday, December 12, 2021 7:06:53 PM

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

Thank you, Grace. You stated the problem very clearly.
Mr. Sawley, I totally support the Sierra Club's position as expressed by Grace Marvin.
Nancy Wirtz
1191 Bonair Rd, Chico, CA 95926

31-1

On Sun, Dec 12, 2021, 6:47 PM GRACE M MARVIN <g-marvin@comcast.net> wrote:

Grace M. Marvin
1621 N. Cherry St.
Chico CA 95926
12/12/21

City of Chico Community Development Department
411 Main Street, P.O. Box 3420
Chico, California 95927.
mike.sawley@chicoca.gov

Attn: Mike Sawley, Principal Planner
Re: Valley's Edge Specific Plan Draft Environmental Impact Report-comments due 12/13/21

Mr. Sawley:
Please consider my comments regarding the inadequacy of the DEIR for the Valley's Edge project. First of all, the project does not address the serious need for much more affordable housing in the City of Chico. Consider what CA Government Code specifies in the December 2020 Butte County Association of Government's report (p.7). I have highlighted the particularly significant remarks. This Code indicates that in planning housing we should meet Section 65584(d) of the Government Code:

31-2

1. Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an

***equitable manner**, which shall result in each jurisdiction receiving an allocation of units for low- and very low-income households. 2. **Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources**, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the California Air Resources Board pursuant to Section 65080. 3. Promoting an improved intraregional relationship between jobs and housing, including **an improved balance between the number of low-wage jobs and the number of housing units affordable to low- wage workers in each jurisdiction.** 4. **Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category**, as compared to the countywide distribution of households in that category from the most recent American Community Survey. 5. Affirmatively furthering fair housing, which for the purposes of this process means 'taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, **affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity,** replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.*

Thus, instead of a project like Valley's Edge, **our Chico community needs more urban infill that includes high density and affordable housing - including mixed use housing such as businesses on first floors and homes above. We also desire walkable neighborhoods, with easy access to jobs and schools and stores, and low GHG mass transit opportunities**, *e.g.*, more bikeways and electric busses. We do not need to attract wealthy citizens from outside of Chico if it means mostly more expensive housing and the accompanying excessive environmental destruction, including more extensive traffic (with undesirable traffic jams and growth in GHG emissions).

As it is planned, Valley's Edge would increase traffic immensely, while not easily accommodating affordable and low GHG transit

31-2 Cont.

possibilities. In addition, there is:

1-not sufficient analyses of GHG emissions;

2- not adequate attention to flooding (as has been a huge problem off of 20th St. with one house totally destroyed on 20th Street);

3- not accessible public transit and affordable traffic infrastructure -- for more than four times the amount of current traffic resulting from the Valley's Edge project;

4- not fully adequate protection and monitoring of environmental resources (#2 in CA Government Code, above) such as vernal pools, endangered species, oak woodlands, raptors, Butte County Meadowfoam, and waterways;

5- not adequate attention to preventing fire danger, as reflected in the eviction of people in nearby housing during the Camp Fire.

Please see to it that this project not be approved.

Sincerely,
Grace M. Marvin
Yahi Group Conservation Chair
Motherlode Chapter
Sierra Club

31-2 Cont.

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Response to Letter 31

Nancy Wirtz

31-1 The comment from indicates support for the Sierra Club's position (see Letter 8).

The comment is noted and forwarded to the decision makers for their consideration.

31-2 The remainder of this comment letter is a duplicate of Comment Letter 8, submitted by the Sierra Club (Grace M. Marvin, Yahi Group Conservation Chair, Motherlode Chapter, Sierra Club).

Please see responses provided to Comment Letter 8.

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Comment Letter 32

From: Julian Zener
To: Mike Sawley
Subject: Valley"s Edge DEIR
Date: Sunday, December 12, 2021 6:28:25 PM

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

Dear Mr. Sawley:

I judge the *Valley's* Edge Environmental Draft Report to be severely inadequate. Please consider the following observations: 32-1

1. The project extends considerably into foothill ecology. Roads and other impermeable surface modifications will decrease recharge, increase already occurring downhill flooding and negatively impact vernal pools, Butte County meadowfoam as well as federally protected fairy and tadpole shrimp. This harm cannot be mitigated. 32-2

2. This project defines urban sprawl by extending way out from the urban center and therefore commits the city to a substantial increase in vehicle miles traveled, increase in green house gas generation, deterioration of air quality, substantial traffic congestion and the opposite of compact, high density, mixed use housing. These harms cannot be mitigated. 32-3

3. The vast majority of planned homes will not be affordable to Chico's residents. We already have an affordable housing crisis exacerbated by our recent fires and the pandemic - as reflected by the federal circuit injunction against the city for its handling of the unhoused. 32-4

Please do not allow this project to be approved. To do so invites litigation. 32-5

Sincerely,

Julian Zener
1621 N. Cherry St.
Chico, CA 95926

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Response to Letter 32

Julian Zener

32-1 The comment asserts that the Draft EIR is severely inadequate.

Please see Responses to Comments 32-2 through 32-5 regarding the commenter's specific concerns.

32-2 The comment states that the project extends into foothill ecology, which the commenter suggests would introduce impervious surfaces and decrease groundwater recharge, increase downhill flooding, and negatively impact vernal pools and other sensitive species, such as the Butte County Meadowfoam and fairy and tadpole shrimp.

See Response to Comment 9-56 regarding groundwater recharge, most of the site is underlain by impermeable "lahar" rock that limits on site recharge potential. Regarding downslope flooding, see Response to Comment 12-8 and other flooding-related responses to comments from Letter 12, as well as the analysis under Impact 4.9-1 starting on page 4.9-26 of the Draft EIR. Further, on-site stormwater detention features would be within or adjacent to existing streams and would employ best management practices (BMPs) and "Low Impact Development" (LID) methods to slow water, filter out containments, and encourage infiltration and evapotranspiration would be implemented with project development. These measures would reduce potential for flooding, promote groundwater recharge where possible, and minimize potential negative impacts to vernal pools.

Please refer to Master Comment Response 2 for a comprehensive discussion of impacts to BCM, including the potential for downslope flooding.

32-3 The comment asserts that the project would be urban sprawl, would increase vehicle miles traveled and GHG emissions, deteriorate air quality, and introduce substantial traffic congestion. The comment also states that the project is not high density, compact, nor provides mixed-use housing.

The Draft EIR thoroughly evaluates impacts on vehicle miles traveled (Section 4.9, Transportation and Circulation), GHG emissions (Section 4.7, Greenhouse Gases), and air quality (Section 4.2, Air Quality). As explained in Section 4.9 and Responses to Comments 9-49, 23-4 and 41-4, traffic congestion, as represented by levels of service, is no longer addressed in EIRs. However, the project's consistency with General Plan policies regarding level of service is addressed in Chapter 3, Land Use and Planning. Please also see Responses to Comments 9-3 which addresses increases in GHG emissions, and 9-47 through 9-55 which covers VMT and increased traffic concerns.

32-4 The comment states that the majority of planned homes will not be affordable to Chico's residents and would exacerbate the housing crisis.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. Please see Responses to Comments 9-68 through 9-70, 21-2 and 25-10 regarding housing affordability issues. The commenter's opinion regarding the merits of the proposed project is noted and forwarded to the decision makers for their consideration.

32-5 The commenter is requesting the project not be approved and that to do so will result in litigation.

The commenter's opinion is noted and forwarded to the decision makers for their consideration. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

Comment Letter 33

To: Mike Sawley, Principal Planner, City of Chico
From: Tom Barrett
RE: Valley's Edge Specific Plan Draft Environmental Impact Report Comments
Date: Dec. 12, 2021

Valley's Edge Specific Plan Draft Environmental Impact Report Comments

The proposed Valley's Edge development would disturb almost 1,500 acres of extremely important transition zone between the Northern Sacramento Valley and the Foothills. 33-1

According to the Specific Plan:

> *"The proposed project includes a mixed-use community with a range of housing types, commercial uses, parks, trails and recreation and open space areas. The residential component would consist of approximately 1,392 Multi-Generational or family housing residential units and 1,385 age-restricted (55+) residential units. The commercial portion includes approximately 56 acres designated for a mix of professional and medical offices, neighborhood retail shops and services, multi-family apartments, day care, and hospitality uses. Approximately 672 acres would be designated as parks, trails, open space and preservation, including a large regional park, a community park, neighborhood parks, mini parks and tot lots, and an active adult park."*

While I have a lot of concerns about the proposed development, among them: traffic, air quality, greenhouse gas production, hydrology (run off vs. aquifer recharge), view shed destruction, wildfire-urban interface, access to the proposed parks, schools, creating water features where none exist on very shallow soils, etc.; what I would like to address, because it isn't addressed in the Draft EIR are the Mima mounds located on this property. 33-2

This property contains one of the last, almost undisturbed (livestock grazing has been going on for years) unique collection of Mima mounds in California. Mima mounds were once common along the transition zone on both sides of the Sacramento Valley and in Southern California; however, except for a few areas, these unique landforms have been developed into housing or agricultural developments. The Mima mound formations on this property are in relatively good shape but are one of the last of these landforms in California and Butte County. 33-3

The DEIR mentions "mounds" as a feature of the proposed development site but does not describe their uniqueness or rarity. Mima mounds haven't been hidden, they are well known by Chico's development and environmental community since the 1970's yet no steps have been taken to preserve these unique landforms. In fact, the development community claims that the environmental community gave them carte blanche to develop the "waste land" transition 33-4

zone and foothills in exchange for maintaining a "green line" in the fertile agricultural areas around Chico.

33-4 Cont.

Mima mounds, or as they are also known in other places, "pimple mounds" or "hog wallows". According to the Washington Geologic Survey's "Guide To Mima Mounds", the name "mima" has been attributed to a word in the Chehalis language, of Washington, meaning "newness", and a similar Chehalis word "mianumn" means "to be surprised". However, Wikipedia reports that the "mima" a name derived from a Native American language meaning "a little further along" or "downstream in Thurston County, Washington. The name attributed these landforms by the local First Peoples is not known to this author. Arguments over name meaning and formation of these mounds continues; however, it doesn't negate the fact that these are a rare and unique landform that need to be preserved and protected.

33-5

Once common in a number of states they have been greatly reduced in numbers and area. The State of Washington, protected their Mima mounds by creating the Mima Mounds Natural Area Preserve in 1976. The Secretary of the Interior had designated the area as a National Natural Landmark in 1966. None of our Butte County mounds or any other of the remaining mound areas have been afforded similar protection.

There is great debate over the mounds in terms of how and why they were formed. Some say that ground animals (gophers, mice, etc.) mounded up the soil and created prairie dog-like habitats, others say they are caused by glaciers, or wind, or earthquakes. However they were formed, they are a unique and interesting landform that needs to be protected before none exist.

33-6

Please address how these unique landforms can be protected if this development proceeds.

Mima Mound Photos

These photos were taken November 24, 2021 by Tom Barrett.

Response to Letter 33

Tom Barrett

33-1 The comment states the project would disturb almost 1,500 acres of an important transition zone between the Northern Sacramento Valley and the foothills.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. However, to clarify, the project site encompasses 1,448 acres and is proposing to develop 765 acres with residences, commercial, and roads. Approximately 683 acres would be developed as parks, creekside greenways, and open space (Draft EIR pp. 2-9, 2-10, 2-15).

33-2 The comment suggests that the site may contain Mima mounds that were not addressed in the Draft EIR.

Please see Response to Comment 33-4 below.

33-3 The comment states that the project site contains one of the last, almost undisturbed, unique collection of Mima mounds in California and Butte County.

Please see Response to Comment 33-4 below.

33-4 The comment states that the Draft EIR describes "mounds" on the property but asserts it does not discuss their uniqueness or rarity and goes on to describe Mima mounds as being well known by the local development and environmental community, yet no steps have been taken to preserve these unique landforms. The comment includes low altitude, oblique aerial photos illustrating the pattern of mounds across portions of the site.

The geotechnical report (Draft EIR, Appendix E) prepared for the project describes the presence of low mounds, generally 12 to 18 inches high, that are readily visible on the broad treeless mesas. The geotechnical report also discusses the soil types within the mounds, based on trenching/ backhoe potholing. The Draft EIR mentions on page 4.6-2 that Doemill Series soils are found, in part, on the mounds; however, the Draft EIR does not discuss the mounds with respect to the on-site topography or with respect to trenching completed for the geotechnical report. In addition, the Draft EIR does not discuss whether the mounds are defined as "Mima mounds" or if they are a unique or rare landform.

The geotechnical report does not specify that the on-site mounds are Mima mounds. Therefore, it is not clear that the on-site mounds would be accurately classified as Mima mounds. The term Mima mound was coined in the state of Washington, in which lies the Mima Mounds Natural Area Preserve, which is a National Natural Landmark established by the Department of the Interior (Washington State Department of Natural Resources 2022). "Mima" is derived from a Washington Native American language. The 641-acre Mima Mounds Natural Area Preserve area was preserved for its unique topography and mound soil structure. The mounds in this nature preserve are much bigger and more pronounced (up to 7 feet high) than the mounds on the Project site (generally 12 to 18 inches high).

The CEQA threshold pertaining to this issue asks: "Would the project directly or indirectly destroy a unique paleontological resource site *or unique geologic feature?* Based on a review of online articles, Mima mounds are not considered rare or unique geologic features in California. Mima mounds are found throughout California and other western states, as noted by the geological society of America (GSA 2021). There are hundreds of Mima mounds throughout California including on the Modo Plateau in Modoc County; the Carrizo Plain National Monument and Elkhorn Plain in San Luis Obispo County; the Temblor Range of California; Merced; and on the U.C. Santa Cruz campus (Reed Amundson 2007). Mima mounds are documented throughout the world, but primarily in North America in the Mississippi Valley, Gulf Coast and in southwest Missouri, and in North Dakota, Oregon, and Idaho to name a few locations (BBC 2013; PBC 2021). As the research notes, the mounds are often attributed to many years (up to hundreds) of gopher or rodent activity, in which soil is successively piled up around animal burrows.

Regardless of whether the mounds on the project site are considered Mima mounds, these features would not be considered unique geologic features based on the abundance of these mounds throughout the state and the western United States. As a result, with respect to CEQA thresholds, the loss of these mounds would be a less-than-significant impact.

33-5 The comment discusses the origin of the name "Mima mound" and asserts that they are a rare and unique landform that should be preserved and protected. The comment discusses the Mima Mounds Natural Area Preserve in Washington and states that none of the Butte County mounds or other remaining mounds have been protected.

Please see Response to Comment 33-4.

33-6 The comment states there is great debate over the mounds in terms of how they were formed. The comment further suggests that regardless of the origin, the mounds are interesting and unique and should be protected. The comment asks how these landforms can be protected if the development proceeds.

Please see Response to Comment 33-4. Several of the mounds in question appear to be within areas that would be set aside as Primary Open Space, where no disturbance would occur. Many other mounds would be within Valley Open Space or Regional Open Space where no improvements are proposed and some on those areas would be lost to park development. However, most of the mounds on site coincide with future residential and commercial development areas and would eventually be graded.

Comment Letter 34

For the Valley's Edge DEIR-

First, I would like to address **Alternative #4**, Then **Aesthetics,** then **BEC's Alternatives,** and **my Preference.**

NO ON ALTERNATIVE #4:

I know that Alternative #4 might sound like the reasonable response to some, but for so many reasons, I do not see the need to build on this land. The direction of development in Chico needs to go towards the " Opportunity Sites" before the Special Planning Areas, (SPA's), as written in the Chico General Plan. And these listed "Opportunity Sites" would address the GHG mitigation as well, which cannot be mitigated in this plan. 34-1

Though I am not a hydrologist, I understood that development above the proposed Stonegate project would prevent the surface water flow and conditions which allow the endangered species and vernal pools below in the Stonegate property to thrive. And if Stonegate is, or is not, allowed to build, but Valley's Edge is, that would alter the surface water flow and potential subsequent thriving of the vernal pools and the endangered species, the main reason for denying Stonegate. 34-2

From the BEC Comments:

The hydrologic connection between the Valley's Edge site and the neighboring Stonegate site was inaccurately portrayed in the DEIR. The DEIR claims the sites are not hydrologically connected due to the Steve Harris Memorial Bikeway and the rock wall but that is false. The sites are hydrologically connected by culverts along Steve Harris Memorial Bikeway. Development in the VESP site will adversely affect the wetlands and the Butte County Meadowfoam preserved on the Stonegate site. 34-3

Sensitive, Endangered, Threatened, and Species of Concern
The species include the Butte County Meadowfoam, Valley Elderberry Longhorn Beetle, Western Spadefoot Toad, Western Pond Turtle, Burrowing Owl, Yellow Warbler, Loggerhead Strike, Native & Migratory Birds, Pallid Bat, and Valley Oaks. 34-4

Wetlands need to be hydrologically connected to the land in the drainage basin that feeds runoff water into the wetlands. Hydrologic interruption of the landscape that drains into protected wetlands Is considered a significant Impact According to the threshold of significance identified on DEIR 4.3- 48. Protected Wetlands Including vernal pools and swales substantially adversely affected by the hydrologic flow changes that would occur from the proposed development. The vast development of buildings and other in previous services proposed to occur upslope of the wetland complex located in the north drainage will undoubtedly hydrologically interrupt the flow of water in the north drainage resulting in significant impacts to protect the wetlands.

The specific causes of hydrologic interruption of the north drainage that would significantly impact protected wetlands include addition of impervious surfaces, increase of stormwater drainage, stormwater pollution caused by vehicle leaks, pesticides fertilizers and other chemicals derived from project operation, creation of "appropriately-sized basins and culverts... used to slow water and decrease downstream runoff rates" (DEIR 4.3-62). The "low gradient water quality swales and a vegetative basins with retention or detention features" (deir 4.3-62).

Seepage alterations as described in the Draft EIR and Appendix E the Geotechnical Report would significantly impact down slope wetlands. Seepage alterations that would result in significant impacts to protected wetlands include: development on top of or below seepage areas or springs; collection and diversion of spring water or seepage water into "storm drain lights or other suitable locations" (Appendix E Geotechnical 2019); the increased seepage water diversion that is called for Appendix E Geotechnical Report in the following circumstances: underground utility trenches; pavement subgrades; and structure development.

Each of the aforementioned causes of hydrologic interruption that would result from the implementation of the Valleys Edges Specific Plan would have potentially significant

34-5

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impacts on protected wetlands even with all of the proposed design considerations and mitigation measures. However, all of the aforementioned causes of hydrologic interruption would undoubtedly have a cumulatively significant and unavoidable impact to the hydrology of the site.

AESTHETICS:

First, I know EIR's are always mostly written, but it is a distinct disadvantage for the reader in making a land decision to mostly be looking at the written word. Best would be to walk the land over the seasons, but these photos give at least a sense of it. These photos which I have taken over many years of

34-6

walking this land describe the beauty, the change of light and seasons, the diversity of trees and plants, the multitude of wildflowers, the spaciousness, where you can fully breathe.

And it is because there is "nothing" on the land that the clouds can be fully seen in their glory – dark and threatening, or pearlescent, orange or red, with the setting sun.

Aesthetics are not easily quantified, but the loss of our visual connection with the Foothills, and to our close wild places, is potentially great.
This is the reason people from Europe and other countries love to visit our wilderness. They have mostly lost theirs.

34-6 Cont.

VALLEY'S EDGE – DEIR RESPONSE – **AESTHETICS**

IN THE DEIR IT STATES:
ANTICIPATED ENVIRONMENTAL EFFECTS: The Draft EIR indicates that there would

be significant and unavoidable project impacts related to aesthetics (changes to the
existing visual character and public views of the project site), greenhouse gas emissions
(operational emissions). Impacts on the remaining environmental resources would be less
than significant either 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.)

34-7

VIEWSHEDS: This pristine land is one of the only remaining properties in Chico, outside of the Upper Bidwell Park area, that connects Chico residents to the viewshed of the Foothills and the oak woodland savannah. As you look up at the property from lower streets and the Freeway, a built environment would certainly occlude that view and the city's connection to the Place in which they live. The Foothills are one of the most important features which gives Chico its "sense of place".

34-8

WILDERNESS: How many cities have the healing aspects of nature in their backyard? And if they do, it becomes a place of "re-creation", of "re-juvenation", of comfort and peace, accessible on a daily basis. We are lucky to have the marvelous gift of Annie Bidwell – Bidwell Park. How bereft we would be without it! And conversely, it is almost overused, and could well be augmented with another park.

But that is thinking of it for OUR HUMAN use only. What is extraordinary about this land is that it is truly still wild and pristine! It is still habitat for mountain lions, bears, coyotes, fox, wildcats, and so many other species. And so many birds! Acorn woodpeckers, bluejays, red shouldered hawks, turkey vultures, night hawks, burrowing owls, and so many migrating birds....and it's in our "back yard"! I'm increasingly aware that our human behavior assumes that we are the only species on earth that counts. I believe, rather, that we share this earth with many other species, and our failure to recognize the value of other species diminishes our own understanding and compassion. 34-9

LIGHT POLLUTION: One of the little-mentioned side effects of building a large development in a pristine area is light pollution. As I drive up Skyway from the developed and well-lit areas near the Freeway there is a decided relaxation as it gets darker. One can see the moon and the stars at night, and though it may sound romantic, it is more a sense of being at ease, and in connection with a larger reality, with the universe. With the light, there is a loss of that ease and connection, and the peace afforded those who see it at sunset or at night, without any light pollution, so that the moon and stars, the occurrences of meteor showers and lunar eclipses, which need darkness, can be fully experienced. In summer the color of the fields is flaxen, not brown, and when the moon shines on them at night they are light and reflective. 34-10

LOSS OF 1100 BLUE OAK TREES: It goes without saying that to construct housing for 2700+ units means you must clear a good amount of the area of the existing trees. Blue oaks take much longer to grow than most trees, and because this land is on lava cap, it requires special trees and plants that have adapted to this land with little soil. 34-11

THE LAND

,

This is BEC's section on Alternatives:

1. **Project Alternatives Potentially Supported**

Of the Alternatives given in the dEIR, only Alternative 1 adequately addresses the project's significant environmental impacts. Alternative 4, while it is a shift in the direction of an environmentally sound project, remains fundamentally harmful to the surrounding community and the planet. Additionally, Alternative 4 retains significantly more sprawl than in the land use projection of the General Plan. Alternative 6 rezones the property to a land use designation suited for the site's diverse sensitive species and habitat, to prioritize growth in other areas of the city (including the areas the city has designated for higher density, like the Corridor Opportunity Sites).

Alternative 5

The City of Chico needs to provide an Alternative 5, which extends the changes in Alternative 4 further and possibly incorporates other changes to achieve qualitative goals in line with the General Plan. Alternative 5 would have a more compact form with higher densities that would be supportive of transit: cumulatively between 15 and 22 dwelling units per acre. The higher density development would include more compact single-family homes and a greater diversity of other housing types by changing the zoning to allow for 90% of the dwelling units to be R2/R2-VE (Medium Density Residential), R3/R3-VE (Medium-High Density Residential), R4 (High Density Residential), and RMU (Residential Mixed Use), while 10% of the development can be zoned lower density residential. This alternative would not extend further east than the proposed collector street network. It would have increased open space, both accommodate reliable public transportation on the project site and enhance service to areas to the West; ensure on-site commercial can support basic needs in line with the Specific Plan claim to a "complete" and "20-minute" neighborhood, and ensure compliance with the Climate Action Plan and drafted Butte Regional Conservation Plan. In consultation with all relevant departments of city staff, this alternative ought to be formed in such a manner that the City would agree to adopt the basic infrastructure, obviating the necessity of an HOA and guaranteeing full public access and enjoyment of the area, as is the case with most neighborhoods.

34-12

The increase in density and open space would reduce the impact on sensitive species and protected wetlands, reduce vehicle miles traveled, and most likely reduce the level of significance for greenhouse gas emissions.

The community is unable to properly balance the needs for housing in Chico with goals like reducing dependence on automobiles, loss of habitat and biodiversity, and preservation of the foothills for public enjoyment when every alternative offered fails to do so. The focus of every project alternative on low-density residential zoning also falsely portrays this site as only capable of benefiting people of above moderate incomes,

ensuring development of this area will fail to address the city's documented housing needs.

Alternative 6
This alternative would rezone the property from Special Planning Area (SPA) to Open Space 1 (OS1) with a Resource Constraint Overlay, due to the fact that there are so many sensitive, threatened, and endangered species that would be impacted by development on this site. Open Space 1 would be better suited as a land use designation as the zone is appropriate for sites with environmental resources, including oak and riparian woodlands, wetlands, deer herd ranges, hillsides and viewshed management areas (City of Chico Land Use and Development Regulations 19.50.10). The site has all of the above sensitive habitats, and as such should be analyzed for this rezone.

Alternative 1
No Project/No Alternative would not negatively impact sensitive species, not increase greenhouse gas emissions and other air quality pollutants, there would be no changes to the scenic view, and would not increase vehicle trips. The Butte Environmental Council supports Alternative 1."

34-12 Cont.

I agree with BEC; I prefer Alternative #1 or #6.

34-13

Thank you for your consideration.

Elizabeth Devereaux

I am an architectural glass artist, and have made a living in my field for over 50 years. That artistic sensitivity to this pristine land has allowed me to understand and value the treasure this land is. (I think your DEIR Visual Resource rating would judge it a #7)

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Response to Letter 34

Elizabeth Devereaux

34-1 The comment refers to Alternative 4 and states that they do not see the need to develop the site. The comment suggests the City should be pursuing development of Opportunity Sites and not the Special Planning Areas included in the City's General Plan because development of the Opportunity Sites would not result in GHG impacts.

The comment does not address the accuracy or adequacy of the Draft EIR and does not identify where the analysis is deficient or inadequate; therefore, no response is required. The commenter's preference for developing opportunity sites before Special Planning Areas is noted and will be forwarded to the decision makers for their consideration.

34-2 The comment suggests that development of the project site would prevent surface water from flowing into the adjacent Stonegate site thereby impacting vernal pools and protected species that only live in these pools.

Please see Response to Comment 9-34 that addresses this concern and Master Response 2 regarding Butte County meadowfoam preserves. Surface flows from the project site enter incised channels that go through the Stonegate site and are not the water source for the vernal pools and swales in the Stonegate preserve areas.

34-3 The comment includes an excerpt from the Butte Environmental Council comment letter (see Letter 9) regarding the hydrologic connection between the project site and the adjacent Stonegate project.

Please see Response to Comment 9-34

34-4 The comment is an excerpt from the Butte Environmental Council comment letter (see Letter 9) that includes a list of protected biological resources.

Please see Responses to Comments 9-36 through 9-42.

34-5 The comment relates to the hydrologic connection of wetlands and potential impacts to wetlands and cites to sections of the EIR analysis.

The Draft EIR includes as part of mitigation measure BIO-1 a site-specific analysis of hydrology before finalizing the boundaries of the BCM preserve. This analysis will include observations of the site in winter for drainage/runoff patterns and considering these observations in context with fine scale topographic contours to determine the zone of hydrological influence on a preserved BCM population. This site-specific exercise is expected to occur during USFWS permitting, as noted in mitigation measure BIO-1. Refer also to Master Response 2.

Regarding hydrologic effects to off-site wetlands, drainage from the project site is contained in storm drains and ditches and is topographically below the protected wetlands and preserves of the adjacent Stonegate site. Therefore, hydrologic changes to the project site would not result in impacts to the Stonegate site wetlands or preserves. The text on page 4.3-61 of the Draft EIR has been updated to clarify the hydrologic connection between the two properties and is provided in Chapter 3, Changes to the Draft EIR.

34-6 The commenter makes a general observation that one needs to experience an area and the written word does not do justice to the beauty present in all the elements of a natural environment and refers to photographs taken of the site and attached to the letter.

Impacts on the visual character of the project site are analyzed in Section 4.1 of the Draft EIR. That section includes photographs of the site and photosimulations to aid the reader in understanding how the project would alter views of the project site. The Draft EIR includes a narrative explaining how the project would alter views of the site supported by photosimulations, in order to provide a reasoned, accessible, good faith analysis of the project's impact to the aesthetics of the mostly undeveloped foothill area. As the commenter notes in Response to Comment 34-7, the Draft EIR found that the project would result in significant and unavoidable impacts to the existing character and public views of the site.

34-7 The comment calls out the significant and unavoidable findings for impacts related to changes to the existing visual character and public views of the project site, and operational greenhouse gas emissions identified in the Draft EIR.

The comment reiterates information from the Draft EIR. No response is required.

34-8 The comment relates to the viewshed of the foothills and notes that development in this area would affect views of the foothills and the oak savannah.

The Draft EIR does evaluate views of the project site including distant views of the foothills and visual simulations are provided to assist the reader in understanding how the viewshed would be changed. Please see Section 4.1, Aesthetics, of the Draft EIR for an analysis of the change in views.

34-9 The comment generally discusses wild open spaces and the benefits these areas provide.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. See Response to Comment 9-75 regarding public access to the proposed 420-acre regional park. Since there is no existing public access to the site, opening up 400-600 acres of the site for conditional access for the public would provide some of the benefits sought by this comment. The commenter's opinion is forwarded to decision makers for their consideration.

34-10 The comment generally discusses a desire to reduce light pollution.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. The Draft EIR discusses how the project site would change with the introduction of lights in Section 4.1, Aesthetics, under Impact 4.1-3 starting on page 4.1-51. As noted in the discussion, the project would result in an increase in new light sources but these new lights would be minimized with adherence to the VESP lighting standards, policies and actions including Design Guidelines, and the California Building Code as well as through new trees and other landscaping features that would help block or diffuse sources of nighttime light. The project would be subject to existing city development and design standards set forth in the City's Municipal Code. Compliance with these requirements designed specifically to reduce the effects of lights would reduce the impact to less than significant.

34-11 The comment notes project implementation would require clearing and removing trees and native oak trees take longer to grow and due to the underlying soil it requires trees and other plants be adapted to these soil conditions. The comment suggests a "loss of 1100 blue oak trees" [emphasis removed] would occur.

It is not accurate to state that the VESP proposes to remove 1,100 blue oak trees at the site, see Response to Comment 26-8 that addresses plans for tree removal and replacement. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

34-12 The comment reiterates information from Comment Letter 9 specific to project alternatives.

Please see Responses to Comments 9-79 through 9-87.

34-13 The commenter states support for Draft EIR Alternative 1 or a new alternative that designates the entire site as open space (Alternative 6).

The commenter's preference for Alternative 1 or 6 is noted and will be forwarded to the decision makers for their consideration. Please see Responses to Comments 9-79 through 9-87 that address the feasibility of the new alternatives suggested by the commenter.

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Comment Letter 35

FRAYJi DESIGN GROUP
CIVIL ENGINEERING | PLANNING | SURVEYING

MEMORANDUM

December 13, 2021

SUBJECT: Valley's Edge Specific Plan Draft EIR- Section 4.9

TO: Mike Sawley, mike.sawley@Chicoca.gov

Dear Mike,

Frayji Design Group, Inc, has reviewed the draft EIR for the Valley's Edge Specific Plan and in particular Section 4.9 and we recommend couple changes as stated below: 35-1

4.9 – Hydrology, Water Quality and Drainage Section:

1) On Figure 4.9-3 – Proposed Reach R5 Detention Basin; we recommend that the alternative detention volume be changed from 10 ac-ft to 15 ac-ft. This is based on "Drainage Report Addendum #1," which was prepared by Frayji Design Group on September 14, 2021 and provided to the City. This report has been amended as of 12/13/2021 to rectify any unclear language regarding development area within reach 6. (attached hereto) 35-2

2) Please update the notes section found on page 4.9-35 under Table 4.9-5. Replace 7.5 acre-feet with 15 acre-feet. 35-3

3) On page 4.9-36 we recommend the following edits: 35-4

   - Replace 7.5-acre-foot detention with 15-acre-foot detention under subsection "Reaches 5 and 6." And it should also be made clear that this detention is being proposed for both Reaches R5 and R6. This detention basin is sized to offset any increases from the development within Reach 5 and Northeast of Reach 6. The Development South of Reach 6 is very low density and based on the type of development we do not anticipate increased flow when comparing existing conditions to proposed conditions.

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MEMORANDUM

- We recommend removing all statements that detention is only required for Reach R5. Our initial study assumed detention by virtue of culvert downsizing along the road connecting the development to Honeyrun. The Memo provided in September 2021 provided the needed detention to offset any increases of runoff by the development if the roadway is not constructed. See attached amended report dated 12/13/2021 (attached hereto)

35-5

If you have any questions or comments please do not hesitate to reach out.

Sincerely,

Tony Frayji, PE
FRAYJI DESIGN GROUP, INC.

CC: Brian Spilman & Bill Brouhard

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"VALLEY'S EDGE" SPECIFIC PLAN
MIXED-USE DEVELOPMENT

CITY OF CHICO, BUTTE COUNTY, CALIFORNIA

Amended Drainage Report Addendum #1

September 14, 2021

AMENDED: DECEMBER 13, 2021

REGISTERED PROFESSIONAL ENGINEER
TONY J. FRAYJI
No. 57265
Exp.
CIVIL
OF CALIFORNIA

PREPARED BY:
Joseph Stebakov

UNDER THE DIRECT GUIDANCE AND SUPPERVISION OF:

Tony Frayji

FRAYJI DESIGN GROUP
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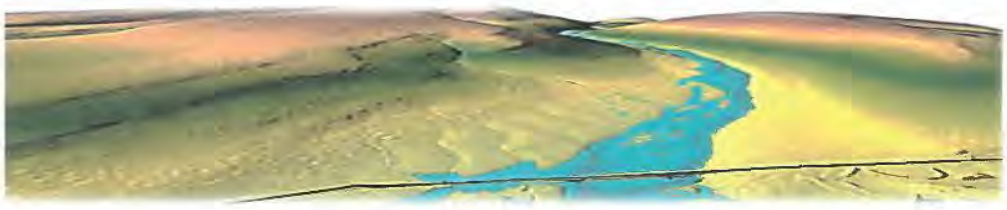

Purpose of Addendum

We are providing this report to address the potential elimination of the connecting street to Honeyrun Road and the need for alternative ways to mitigate the planning area's increased flow that was proposed to be detained with the culvert downsizing under the roadway as discussed in the drainage report dated 4/29/2020. The connecting road to Honeyrun Road shown in the Drainage report was used to detain the increased flow. However, with this road being eliminated, the detention needs to be mitigated. It is noteworthy to mention that during major events, flows from Reaches 5 and 6 are combined as they reach Honeyrun Road and inundate the area between the two sets of culverts.

Various software and tools were used to calculate the difference in flow and the amount of runoff that needs to be detained for the 100 year storm event to maintain existing condition flows.

Summary of Work Performed

The storm and Sanitary Analysis model (SSA) has been updated with shed area F2 divided into two sub shed areas (F2A & F2B). This was done for the purposes of determining the amount of runoff needed to be detained. A portion of the runoff that was initially contributing directly to Reach 6 has been diverted into Reach 5. The new discharge values produced by shed area F2 (F2A + F2B) were then input into HEC-RAS and the proposed culverts and roadway intersecting Reaches 5 and 6 have been removed. The HEC-RAS model was then updated to reflect the detention inflow required in order to account for the increase in discharge, due to the absence of the culvert downsizing. A spreadsheet was then created to represent the volume of storage required for the 100 year storm event due to the updated development. Please see sections below for more information.

Post-Dev Storm and Sanitary Analysis (SSA)

Shed area F2 was divided into sub shed areas F2A and F2B. This was done in order to determine the exact runoff going into Reach 5 (R5) and the remaining runoff directly contributing to Reach 6 (R6). Shed area F1 was adjusted as well. The CN values and areas representing those values were then updated in the model. A CN value of 98 was used for roadways and paved parking/roofs. The open space areas maintained a CN value of 83. A CN value of 79 was added to the model for the woods/trees area to match the pre-developed model. A CN value of 80 was used for all landscaping. It was also assumed that 55% of lot areas consist of landscaping while 45% of it was considered impervious parking/roofs. Please

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see Figure 1 below for CN values used. The analysis was then performed and new time series plots were generated for shed areas F1, F2A and F2B for the 2yr, 10yr and 100yr storm events. All other time series plots for the remaining shed areas were left as is. Please see **Exhibit 1 – Post-TimeSeriesPlotsR5-R6 (SSA)** for the new discharge values obtained for shed areas F1, F2A and F2B. The **Updated Storm and Sanitary Analysis (SSA)** model has also been provided for your review.

General
Subbasin ID: BASIN-F2A

Connectivity
Rain gage: Rain Gage-Butte-Cher
Outlet node: JUNCTION-15

Description:

Physical Properties SCS TR-55 TOC Curve Number

Composite curve number

	Area (ac)	Area (%)	Curve Number	Soil Group	Description
1	31.5500	24.94	80	D	> 75% grass cover, Good
2	25.8100	20.40	98	D	Paved parking & roofs
3	14.1100	11.15	98	D	Paved roads with curbs & sewers
4	55.0500	43.51	83	D	Brush, Poor
5					
6					

Total area: 126.520 ac Total area: 100.00 % Weighted CN: 86.98

	Subbasin ID	Area	Wt. CN	TOC	Rain Gage ID
1	BASIN-F2A	126.520	86.98	33.45	Rain Gage-Butte-
2	{Drainage-UnDEV}.D	9.518	86.98	33.45	Rain Gage-Butte-
3	{Drainage-UnDEV}.D	9.990	84.52	16.06	Rain Gage-Butte-
4	{Drainage-UnDEV}.D	10.740	84.41	17.49	Rain Gage-Butte-
5	{Drainage-UnDEV}.D	4.502	84.84	15.92	Rain Gage-Butte-
6	{Drainage-UnDEV}.D	7.555	84.43	16.01	Rain Gage-Butte-

Figure 1: Curve Numbers (CN) used for Post-Developed Shed F2A

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Post-Dev (HEC-RAS)

The Post-Developed HEC-RAS model was then updated to include the new time series plots for shed Areas F1 and F2 (F2A+F2B). The berm at connection "RD (Minor) CP6" was removed as well as the initially proposed culverts. The first analysis was performed assuming no detention around Reach 5 (R5). The 2yr, 10yr and 100yr storm events were analyzed. Once the results were obtained the detention requirements were determined. The next set of runs implemented the detention inflow that would be required for mitigation. Please see Tables 1 through 6 below for a comparison of the 2yr, 10yr and 100yr discharge rates (Q's) at existing roadways (Connections) before and after detention is taken into account. As you can see, different flow values are only seen in connection "RD(Humbug)C5,C6" when comparing to the report. These are highlighted in blue within the tables. Tables 1, 2 and 3 show original discharge rates for the Pre-Developed state and new values for the Post-Developed state, assuming no mitigation. Tables 4, 5 and 6 show original discharge rates for the Pre-Developed state and new Q values for the Post-Developed state, with mitigation taken into account. Results are shown for the 2yr, 10yr and 100yr storm events. Please see the attached **Updated HEC-RAS** model for more information and the attached **Spreadsheet 1 – Detention Basin Calcs (R5+R6)** for detention requirement calculations. Discharge values are subject to change for the Post-Developed conditions during the final phases of design due to multiple factors. These values however will not exceed the Pre-Developed flow values.

PRE VS. POST DISCHARGE AT EXISTING CONNECTIONS (HECRAS)											
2 Year Storm (cfs)											
R1			R1+R2+R3			R4+R4T			R5+R6		
RD(Dawncrest)C1A,C1B			RD(PotterN)C1-C3			RD(PotterS)C4			RD(Humbug)C5,C6		
	PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)
Qtot =	89.4	89	Qtot =	593.3	586.6	Qtot =	276.6	269.2	Qtot =	1440.2	[illegible]
C1A =	49.5	48.2	C1E =	69.1	67.7	C4A =	96.4	95.9	C5A,B =	161.9	[illegible]
C1B =	40	40.7	C2A,B =	197	196.2	C4B =	68.2	68	C6A,B,C =	290.9	[illegible]
Weir Flow =	0	0	C3A =	0	4	Weir Flow =	111.9	105.4	C6D =	166.3	[illegible]
			Weir Flow =	323.4	319.1				Weir Flow =	821.2	[illegible]

Table 1: 2yr Pre vs. Post Discharge at Existing Connections (No detention)

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PRE VS. POST DISCHARGE AT EXISTING CONNECTIONS (HECRAS)											
10 Year Storm (cfs)											
R1			R1+R2+R3			R4+R4T			R5+R6		
RD(Dawncrest)C1A,C1B			RD(PotterN)C1-C3			RD(PotterS)C4			RD(Humbug)C5,C6		
	PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)
Qtot =	153.1	135.5	Qtot =	1027.5	930.5	Qtot =	392.2	388.1	Qtot =	2360.5	
C1A =	88.5	77.1	C1E =	94.6	86.2	C4A =	102.9	102.7	C5A,B =	165.5	
C1B =	64.6	58.4	C2A,B =	221.1	215.9	C4B =	71.6	71.5	C6A,B,C =	324	
Weir Flow =	0	0	C3A =	0	4.1	Weir Flow =	217.7	213.9	C6D =	202.7	
			Weir Flow =	707.7	625.4				Weir Flow =	1668.4	

Table 2: 10yr Pre vs. Post Discharge at Existing Connections (No Detention)

PRE VS. POST DISCHARGE AT EXISTING CONNECTIONS (HECRAS)											
100 Year Storm (cfs)											
R1			R1+R2+R3			R4+R4T			R5+R6		
RD(Dawncrest)C1A,C1B			RD(PotterN)C1-C3			RD(PotterS)C4			RD(Humbug)C5,C6		
	PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)
Qtot =	306.1	241.7	Qtot =	2048.2	1624.2	Qtot =	822.3	652.3	Qtot =	4941.2	
C1A =	170.1	144.3	C1E =	139.3	121.1	C4A =	117	112.4	C5A,B =	174.5	
C1B =	111.4	97.4	C2A,B =	260.5	245.8	C4B =	79.2	76.7	C6A,B,C =	375.2	
Weir Flow =	24.6	0	C3A =	0	4.2	Weir Flow =	626.1	463.2	C6D =	275.4	
			Weir Flow =	1644.1	1253.1				Weir Flow =	4113.3	

Table 3: 100yr Pre vs. Post Discharge at Existing Connections (No Detention)

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PRE VS. POST DISCHARGE AT EXISTING CONNECTIONS (HECRAS)											
2 Year Storm (cfs)											
R1			R1+R2+R3			R4+R4T			R5+R6		
RD(Dawncrest)C1A,C1B			RD(PotterN)C1-C3			RD(PotterS)C4			RD(Humbug)C5,C6		
	PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)
Qtot =	89.4	89	Qtot =	593.3	586.6	Qtot =	276.6	269.2	Qtot =	1440.2	[illegible]
C1A =	49.5	48.2	C1E =	69.1	67.7	C4A =	96.4	95.9	C5A,B =	161.9	[illegible]
C1B =	40	40.7	C2A,B =	197	196.2	C4B =	68.2	68	C6A,B,C =	290.9	[illegible]
Weir Flow =	0	0	C3A =	0	4	Weir Flow =	111.9	105.4	C6D =	166.3	[illegible]
			Weir Flow =	323.4	319.1				Weir Flow =	821.2	[illegible]

Table 4: 2yr Pre vs. Post Discharge at Existing Connections (With Detention)

PRE VS. POST DISCHARGE AT EXISTING CONNECTIONS (HECRAS)											
10 Year Storm (cfs)											
R1			R1+R2+R3			R4+R4T			R5+R6		
RD(Dawncrest)C1A,C1B			RD(PotterN)C1-C3			RD(PotterS)C4			RD(Humbug)C5,C6		
	PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)
Qtot =	153.1	135.5	Qtot =	1027.5	930.5	Qtot =	392.2	388.1	Qtot =	2360.5	[illegible]
C1A =	88.5	77.1	C1E =	94.6	86.2	C4A =	102.9	102.7	C5A,B =	165.5	[illegible]
C1B =	64.6	58.4	C2A,B =	221.1	215.9	C4B =	71.6	71.5	C6A,B,C =	324	[illegible]
Weir Flow =	0	0	C3A =	0	4.1	Weir Flow =	217.7	213.9	C6D =	202.7	[illegible]
			Weir Flow =	707.7	625.4				Weir Flow =	1668.4	[illegible]

Table 5: 10yr Pre vs. Post Discharge at Existing Connections (With Detention)

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PRE VS. POST DISCHARGE AT EXISTING CONNECTIONS (HECRAS)											
100 Year Storm (cfs)											
R1			R1+R2+R3			R4+R4T			R5+R6		
RD(Dawncrest)C1A,C1B			RD(PotterN)C1-C3			RD(PotterS)C4			RD(Humbug)C5,C6		
	PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)		PRE (cfs)	POST (cfs)
Qtot =	306.1	241.7	Qtot =	2048.2	1624.2	Qtot =	822.3	652.3	Qtot =	4941.2	[illegible]
C1A =	170.1	144.3	C1E =	139.3	121.1	C4A =	117	112.4	C5A,B =	174.5	176.7
C1B =	111.4	97.4	C2A,B =	260.5	245.8	C4B =	79.2	76.7	C6A,B,C =	375.2	372.6
Weir Flow =	24.6	0	C3A =	0	4.2	Weir Flow =	626.1	463.2	C6D =	275.4	274.9
			Weir Flow =	1644.1	1253.1				Weir Flow =	4113.3	[illegible]

Table 6: 100yr Pre vs. Post Discharge at Existing Connections (With Detention)

Detention Basin Calculations (Reaches 5 and 6)

Time series plots produced by HEC-RAS at connection "RD(Humbug)C5,C6" were used to calculate the basin requirements for R5 and R6. An excel spreadsheet was used for calculating the volume of storage required for the 100 year event (see attached **Spreadsheet 1 – Detention Basin Calcs (R5+R6)**). An equation was set up to take the difference between the developed (unmitigated) and undeveloped Q values obtained from HEC-RAS for each 10 min time interval. This flow was then multiplied by 60 (seconds) and then by 15 (minutes) to give a volume of 605448 ft^3. This means that the amount of detention required for a 24 hour storm event is approximately 14 AC-FT. An assumed basin depth of 4 ft was applied, giving a minimum required detention acreage of 3.5 AC. Please see **Exhibit 2 – Proposed Detention Exhibit (R5+R6)**, which shows the location and acreage of the proposed detention basin area.

Proposed Mitigation Measures (Reaches 5 and 6)

In order to decrease the storm water flows at Honeyrun Road to match the undeveloped condition we are proposing the construction of a detention basin as shown on the attached **Exhibit 2 – Proposed Detention Exhibit (R5+R6)**. Additional measures may include attention measuring within the roadway and/or within individual subdivisions or phases as may be determined during the design phase and once approved by the city. Please note that data presented herein is preliminary, and the location of the detention basin is approximate. Once the planning area enters the improvement plan phase and a Storm Drainage Master Plan is submitted, it is very likely that stormwater discharge rates will be quite lower due to routing through the storm drain system and overall increase in time of concentration. Therefore, both the size and location of the basin are subject to change.

It is understood that these drainage basins will be constructed during the grading phase of construction of the relevant phase and thus mitigating any potential increases prior to any improvements being completed and/or houses being built. A more detailed inlet and outlet design will have to be provided and all permitting will have to be obtained prior to any construction moving forward.

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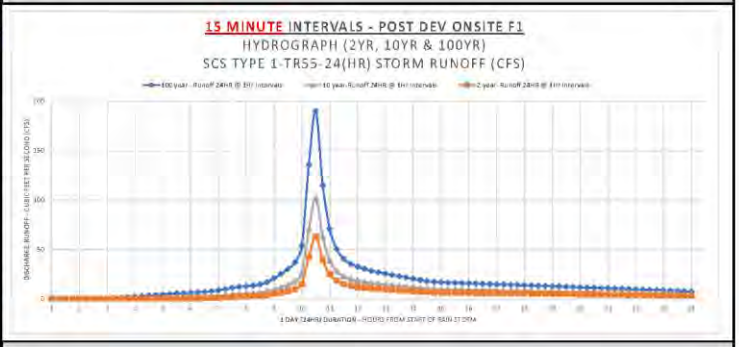
Project No:	26100 - Valleys Edge
Prepared by:	J. Stetkiewicz
Checked by:	T. Frayji
Date:	December 13, 2021

Exhibit 1 — TIME SERIES PLOTS - Post Dev. Onsite F1 (Updated)

24hr / 2 Yr		24hr / 10 Yr		24hr / 100 Yr	
2 year- Runoff 24HR @ 1Hr Intervals		10 year-Runoff 24HR @ 1Hr Intervals		100 year - Runoff 24HR @ 1Hr Intervals	
Time (hrs)	Runoff (cfs)	Time (hrs)	Runoff (cfs)	Time (hrs)	Runoff (cfs)
0.2500	0.0000	0.2500	0.0000	0.2500	0.0000
0.5000	0.0000	0.5000	0.0000	0.5000	0.0000
0.7500	0.0000	0.7500	0.0000	0.7500	0.0000
1.0000	0.0000	1.0000	0.0000	1.0000	0.0000
1.2500	0.0000	1.2500	0.0000	1.2500	0.0000
1.5000	0.0000	1.5000	0.0000	1.5000	0.0000
1.7500	0.0000	1.7500	0.0000	1.7500	0.0000
2.0000	0.0000	2.0000	0.0000	2.0000	0.0000
2.2500	0.0000	2.2500	0.0000	2.2500	0.0000
2.5000	0.0000	2.5000	0.0000	2.5000	0.0000
2.7500	0.0000	2.7500	0.0000	2.7500	0.0282
3.0000	0.0000	3.0000	0.0000	3.0000	0.2540
3.2500	0.0000	3.2500	0.0000	3.2500	0.6570
3.5000	0.0000	3.5000	0.0000	3.5000	1.1300
3.7500	0.0000	3.7500	0.0000	3.7500	1.6334
4.0000	0.0000	4.0000	0.0128	4.0000	2.1560
4.2500	0.0000	4.2500	0.1276	4.2500	2.6942
4.5000	0.0000	4.5000	0.3400	4.5000	3.2374
4.7500	0.0000	4.7500	0.5830	4.7500	3.7959
5.0000	0.0000	5.0000	0.8310	5.0000	4.2393
5.2500	0.0386	5.2500	1.0790	5.2500	4.7008
5.5000	0.1459	5.5000	1.3228	5.5000	5.1492
5.7500	0.2825	5.7500	1.5623	5.7500	5.5786
6.0000	0.4272	6.0000	1.7979	6.0000	5.9980
6.2500	0.5731	6.2500	2.0298	6.2500	6.4013
6.5000	0.7263	6.5000	2.2595	6.5000	6.8453
6.7500	0.9211	6.7500	2.6326	6.7500	7.5835
7.0000	1.1659	7.0000	3.1013	7.0000	8.5967
7.2500	1.4616	7.2500	3.6447	7.2500	9.7539
7.5000	1.7863	7.5000	4.2266	7.5000	10.9440
7.7500	2.0968	7.7500	4.7476	7.7500	11.9332
8.0000	2.3852	8.0000	5.2013	8.0000	12.7259
8.2500	2.6667	8.2500	5.6295	8.2500	13.4420
8.5000	3.0070	8.5000	6.1750	8.5000	14.4042
8.7500	3.7118	8.7500	7.4170	8.7500	16.9160
9.0000	4.7989	9.0000	9.3339	9.0000	20.8145
9.2500	6.1107	9.2500	11.5667	9.2500	25.2317
9.5000	7.6718	9.5000	14.1526	9.5000	30.1787
9.7500	9.8783	9.7500	17.7473	9.7500	36.9727
10.0000	15.0489	10.0000	26.2683	10.0000	53.1854
10.2500	42.2204	10.2500	70.2227	10.2500	135.8024
10.5000	62.9913	10.5000	101.6165	10.5000	190.0770
10.7500	39.3986	10.7500	62.4158	10.7500	115.0192
11.0000	24.9718	11.0000	39.0549	11.0000	71.0117
11.2500	18.0653	11.2500	27.9561	11.2500	50.3997
11.5000	14.7429	11.5000	22.6640	11.5000	40.4852
11.7500	12.9678	11.7500	19.8135	11.7500	35.2295
12.0000	12.0124	12.0000	18.2950	12.0000	32.4044
12.2500	11.2729	12.2500	17.1230	12.2500	30.2493
12.5000	10.5945	12.5000	16.0574	12.5000	28.2951
12.7500	10.0322	12.7500	15.1750	12.7500	26.6825
13.0000	9.5592	13.0000	14.4339	13.0000	25.3340
13.2500	9.1103	13.2500	13.7302	13.2500	24.0622
13.5000	8.6634	13.5000	13.0348	13.5000	22.8085
13.7500	8.2195	13.7500	12.3364	13.7500	21.5520
14.0000	7.7927	14.0000	11.6329	14.0000	20.3014
14.2500	7.2888	14.2500	10.9224	14.2500	19.0448
14.5000	6.8463	14.5000	10.2517	14.5000	17.8556
14.7500	6.5700	14.7500	9.8235	14.7500	17.0940
15.0000	6.4277	15.0000	9.6000	15.0000	16.6893
15.2500	6.3273	15.2500	9.4405	15.2500	16.3959
15.5000	6.2387	15.5000	9.3005	15.5000	16.1384
15.7500	6.1539	15.7500	9.1634	15.7500	15.8900
16.0000	6.0668	16.0000	9.0287	16.0000	15.6430
16.2500	5.9793	16.2500	8.8927	16.2500	15.3941
16.5000	5.8921	16.5000	8.7552	16.5000	15.1460
16.7500	5.8039	16.7500	8.6166	16.7500	14.8889
17.0000	5.7137	17.0000	8.4784	17.0000	14.6473
17.2500	5.6244	17.2500	8.3388	17.2500	14.3964
17.5000	5.5334	17.5000	8.1988	17.5000	14.1464
17.7500	5.4412	17.7500	8.0572	17.7500	13.8960
18.0000	5.3486	18.0000	7.9159	18.0000	13.6440
18.2500	5.2564	18.2500	7.7731	18.2500	13.3908
18.5000	5.1628	18.5000	7.6303	18.5000	13.1370
18.7500	5.0688	18.7500	7.4865	18.7500	12.8837
19.0000	4.9739	19.0000	7.3427	19.0000	12.6302
19.2500	4.8788	19.2500	7.1984	19.2500	12.3747
19.5000	4.7822	19.5000	7.0542	19.5000	12.1202
19.7500	4.6865	19.7500	6.9079	19.7500	11.8657
20.0000	4.5898	20.0000	6.7622	20.0000	11.6102
20.2500	4.4921	20.2500	6.6159	20.2500	11.3516
20.5000	4.3944	20.5000	6.4696	20.5000	11.0961
20.7500	4.2967	20.7500	6.3213	20.7500	10.8404
21.0000	4.1976	21.0000	6.1740	21.0000	10.5840
21.2500	4.0983	21.2500	6.0267	21.2500	10.3276
21.5000	3.9992	21.5000	5.8778	21.5000	10.0701
21.7500	3.8998	21.7500	5.7285	21.7500	9.8115
22.0000	3.8005	22.0000	5.5802	22.0000	9.5531
22.2500	3.6999	22.2500	5.4309	22.2500	9.2948
22.5000	3.5988	22.5000	5.2817	22.5000	9.0360
22.7500	3.4981	22.7500	5.1329	22.7500	8.7780
23.0000	3.3964	23.0000	4.9826	23.0000	8.5190
23.2500	3.2957	23.2500	4.8323	23.2500	8.2599
23.5000	3.1940	23.5000	4.6820	23.5000	7.9989
23.7500	3.0918	23.7500	4.5307	23.7500	7.7404
24.0000	2.9886	24.0000	4.3794	24.0000	7.4819

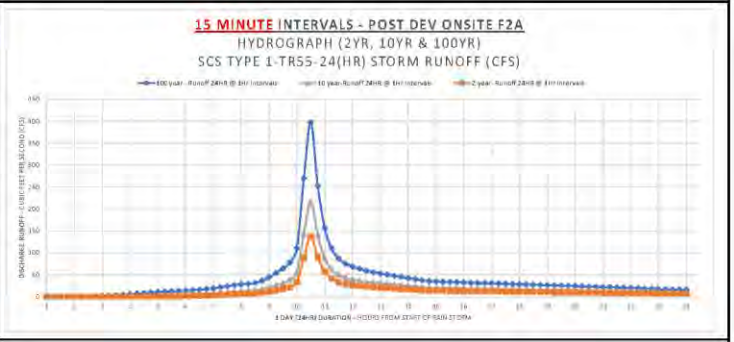


FRAYJi DESIGN GROUP
CIVIL ENGINEERING | PLANNING | SURVEYING

Project No	28100 - Valleys Edge
Prepared by	J. Slabakov
Checked by	T. Frayji
Date	December 13, 2021

Exhibit 1 — TIME SERIES PLOTS - Post Dev. Onsite F2A (Updated)

24hr / 2 Yr. 2 year- Runoff 24HR @ 1Hr Intervals		24hr / 10 Yr. 10 year-Runoff 24HR @ 1Hr Intervals		24hr / 100 Yr. 100 year - Runoff 24HR @ 1Hr Intervals	
Time (hrs)	Runoff (cfs)	Time (hrs)	Runoff (cfs)	Time (hrs)	Runoff (cfs)
0.2500	0.0000	0.2500	0.0000	0.2500	0.0000
0.5000	0.0000	0.5000	0.0000	0.5000	0.0000
0.7500	0.0000	0.7500	0.0000	0.7500	0.0000
1.0000	0.0000	1.0000	0.0000	1.0000	0.0000
1.2500	0.0000	1.2500	0.0000	1.2500	0.0000
1.5000	0.0000	1.5000	0.0000	1.5000	0.0000
1.7500	0.0000	1.7500	0.0000	1.7500	0.0000
2.0000	0.0000	2.0000	0.0000	2.0000	0.0000
2.2500	0.0000	2.2500	0.0000	2.2500	0.0000
2.5000	0.0000	2.5000	0.0000	2.5000	0.0916
2.7500	0.0000	2.7500	0.0000	2.7500	0.6187
3.0000	0.0000	3.0000	0.0000	3.0000	1.4991
3.2500	0.0000	3.2500	0.0000	3.2500	2.5183
3.5000	0.0000	3.5000	0.0035	3.5000	3.6028
3.7500	0.0000	3.7500	0.1253	3.7500	4.7269
4.0000	0.0000	4.0000	0.4934	4.0000	5.8795
4.2500	0.0000	4.2500	0.9353	4.2500	7.0548
4.5000	0.0025	4.5000	1.5597	4.5000	8.2794
4.7500	0.0784	4.7500	2.1131	4.7500	9.3419
5.0000	0.3108	5.0000	2.6656	5.0000	10.3615
5.2500	0.6123	5.2500	3.2037	5.2500	11.3274
5.5000	0.9364	5.5000	3.7333	5.5000	12.2536
5.7500	1.2628	5.7500	4.2483	5.7500	13.1419
6.0000	1.5888	6.0000	4.7568	6.0000	14.0007
6.2500	1.9120	6.2500	5.2519	6.2500	14.8263
6.5000	2.2478	6.5000	5.7776	6.5000	15.7313
6.7500	2.6920	6.7500	6.5445	6.7500	17.2430
7.0000	3.2684	7.0000	7.5878	7.0000	19.7914
7.2500	3.9524	7.2500	8.7993	7.2500	21.8586
7.5000	4.6988	7.5000	10.0947	7.5000	24.4173
7.7500	5.4093	7.7500	11.2432	7.7500	26.5407
8.0000	6.0404	8.0000	12.2229	8.0000	28.2093
8.2500	6.6514	8.2500	13.1255	8.2500	29.6793
8.5000	7.3827	8.5000	14.2543	8.5000	31.6107
8.7500	8.9225	8.7500	16.8357	8.7500	36.6459
9.0000	11.3509	9.0000	20.9837	9.0000	44.7537
9.2500	14.2868	9.2500	25.8598	9.2500	54.0639
9.5000	17.2221	9.5000	31.4097	9.5000	64.3781
9.7500	22.4791	9.7500	39.0211	9.7500	78.3381
10.0000	33.1360	10.0000	56.1782	10.0000	106.9313
10.2500	88.0644	10.2500	143.2214	10.2500	269.6558
10.5000	137.1091	10.5000	216.3783	10.5000	397.3098
10.7500	90.2021	10.7500	140.4503	10.7500	253.9293
11.0000	56.9644	11.0000	87.7133	11.0000	156.8561
11.2500	40.6323	11.2500	61.8756	11.2500	109.6679
11.5000	32.6673	11.5000	49.4585	11.5000	87.0900
11.7500	28.4393	11.7500	42.8288	11.7500	75.0640
12.0000	26.0477	12.0000	39.1185	12.0000	68.3363
12.2500	24.3809	12.2500	36.5127	12.2500	63.6458
12.5000	22.8717	12.5000	34.1935	12.5000	59.4831
12.7500	21.6191	12.7500	32.2539	12.7500	56.0191
13.0000	20.5738	13.0000	30.6436	13.0000	53.1390
13.2500	19.5928	13.2500	29.1350	13.2500	50.4455
13.5000	18.6181	13.5000	27.6508	13.5000	47.8068
13.7500	17.6409	13.7500	26.1620	13.7500	45.1896
14.0000	16.6500	14.0000	24.6650	14.0000	42.5553
14.2500	15.6537	14.2500	23.1608	14.2500	39.9280
14.5000	14.6882	14.5000	21.7772	14.5000	37.4191
14.7500	14.0661	14.7500	20.7734	14.7500	35.7470
15.0000	13.7291	15.0000	20.2612	15.0000	34.8784
15.2500	13.4995	15.2500	19.9061	15.2500	34.2901
15.5000	13.3014	15.5000	19.5978	15.5000	33.6483
15.7500	13.1113	15.7500	19.3039	15.7500	33.1235
16.0000	12.9233	16.0000	19.0132	16.0000	32.6031
16.2500	12.7339	16.2500	18.7227	16.2500	32.0827
16.5000	12.5436	16.5000	18.4289	16.5000	31.5609
16.7500	12.3508	16.7500	18.1345	16.7500	31.0419
17.0000	12.1564	17.0000	17.8391	17.0000	30.5175
17.2500	11.9612	17.2500	17.5423	17.2500	29.9921
17.5000	11.7648	17.5000	17.2441	17.5000	29.4667
17.7500	11.5667	17.7500	16.9442	17.7500	28.9423
18.0000	11.3683	18.0000	16.6442	18.0000	28.4148
18.2500	11.1674	18.2500	16.3439	18.2500	27.8871
18.5000	10.9665	18.5000	16.0396	18.5000	27.3571
18.7500	10.7647	18.7500	15.7358	18.7500	26.8280
19.0000	10.5604	19.0000	15.4312	19.0000	26.2986
19.2500	10.3572	19.2500	15.1265	19.2500	25.7650
19.5000	10.1510	19.5000	14.8196	19.5000	25.2346
19.7500	9.9459	19.7500	14.5117	19.7500	24.7030
20.0000	9.7376	20.0000	14.2037	20.0000	24.1715
20.2500	9.5293	20.2500	13.8959	20.2500	23.6340
20.5000	9.3209	20.5000	13.5859	20.5000	23.1026
20.7500	9.1113	20.7500	13.2757	20.7500	22.5670
21.0000	8.9017	21.0000	12.9641	21.0000	22.0336
21.2500	8.6903	21.2500	12.6543	21.2500	21.4964
21.5000	8.4787	21.5000	12.3423	21.5000	20.9609
21.7500	8.2673	21.7500	12.0285	21.7500	20.4252
22.0000	8.0537	22.0000	11.7155	22.0000	19.8886
22.2500	7.8413	22.2500	11.4027	22.2500	19.3500
22.5000	7.6267	22.5000	11.0887	22.5000	18.8137
22.7500	7.4123	22.7500	10.7739	22.7500	18.2752
23.0000	7.1977	23.0000	10.4583	23.0000	17.7367
23.2500	6.9823	23.2500	10.1428	23.2500	17.1984
23.5000	6.7667	23.5000	9.8281	23.5000	16.6590
23.7500	6.5503	23.7500	9.5100	23.7500	16.1217
24.0000	6.3337	24.0000	9.1943	24.0000	15.5816



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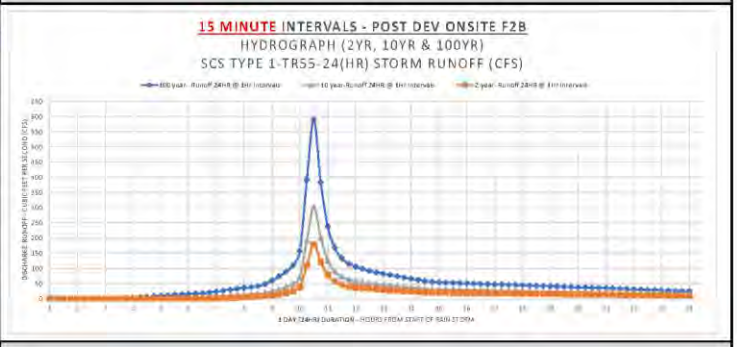
Project No	28100 - Valleys Edge
Prepared by	J. Slabakov
Checked by	T. Frayji
Date	December 13, 2021

Exhibit 1 — TIME SERIES PLOTS - Post Dev. Onsite F2B (Updated)



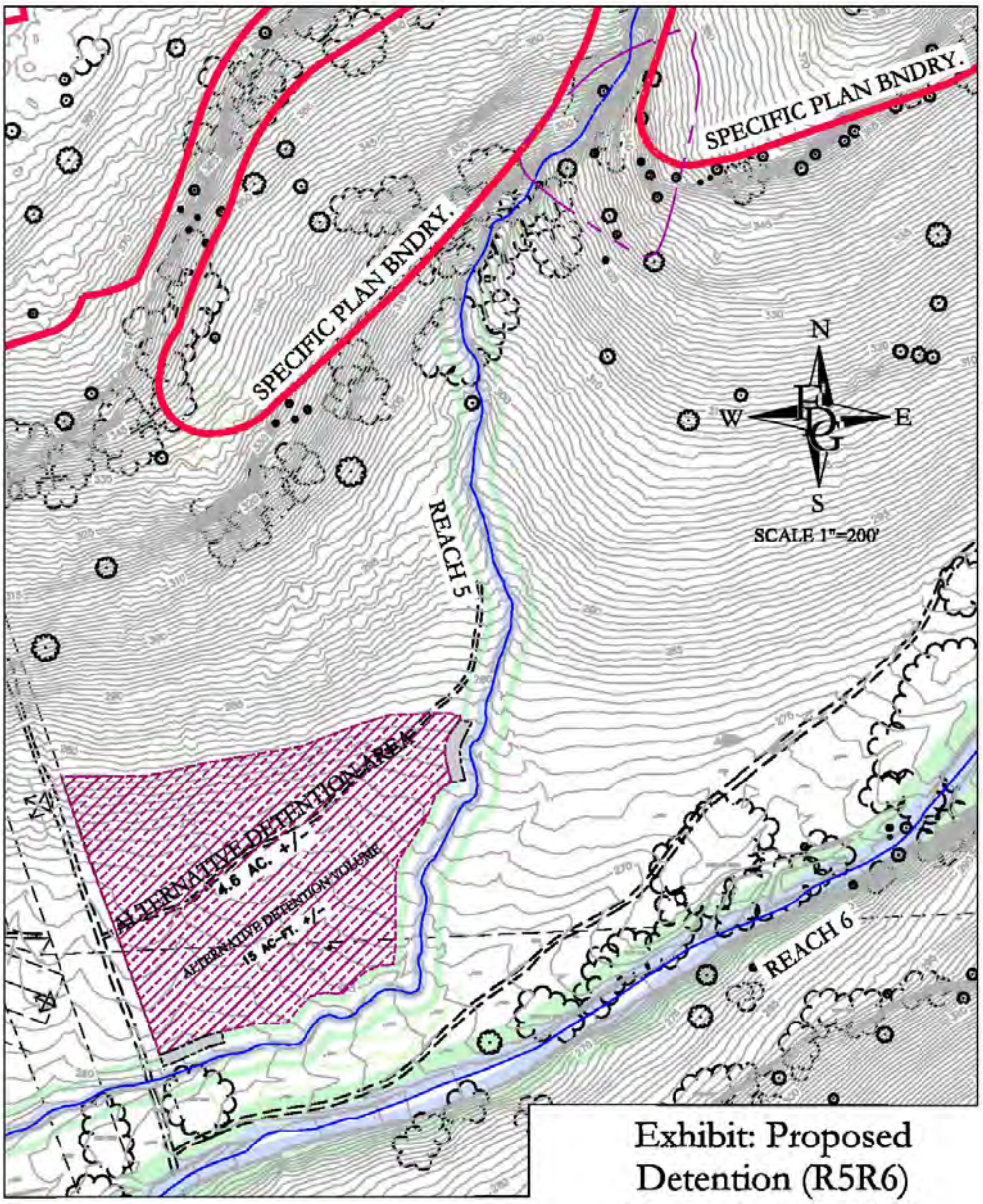


Exhibit: Proposed Detention (R5R6)
December 13, 2021

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100 yr Basin Calculations - HEC-RAS (Assuming No Detention)

RD(Humbug)C5C6CE

Time (hrs)	Undeveloped Runoff (cfs)	Developed Runoff (cfs)	Developed - Undeveloped (cfs)	Volume Reqd. per 15 minute interval
0.000	22.18	14.96	-7.2200	-4332
0.167	79.78	61.11	-18.6700	-11202
0.333	79.98	64.96	-15.0200	-9012
0.500	79.99	64.99	-15.0000	-9000
0.667	79.99	64.99	-15.0000	-9000
0.833	80.00	65	-15.0000	-9000
1.000	80.02	64.99	-15.0300	-9018
1.167	80.03	64.99	-15.0400	-9024
1.333	80.04	65	-15.0400	-9024
1.500	80.04	65	-15.0400	-9024
1.667	80.04	65	-15.0400	-9024
1.833	80.04	65	-15.0400	-9024
2.000	80.04	65	-15.0400	-9024
2.167	80.04	65	-15.0400	-9024
2.333	80.04	65	-15.0400	-9024
2.500	80.04	65.03	-15.0100	-9006
2.667	80.04	65.11	-14.9300	-8958
2.833	80.05	65.4	-14.6500	-8790
3.000	80.05	65.86	-14.1900	-8514
3.167	80.05	66.44	-13.6100	-8166
3.333	80.04	67.13	-12.9100	-7746
3.500	80.04	67.97	-12.0700	-7242
3.667	80.05	68.74	-11.3100	-6786
3.833	80.05	70.51	-9.5400	-5724
4.000	80.05	72.1	-7.9500	-4770
4.167	80.03	73.85	-6.1800	-3708
4.333	80.04	75.65	-4.3900	-2634
4.500	80.04	77.51	-2.5300	1518
4.667	80.04	79.26	-0.7800	-468
4.833	80.05	81.13	1.0800	648
5.000	80.41	83.21	2.8000	1680
5.167	81.66	86.32	4.6600	2796
5.333	85.30	93.23	7.9300	4758
5.500	93.02	104.29	11.2700	6762
5.667	103.75	116.93	13.1800	7908
5.833	114.61	129.16	14.5500	8730
6.000	124.85	141.55	16.7000	10020
6.167	135.65	153.38	17.7300	10638
6.333	146.11	164.97	18.8600	11316
6.500	156.93	176.29	19.3600	11616
6.667	168.02	187.94	19.9200	11952
6.833	179.47	199.56	20.0900	12054
7.000	191.47	211.57	20.1000	12060
7.167	205.24	225.42	20.1800	12108
7.333	220.79	242.83	22.0400	13224
7.500	239.87	264.06	24.1900	14514
7.667	262.57	288.24	25.6700	15402
7.833	286.93	313.51	26.5800	15948
8.000	311.99	339	27.0100	16206
8.167	338.29	365.01	26.7200	16032
8.333	362.47	388.16	25.6900	15414
8.500	385.72	410.11	24.3900	14634
8.667	408.71	430.56	21.8500	13110
8.833	430.99	451.62	20.6300	12378
9.000	453.34	485.76	32.4200	19452
9.167	489.23	539.02	49.7900	29874
9.333	551.76	609.93	58.1700	34902
9.500	623.14	688.74	65.6000	39360
9.667	728.73	805.89	77.1600	46296
9.833	843.64	932.87	89.2300	53538
10.000	992.43	1105.1	112.6700	67602
10.167	1269.02	1447.73	178.7100	107226
10.333	1713.97	2112.7	398.7300	239238
10.500	2687.55	3368.69	681.1400	408684
10.667	4081.32	4839.82	758.5000	455100
10.833	4886.96	5251.75	364.7900	218874
11.000	4941.24	4944.94	3.7000	2220
11.167	4335.76	4108.1	-227.6600	-136596
11.333	3641.78	3333.75	-308.0300	-184818
11.500	2989.36	2724.91	-264.4500	-158670
11.667	2513.32	2284.19	-229.1300	-137478
11.833	2137.68	1946.9	-190.7800	-114468
12.000	1855.46	1716.11	-150.3500	-90210

12.167	1661.31	1542.35	-118.9600	-71376
12.333	1505.59	1418.42	-52.1300	-55278
12.500	1389.06	1317.57	-71.4900	-42894
12.667	1294.98	1228.82	-66.1600	-39696
12.833	1217.91	1173.27	-44.6400	-26784
13.000	1154.17	1117	-37.1700	-22302
13.167	1099.33	1067.78	-31.5500	-18930
13.333	1052.62	1026.92	-25.7000	-15420
13.500	1010.51	990.5	-20.0100	-12006
13.667	972.42	957.05	-15.3700	-9222
13.833	938.46	924.67	-13.7100	-8226
14.000	905.56	892.82	-12.7600	-7656
14.167	873.71	861.3	-12.4100	-7446
14.333	842.99	829.94	-12.4500	-7470
14.500	811.51	798.86	-12.6500	-7590
14.667	780.61	768.25	-12.3600	-7416
14.833	751.17	744.57	-11.6000	-6960
15.000	722.87	713.26	-10.6100	-6366
15.167	699.01	690.34	-8.6700	-5202
15.333	676.64	672.13	-6.5100	-3906
15.500	662.09	657.69	-4.4000	-2640
15.667	649.43	646.66	-2.7700	-1662
15.833	649.11	647.76	-1.3500	-810
16.000	630.29	629.91	-0.3800	-228
16.167	622.51	622.75	0.2400	144
16.333	615.35	615.99	0.6400	384
16.500	608.57	609.48	0.9100	546
16.667	602.04	603.11	1.0800	648
16.833	595.64	596.86	1.2200	732
17.000	589.36	590.56	1.2000	720
17.167	583.06	584.28	1.2200	732
17.333	576.86	578.03	1.1700	702
17.500	570.66	571.84	1.1800	708
17.667	564.43	565.59	1.1600	696
17.833	558.21	559.31	1.1000	660
18.000	552.03	553.04	1.0100	606
18.167	545.76	546.75	0.9900	594
18.333	539.53	540.5	0.9700	582
18.500	533.22	534.23	1.0100	606
18.667	526.91	527.96	1.0500	630
18.833	520.68	521.68	1.0000	600
19.000	514.53	515.42	0.8900	534
19.167	508.43	509.13	0.7000	420
19.333	502.29	502.86	0.5700	342
19.500	496.63	496.54	-0.0900	-54
19.667	490.40	490.12	-0.1600	-108
19.833	483.87	484.03	0.1600	96
20.000	477.37	477.87	0.5000	300
20.167	473.55	471.6	-1.9500	-1170
20.333	467.49	465.08	-2.4100	-1446
20.500	460.21	459.02	-1.1900	-714
20.667	453.73	453.28	-0.4500	-270
20.833	446.35	446.58	0.2300	138
21.000	439.55	440.28	0.7300	438
21.167	432.51	433.88	1.3700	822
21.333	425.41	427.02	1.6100	966
21.500	418.53	419.82	1.2900	774
21.667	411.28	412.8	1.5200	912
21.833	404.42	405.94	1.5200	912
22.000	397.74	399.27	1.5300	918
22.167	391.21	392.66	1.4500	870
22.333	384.58	386.11	1.5300	918
22.500	377.86	379.68	1.8200	1092
22.667	371.20	373.5	2.3000	1380
22.833	364.69	366.67	2.0400	1224
23.000	358.15	360.61	2.4600	1476
23.167	351.35	354.18	2.5800	1548
23.333	344.95	347.65	2.7000	1620
23.500	338.45	341.25	2.8000	1680
23.667	331.86	334.78	2.9200	1752
23.833	325.19	328.55	3.3600	2016
24.000	318.75	322.1	3.3500	2010

805448	FT^3	
18.49317355	AC-FT	
9.474793388	AC	Assumes 4' Deep Basin

Response to Letter 35

Frayji Design Group, Tony Frayji

[Note: Frayji Design Group is a consultant to the project applicant and prepared the Drainage Report for the Project]

35-1 The comment requests that Section 4.9, Hydrology, Water Quality and Drainage of the Draft EIR be updated, as specified in comments 35-2 through 35-5, below.

The text and figures have been revised in response to the comments, as specified below and are shown in Chapter 3, Changes to the Draft EIR.

35-2 The comment requests that Figure 4.9-3 (Draft EIR p. 4.9-37) be updated to indicate that that the Reach R5 Detention Basin is 15 acre-feet, rather than 10 acre-feet. The comment also indicates that *Drainage Report Addendum #1* was updated to clarify unclear language regarding the proposed development area within Reach 6.

Figure 4.9-3 has been updated in response to the comment and the *Amended Drainage Report Addendum #1*, dated December 13, 2021, has replaced Appendix H-5. Page 4.9-1 in Section 4.9 of the Draft EIR has been edited to accurately reflect the appendices in the Final EIR. Please see Chapter 3, Changes to the Draft EIR for the revised figure, updated Drainage Report and other revisions to the text of the EIR. These changes do not alter the conclusions of the Draft EIR. With respect to clarifying language regarding Reach 6, please see Response to Comment 35-4 below.

35-3 The comment requests that the notes under Table 4.9-5 on page 4.9-35 in the Draft EIR be updated to indicate that 15 acre-feet of water would be detained.

The table notes have been updated and are provided in Chapter 3, Changes to the Draft EIR.

35-4 The comment requests that the text on page 4.9-36 of the Draft EIR be revised to update the analysis that 15 acre-feet would be detained and that the detention is being proposed for Reaches 5 and 6. The comment also indicates that proposed development south of Reach 6 is very low density and increased flows are not anticipated in this area in comparison to existing conditions.

Table 4.9-5 on page 4.9-35 and text on page 4.9-36 of the Draft EIR has been updated and is provided in Chapter 3, Changes to the Draft EIR.

35-5 The comment recommends removing all statements indicating that detention is only required for Reach R5, as the September 2021 drainage memorandum provided the needed detention for Reaches R5 and R6 combined.

The text on pages 4.9-36 and 4.9-39 of the Draft EIR has been updated and is provided in Chapter 3, Changes to the Draft EIR.

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Comment Letter 36

gallaway
ENTERPRISES

117 Meyers Street • Suite 120 • Chico CA 95928 • 530-332-9909

December 13, 2021

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

RE: Valley's Edge Specific Plan EIR

Mr. Sawley;

I have had the opportunity to review the Draft EIR for the Valley's Edge Specific Plan. Please consider the following comments during your review process.

Page 4.3-19 – Vernal Pool Branchiopods
The draft document indicates potential habitat to be present for Conservancy fairy shrimp. This species requires large, deep clear pools of water of which there is no habitat of that type present within the project site. This species was dismissed from consideration in the Biological Resource Assessment developed for the proposed project. Additionally, this species was not identified during the wet and dry season surveys for invertebrates. 36-1

Figure 4.3-4 – Butte County Meadowfoam Occurrences
This figure incorrectly depicts the presence of Butte County meadowfoam (BCM) occurring in the proposed Primary open Space (P-OS). The western P-OS only contained wooly meadowfoam, not Butte County meadowfoam. 36-2

Page 4.3-51 – Tricolored Blackbird
The habitat evaluation conducted as part of the development of the Biological Resource Assessments for the proposed project did not identify suitable habitat for tricolored blackbird. The species account on page 4.3-20 states: *"Nesting habitat for tricolored blackbird on the project site is marginal to nonexistent due to a lack of standing water and thorny vegetation."*

Page 4.3-51 then contradicts this statement with the following: *"Overall, potential nesting habitat for tricolored blackbird is marginal and generally limited to the riparian woodland in the southern portion of the project site where thorny vegetation may be present in the understory."*

Based on our observations, there is no suitable nesting habitat for tricolor blackbird on-site or off-site. The potential impacts should be revised to "no impact". 36-3

Page 4.3-54 – BIO-1 On-Site Preserves
The mitigation measure described could be revised to describe the presence of wooly meadowfoam in one of the preserves (see comment above regarding Figure 4.3-4 – Butte County Meadowfoam Occurrences). The 2nd sentence should be revised to place the focus of the 250-foot buffer on the resource and not the preserve, for example: "The Butte County meadowfoam and woolly meadowfoam occurrences shall be separated from any development by a minimum of 250 feet....". 36-4

The 2nd sentence should also be revised to allow for an optional approval by the City of Chico and not only the U.S. Fish and Wildlife Service (USFWS) since the USFWS may not have an official method of consulting with the developer if there is no Section 7 Endangered Species Act consultation requirements. 36-5

Additionally, since the buffer and associated preserve will avoid direct impacts, it is suggested to remove the word direct from the 2nd paragraph. Suggested revision: "The Butte County meadowfoam and woolly meadowfoam occurrences shall be separated from any development by a minimum of 250 feet unless site-specific hydrological analysis accepted by the City of Chico or the U.S. Fish and Wildlife Service demonstrates that a reduced separation would still prevent indirect effects to Butte County meadowfoam and/or wooly meadowfoam within the preserve." 36-6

Consider revising the last sentence to "Any construction activities within 500 feet of the on-site Butte County meadowfoam and/or wooly meadowfoam occurrences shall not be allowed until the establishment of the on-site preserves associated with the meadowfoam resources." 36-7

Page 4.3-54 – BIO-2 Nesting Bird Surveys (including and not limited to Loggerhead Shrike, and Yellow Warbler)
Subsection (a) includes a narrow window of two days for conducting the nesting bird survey. This seems to be stricter than most timelines. Based on conversations with the project applicant, CDFW made a comment via consultation regarding a three day timeframe. A seven day window is suggested to be aligned with standard timeframes for conducting nesting surveys, especially since measures for burrowing owls have a 14 day prior survey and Swainson's hawk have a 15 day prior survey timeframe. 36-8

Should you have any questions and need additional information please contact me directly at kevin@gallawayenterprises.com.

Sincerely,

Kevin Sevier, Vice President
Gallaway Enterprises, Inc.

2

Response to Letter 36

Kevin Sevier, Vice President, Gallaway Enterprises, Inc.
[Note: Gallaway Enterprises is a consultant to the project applicant and prepared numerous biological reports for the project.]

36-1 The comment notes that conservancy fairy shrimp are limited to large, deep and clear vernal pools, which are not present on the project site.

Although most conservancy fairy shrimp are found in pools as described by the commenter, the conservancy fairy shrimp near the Montezuma Hills in Solano County and in Butte County are found in relatively small pools (Vollmar 2002 as cited in USFWS 2005), and conservancy fairy shrimp have also been found in turbid pools. Because the habitat associations of this species remain somewhat unclear, the Draft EIR analysis maintained a Low Potential to Occur for conservancy fairy shrimp.

36-2 The comment states that Figure 4.3-4 incorrectly shows BCM occurring in the Primary Open Space (P-OS) area, and that these should be shown as wooly meadowfoam.

Figure 4.3-4 in the Final EIR has been corrected. Please see Chapter 3, Changes to the Draft EIR for the updated figure.

36-3 The comment states that the Biological Resources Assessment for the project did not identify suitable habitat for tricolored blackbird, and states that the EIR should conclude there would be no impact to the species. The comment also notes that the Draft EIR is inconsistent in its description of potential tricolored blackbird nesting habitat.

The text on page 4.3-20 in Section 4.3, Biological Resources has been revised to remove reference to a lack of "thorny vegetation", because details on presence of thorny vegetation was not available. Refer to Chapter 3, Changes to the Draft EIR for the updated text. The EIR analysis retains a finding of low potential to occur for tricolored blackbird based on some nearby occurrences in thorny vegetation and the potential for thorny vegetation to occur on the subject property.

36-4 The comment states that mitigation measure BIO-1 describes both meadowfoam preserves as containing BCM, when in fact only one does. The comment also suggests that the wording of mitigation measure BIO-1 be revised so that the 250-foot minimum buffer is from the meadowfoam occurrences, which is how they are mapped and designed.

The text of mitigation measure BIO-1 (Draft EIR p. 4.3-54) has been revised to refer to those two preserves as "meadowfoam preserves", and to point out that they contain both BCM and woolly meadowfoam. In addition, the mitigation measure has been revised to clarify the 250-foot minimum buffer. Please see Chapter 3, Changes to the Draft EIR.

36-5 The comment notes that mitigation measure BIO-1 has no pathway for official approval of the site-specific hydrological analysis if the USFWS does not consult on the project and suggests that the City should be able to approve portions of the design for the meadowfoam preserve.

Although it is highly likely that the USFWS will consult on the project under Section 7 of the Endangered Species Act, mitigation measure BIO-1 (Draft EIR p. 3.4-54) has been revised to allow for City approval of the BCM preserve, with consultation from CDFW, in the event there is no official consultation process for the USFWS. Please see Chapter 3, Changes to the Draft EIR for the revised language. Unlike the City, CDFW is the appropriate resource agency with jurisdiction and expertise concerning specific design parameters for a meadowfoam preserve.

36-6 The comment suggests that mitigation measure BIO-1 be revised to state the minimum 250-foot buffer would prevent indirect impacts to meadowfoam, rather than direct and indirect impacts.

Direct impacts would be prevented by avoidance and the buffer would not change that. The suggested edit has been made to mitigation measure BIO-1 (Draft EIR p. 4.3-54) and is included in Chapter 3, Changes to the Draft EIR.

36-7 The comment suggests a revision of the final sentence of mitigation measure BIO-1.

The last sentence under mitigation measure BIO-1 has been removed based on comments received from California Department of Fish and Wildlife and is provided in Chapter 3, Changes to the Draft EIR.

36-8 The comment recommends changing mitigation measure BIO-2 to allow a larger window of time to conduct pre-construction nesting bird surveys.

In response to the comment, the survey timing under mitigation measure BIO-2 has been changed to not more than seven days prior to construction, consistent with standard practices. Please see Chapter 3, Changes to the Draft EIR for the revised language.

Comment Letter 37

From: Jesica Giannola
To: Mike Sawley
Subject: Opposing valley edge
Date: Monday, December 13, 2021 2:02:07 PM

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

Please reconsider the current environmental input report and consider a 5th alternative for the valley's edge plan. It is important that we build smart and protect our resources, and that means that we have to start out the projects safe and well researched from the begging. 37-1

I live in south Chico and oppose the current push for the Valley's Edge plans. Protect our our land, air, and water before it's too late. We need more studies and answers first. 37-2

Thank you,

Jesica Giannola

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Response to Letter 37

Jesica Giannola

37-1 The comment requests that the City reconsider the EIR and evaluate a fifth alternative but does not provide any supporting information to necessitate reconsideration of the alternatives analyzed in the EIR. The comment also does not recommend or provide any alternatives.

The commenter's concern is noted and will be forwarded to the decision makers for their consideration. The comment does not address the adequacy of the Draft EIR and does not identify where the analysis is deficient or inadequate; therefore, no further revisions are required.

37-2 The comment opposes the project as proposed, and states that the City needs more studies and answers for the VESP project.

The comment does not indicate what studies and answers the commenter believes are required before acting on the project, so no response is possible. As indicated throughout the Draft EIR, a number of studies and technical analyses have been prepared as needed to evaluate the project's environmental effects. The commenter's opposition to the project is noted and will be forwarded to the decision makers for their consideration.

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Comment Letter 38

Valleys Edge Draft EIR Comments

Bryce Goldstein, Planning Commissioner
December 12, 2021

General/Miscellaneous Comments

1. Cover page incorrectly says City of Chino. 38-1
2. Environmental impacts of creating lakes from altering streams on the site should be discussed in the EIR along with proposed mitigation measures. Applicable to sections 4.3 Biological Resources, 4.6 Geology and Soils, 4.7 Greenhouse Gases, and 4.9 Hydrology, Water Quality, Drainage. 38-2
3. Proposed lakes should be included in all relevant project maps. 38-3
4. The term "multi-use" should not be used to describe this development as it is primarily single family homes. Very small amounts of land and units are R3, commercial, or even R2 zoning. The term is misleading. 38-4
5. The reason for having two different R1 zoning types is not explained in the EIR or the VESP. The R1-VE zoning designation has a lower density than the City's R1 minimum of 2.1 units per acre, and therefore should not be considered R1 zoning, especially if this factors into calculations of VMT and associated GHG emissions. Please change the designation to something other than R1, or if needed, explain the reason for including and allowing this zoning. 38-5

4.7 Greenhouse Gases

GHG Compliance with local policy has issues:

1. *Table 4.7-5. Proposed Project Consistency with the City of Chico 2021 CAP Update* claims consistency with the following CAP measures, however, the Proposed Project is inconsistent with the following CAP measures. 38-6
   - T-1: The Proposed Project will only improve active transportation infrastructure on site, while contributing significant vehicle traffic to the rest of Chico, thereby potentially increasing vehicle mode share both by increasing the number of vehicle trips and by making roads less safe for bicyclists. This may hinder the City's efforts to achieve greater than 6% bicycle mode share by 2030 and 12% bicycle mode share by 2045.
   - T-5: The Proposed Project does not promote sustainable infill development and mixed-use development in new growth areas to reduce VMT. 38-7
2. *Consistency with the BCAG's 2016 Regional Transportation Plan*: The following statement is not explained: The 2016 RTP/SCS is not directly applicable to the project because the underlying purpose of the 2016 RTP/SCS is to provide direction and guidance on future regional growth." Explain why the BCAG RTP/SCS is not applicable. 38-8
3. Contrary to the above statement, *Table 4.7-6. Proposed Project Consistency with Scoping Plan GHG Emission Reduction Strategies* Measure T-3 states that "To meet the goals of SB 375, the 2016 RTP/SCS is applicable to the proposed project." 38-9

4.13 Transportation & Circulation

1. City of Chico General Plan
    a. *Action CIRC-2.2.1 (Connectivity in Project Review)* states that "New development shall include the following internal circulation features… A grid or modified grid-based primary street system. Cul-de-sacs are discouraged, but may be approved in situations where difficult site planning issues, such as odd lot size, topography, or physical constraints exist or where their use results in a more efficient use of land, however in all cases the overall grid pattern of streets should be maintained". The spaghetti streets of the proposed project only make sense along ridgelines, and there is no grid pattern maintained in the lower regions of the project. This inconsistency is not explained. 38-10
    b. *Policy CIRC-5.3 (Transit Connectivity in Projects) – Ensure that new development supports public transit*: The Proposed Project will likely not support public transit due to being too low density. This lack of compliance is not explained. 38-11
2. Impact 4.13-4: "The proposed project would construct new roadways to serve planned growth and connect to existing transportation facilities, which could create hazards related to design features (e.g., sharp curves or dangerous intersections)." It is unclear why there are no mitigation measures for increased hazards to bicyclists and pedestrians on existing roadways. 38-12
3. 4.13-6: VMT calculations rely on assumptions that may not be accurate. A detailed summary of the analysis would be helpful.
    a. Land Use Diversity: Project has very little land use diversity. Other than the school on site, almost zero trips would realistically be reduced by the minimal amount of commercial.
    b. Senior Adult Residential: This is an automobile-oriented development and nobody who lives here would be able to survive without driving, or likely even driving half as much as residents of general market housing. Further, more and more folks 55 and over will still be working and commuting for another decade if not the rest of their lives. 38-13
    c. Medium-High Density Residential (Multi-Family): The higher density residential land use with an approximate density of 18 dwelling units per acre is more walkable, but again, residents will still have to drive to most of their usual destinations including work and stores. Additionally, MHDR is a very small portion of the overall project. MHDR likely has a higher potential for VMT reductions than low density senior housing.
4. Part of the VMT reduction mitigation under mitigation measure TRAF-2 is "increase transit accessibility" and "implement subsidized or discounted transit program". If these actions depend on transit serving the site, and it does not, then the TDM may not be adequate. There should be an explanation of how VMT will be reduced in other ways if transit is not accessible/feasible. 38-14

6 - Alternatives

1. Another alternative with higher density and more open space than Alternative 4 should be provided and analyzed. The Proposed Project, Alternative 3 (Increased Commercial), and Alternative 4 (Increased Open Space and Higher Density Alternative) all have greater impacts than Alternative 2 (No Project/2030 General Plan Alternative) due to having a larger portion of the site covered by low density housing. The General Plan should be the standard for project impacts and density, not the exception. 38-15
2. Considering that Alternative 2 would reduce the potential for impacts in 14 out of 15 resource areas compared to the proposed project, the following statement on page ES-54 does not make sense: "Of the alternatives evaluated, Alternative 4 was found to be the environmentally superior alternative because it would slightly reduce the potential for impacts in seven out of 14 (half) of the resource areas evaluated. Alternative also generally meets all of the project objectives." The ranking of alternatives needs to be re-evaluated. 38-16

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Response to Letter 38

Bryce Goldstein, City of Chico Planning Commissioner

38-1 The comment states that the City name on the Draft EIR cover page is incorrectly written as "City of Chino".

This change was corrected to "City of Chico" in the version of the Draft EIR on the City's website and has been corrected in Chapter 3 of this Final EIR.

38-2 The comment states that the environmental impacts of creating lakes from altering streams on the site should be discussed in the Draft EIR with proposed mitigation measures.

The Draft EIR, on page 2-16, notes that the manmade lake in Big Meadows Park would only be included, if feasible. As shown in the VESP, Big Meadows Park includes a lake that would be used for viewing and fishing, and to provide a source of water for wildland fire suppression. Plans to include lakes in these locations are conceptual at this time, but the lakes proposed in these parks are expected to receive some storm water runoff from new impervious surfaces within the project and would only receive water from an existing stream during high flow events. When plans are submitted to the City to develop this park subsequent environmental review and specific separate permitting will likely be required if these park elements are proposed.

38-3 The comment requests that proposed lakes should be included in all relevant project maps included in the Draft EIR.

The figures included in the Draft EIR, specifically Figure 2-3, Land Use and Figure 2-5, Parks Master Plan are high level conceptual land use graphics and it would not be appropriate to include the small lakes within a neighborhood park on these graphics given their scale and conceptual nature. Also see Response to Comment 38-2, these water features are conceptual and it may be determined to be infeasible to include some of these elements. In the future, if manmade lakes are proposed within Big Meadows Park, then those features would be consistent with the VESP, but subject to separate future permitting and CEQA processes.

38-4 The comment states that the term "multi-use" should not be used to describe this development as it is primarily single-family homes with small amounts of land dedicated to R3, commercial, and R2 zoning.

As discussed in Chapter 3, Land Use and Planning, of the Draft EIR, the proposed project fulfills the City's General Plan vision to develop a recreation oriented, mixed-use development that offers a broad range of housing types and densities within the special planning area. Because the project includes a mix of residential and commercial uses, it is accurately described as mixed-use.

38-5 The comment states that the reason for having two different R1 zoning types is not explained in the Draft EIR or the VESP. The comment also states that the R1-VE zoning designation has a lower density than the City's R1 minimum of 2.1 units per acre, and therefore should not be considered R1 zoning, especially if the zoning designation effects VMT and GHG emissions calculations.

Land use consistency with existing applicable regulations is fully described in Chapter 3, Land Use and Planning. As described therein, the project site is currently designated as Special Planning Area (SPA)-5 or the Doe Mill/Honey Run SPA. Upon project approval, the project site would be zoned to include a special overlay zoning district which specifies that the allowable uses and development standards contained in the VESP apply to the site, rather than only those contained in the City's Municipal Code. Per the Chico Municipal Code Section 19.52.010, City overlay zoning districts regulate development and new land uses, in addition to the standards and regulations of the primary zoning districts, where important site, neighborhood, or area characteristics require particular attention for project planning.

In this case, lowering the minimum residential density allowed in the R1-VE district from 2.1 units per acre to 1.4 units per acre is done to allow for irregular shaped lots within the topographically diverse oak woodlands where this zoning is proposed, as well as to protect views along Stilson Canyon Road where deeper rear yard setbacks are required. Implementing VESP requirements, policies, and design guidelines in these areas will necessitate avoiding development on portions of private lots in these areas, thereby reducing their net development potential relative to R1-SF-VE lots planned on flatter areas with fewer trees. Because areas planned for R1-VE zoning include additional environmental constraints (trees and topography, or viewshed), the proposed range of 1.4 to 2.5 units per acre is roughly consistent with the City's Low Density Residential General Plan Land Use Designation which typically ranges from 2.1 to 7.0 units per acre.

Therefore, the VESP would establish new land uses and zoning, as necessary to accommodate proposed development and meet City objectives. The proposed project's land uses and development assumptions are generally consistent with the direction provided in the City's General Plan, including the application of a variety of residential, commercial, and open space uses. The application of this zoning overlay to the project site would ensure that the resulting zoning regulations adopted with the Specific Plan and resulting development is consistent with the General Plan.

38-6 The commenter states that the proposed project in not consistent with some measures included in the Climate Action Plan (CAP) and would only improve active transportation infrastructure on site, thus contributing significant vehicle traffic to the rest of the City which may hinder the City's efforts to achieve a greater than 6% bicycle mode share by 2030 and 12% bicycle mode share by 2045.

It is within the City's purview to decide if the proposed project is consistent or inconsistent with applicable City goals or policies. Because policies contained in the CAP reflect a range of competing interests, the City's decision makers are allowed to weigh and balance the plan's policies when applying them and have broad discretion to construe its policies in light of the plan's purposes.

Please also see Responses to Comments 9-3 and 9-53 regarding consistency with the City's CAP.

38-7 The commenter states that the proposed project does not promote sustainable infill development and mixed-use development in new growth areas to reduce VMT, consistent with the CAP.

By proposing commercial (56 acres), recreational (>700 acres), and educational (10 acres) land uses alongside a mix of single-family and multi-family residential uses within the specific plan area and connecting the mix of land uses with a multimodal network of streets and trails, the project

design emphasizes alternative modes of transportation and automotive trip reduction. More specifically, by proposing a mixed-use project and supporting the use of electric-powered vehicles, bikes and footpaths to make various areas accessible, the project design reduces the need for resident to drive in a gasoline-powered vehicle to the urban core. Further, the project site is located in southeast Chico, which has well over 1 million square feet of commercial retail space and offers at least as many goods and services as the urban core.

The proposed project has generally been designed to be consistent with the City's density expectations as set forth by the General Plan. Furthermore, as discussed under Impact 4.13-6 starting on page 4.13-23 of the Draft EIR, Table 4.13-3 illustrates how total average VMT per service population of the proposed project would compare to 85% of the total average VMT per service population for the region. As shown, the proposed project would generate a total average VMT per service population lower than the region (30.5 miles for the region compared with 26.1 miles for the VESP). The project's lower VMT per service population relative to the regional average would be due to location: the VESP is located closer to downtown Chico which has a lower average VMT relative to other communities in the region. Other factors that contribute to the project's VMT per service population are a diverse land use mix that places jobs, goods, and service located close to where people live; locating commercial services and a school in close proximity to residences; senior adult residential uses (senior adult housing generates about half of the daily trip generation of general market single family residential dwellings); and medium-high density residential. The VESP includes a higher density residential land use, with an approximate density of 18 dwelling units per acre, located within walking distance to the Village Core and Village Commercial land use.

38-8 The commenter questions the statement in the Draft EIR that the Butte County Association of Governments (BCAG) 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) is not directly applicable to the proposed project.

A typographical error was noted on page 4.7-33 of the Draft EIR that indicates the RTP/SCS is not applicable to the project. This is an error and the text has been revised and is included in Chapter 3, Changes to the Draft EIR. The revision does not change the conclusion of the analysis.

The 2016 RTP/SCS is a long-range comprehensive plan for the region's multimodal transportation system. The underlying purpose of the RTP/SCS is to coordinate and facilitate the programming and budgeting of all transportation facilities and services within Butte County and to demonstrate how the region will integrate transportation and land use planning to meet targets established by Senate Bill (SB) 375. Furthermore, the RTP/SCS is intended to show how BCAG will meet the transportation needs of the region through 2040, considering existing and projected future land use patterns, as well as forecasted population and job growth.

38-9 The commenter states that based on information provided in Table 4.7-6 and the 2016 RTP/SCS is applicable to the proposed project.

Please see Response to Comment 38-8.

38-10 The comment refers to General Plan Action CIRC-2.2.1 regarding street layout and states the project is inconsistent with this action because there is no grid pattern to proposed roadways.

The proposed VESP does not include a street layout. Any internal streets other than the main collector roadway are only conceptually depicted at this time. A form of a modified grid circulation pattern is anticipated in the future, with multiple east-west street connections being laterally connected (north-south) with paseo trails/fire access routes, Class I paths, enhanced trails and nature trails. The design of future neighborhood subdivisions would be required to comply with the City's General Plan and VESP policies and actions.

38-11 The comment refers to General Plan Policy CIRC-5.3 requiring new development to support public transit and states the project will not likely be consistent with this policy due to the lack of density.

General Plan Policy CIRC-5.3 (Transit Connectivity in Projects) is followed by two Actions which directs implementation of the policy by including "transit stops, shelters, bus turnouts, and other transit improvements" (Action CIRC-5.3.1), and consulting with BCAG during project review regarding the specifics for installing a bus stops or other streetscape improvements to accommodate transit (Action CIRC-5.3.2). It is not the intent of Policy CIRC-5.3 to compel projects to achieve higher densities to make transit service more viable. Increase in demand on existing transit providers is addressed under Impact 4.13-3 starting on page 4.13-21 of the Draft EIR. Please also see Response to Comment 9-53.

38-12 The comment refers to Impact 4.13-4 and asks why no mitigation measures are required to address hazards to bicyclists and pedestrians on existing roadways.

The comment does not provide any evidence to support its claim that traffic from the project would substantially increase hazards to bicyclists and pedestrians on existing roadways. Impact 4.13-4 on page 4.13-22 of the Draft EIR addresses impacts of the proposed project due to the creation of hazards related to design features (e.g., sharp curves or dangerous intersections). Roadway improvements in the area would be designed to meet applicable industry standards from the Caltrans Highway Design Manual (HDM), the California Manual on Uniform Traffic Control Devices (CAMUTCD), and the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets (Draft EIR p. 4.13-22). Designing street improvements to industry standards would ensure that bicycle and pedestrian facilities are included and meet standards for safe use. Since existing and new roadways are designed in accordance with City design criteria and engineering industry standards the proposed project would not substantially increase hazards to bicyclists and pedestrians on existing roadways and traffic safety impacts were considered less than significant. No mitigation is required for impacts found to be less than significant.

38-13 The comment suggests that the VMT calculations may not be accurate and that a summary of the analysis would be helpful. The comment also references land use diversity, age-restricted or senior adult residential, and residential density as potential sources of error for the analysis.

Please see Responses to Comments 9-45, 9-46, and 9-50. Page 17 of the traffic study, provided under Appendix K of the Draft EIR, notes that the project achieves lower VMT relative to the regional average due to its location (near Chico), mixed-use design (good land use diversity), and its inclusion of senior adult residential uses because those dwellings generate about one-half the daily trips as general single-family residential dwellings. Regarding the comment that Medium-High Density Residential has a higher potential to reduce VMT than low-density senior housing, both are lower than single-family detached residential land uses due, in part, to fewer people and workers per household.

As explained starting on page 4.13-17 in the Draft EIR, the VMT analysis was developed using a modified version of the Butte County Association of Governments (BCAG) travel demand forecasting model, which can capture the effects of land use diversity. As the commenter notes, the proposed project includes multi-family residential land use located near employment land uses that will make walking and bicycling more viable options for these land uses, relative to residential land uses located further from these land uses. However, even with this land use mix and location, some of the trips generated by the multi-family land use would be external to the project.

38-14 The commenter questions the feasibility of mitigation measure TRAF-2 which requires increasing access to transit and implementation of a subsidized transit program if transit services are not accessible or feasible.

Mitigation measure TRAF-2 (Draft EIR p. 4.13-25) would require the project to prepare and implement a Transportation Demand Management (TDM) Plan to guide implementation of TDM strategies for residential and commercial development to achieve a reduction in total VMT per service population of at least 1%. The TDM may include a variety of measures depending on the specific project component being advanced. The commenter is correct in that some TDM measures may not be as effective for the project as others. On page 4.13-27, the Draft EIR lists three example TDM measures (a ridesharing program, end-of-trip bicycle facilities, and a trip reduction marketing strategy), that would provide an estimated 1.4% total reduction of project VMT without relying on transit service to the project site. The TDM measures may include strategies listed in Mitigation Measure TRAF-2 or other quantifiable strategies that are supported by substantial evidence to be implemented to reduce project-generated VMT. Therefore, increased transit accessibility is one of many potential strategies that may be available and implemented, as long as the result of the combined strategies is to achieve the 1% reduction.

38-15 The comment suggests including another alternative that provides higher density and more open space than what is assumed under Alternative 4. The comment goes on to note Alternatives 3 and 4 have greater impacts than Alternative 2 and that Alternative 2 (No Project/2030 General Plan) should be the standard to evaluate project impacts.

The CEQA Guidelines requires EIRs to "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives" (14 CCR 15126.6(a)). An EIR must evaluate "only those alternatives necessary to permit a reasoned choice" (14 CCR 15126.6(f)) and does not need to consider "every conceivable alternative" to a project (14 CCR 15126.6(a)). The evaluation of alternatives to the project is included in Chapter 6 of the Draft EIR. A total of four alternatives are evaluated including the required no development (Alternative 1: No Project/No Development Alternative). In addition, an alternative that evaluates development of the site consistent with the General Plan Special Planning Area 5 or Doe Mill/Honey Run SPA (Alternative 2: No Project/2030 General Plan Alternative). The proposed land uses under SPA-5 are very similar to the proposed project; however, there would be a reduction in residential units and commercial development under this alternative. Alternative 3 increases the amount of commercial uses and decreases the number of residences (Alternative 3: Increased Commercial Alternative). Whereas Alternative 4 (Alternative 4: Increased Open Space and Higher Density Alternative) increases the amount of open space and shifts residential land uses to other areas within the project site

resulting in an increase in in open space and overall project density. The commenter's request to include an alternative that increases the project's density is noted. As explained in Response to Comment 9-84, one of the project's primary objectives is to be consistent with and implement the policy framework of the City's 2030 General Plan, including direction provided for the Doe Mill/Honey Run SPA. The comment does not provide any detail on the level of additional density for this alternative other than "another alternative with higher density and more open space should be provided." Given the project's location along the eastern edge of the City (if annexed) increasing the project's density would also increase the project's vehicle miles traveled generating more vehicle trips on area roadways and contributing to more air emissions. The additional increase in project residents would also increase the overall demand for public services and utilities including water supply, wastewater treatment, schools, and solid waste disposal, Therefore, it is not clear that including this alternative would achieve the goal of reducing project impacts and meeting the project objectives. The Draft EIR provides a reasonable range of alternatives that would avoid or substantially lessen one or more of the significant effects of a project. Of those alternatives, an EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project (Section 15126.6(f) of the CEQA Guidelines). As provided in the guidelines, only a reasonable range of alternatives is required to "permit a reasoned choice" which the Draft EIR provides.

38-16 The comment states Alternative 2 results in fewer impacts than Alternative 4 and generally meets the project objectives; therefore, the ranking of the alternatives needs to be re-evaluated.

The commenter suggests that Alternative 2 should be considered the environmentally superior alternative because it would reduce the potential for impacts in more resource areas as compared to Alternative 4. However, as explained in Chapter 6 of the Draft EIR, Alternative 2 is considered a "No Project Alternative" because it assumes that even without the proposed project, development would occur consistent with the 2030 General Plan. Section 15126.6(e)(2) of the CEQA Guidelines states that if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Therefore, the Draft EIR identifies Alternative 4 as the environmentally superior alternative.

The text on page ES-55 in the Draft EIR Executive Summary has been modified for clarification and is included in Chapter 3, Changes to the Draft EIR.

Comment Letter 39

Department of Geological and Environmental Sciences

California State University, Chico
Chico, California 95929-0205

December 13, 2021

Mike Sawley
Principal Planner
Community Development Department

Mr. Sawley:

I am writing to voice my concerns over the Valley's Edge Specific Plan Draft Environmental Impact Report. I am a geologist and professor at California State University, Chico, in the Department of Geological and Environmental Sciences and I have been studying the Tuscan Formation both in outcrop and the subsurface for 14 years. I have conducted studies in the Tuscan Aquifer both underlying Chico in the valley, including the recently acquired Airborne Electromagnetic (AEM) study both west and south of Chico. I have also guided three Masters students through their projects within the Tuscan Formation both in Big Chico Creek Canyon and Mud Creek Canyon. Although I have not studied in detail the rocks within the Valley's Edge project area, I believe I am qualified to speculate on their potential for recharge to the Tuscan Aquifer. 39-1

In particular, I am concerned about statements made in section 4.9-10 (Hydrology, Water Quality, Drainage): "Beds of poorly cemented granular geologic material were not observed in thicknesses or bedding attitudes conducive for groundwater recharge." By simply overlying the topographic map with Google Earth imagery, it is clear that there are bands of vegetation (green blotches) that cross-cut topography and most likely follow sedimentary bedding along more porous and permeable beds (see blue ovals in the figure below). This is ***not*** the younger alluvial material along the bases of drainages, but is more likely part of the Tuscan Formation. These beds can often act as permeable pathways for recharged groundwater. By placing both MDR and LDR zones against these beds, the chance for contamination into the aquifer is enhanced. 39-2 In addition, the "great thickness of the lahars" that could protect infiltration to deeper zones is not supported by the local well completion reports or the geologic conditions. It is more likely the lahars are not greater than 20 feet thick and that more permeable sandy layers directly underlie the proposed areas of development. Consequently, even small fractures (of which there are many) would probably be able to access these more permeable layers at depth. 39-3

Todd J. Greene, Department of Geological and Environmental Sciences
CSU Chico • Chico, CA 95929-0205 • www.csuchico.edu/geos
Office: 530.898.5546 • Fax: 530.898.4363 • E-mail: tjgreene@csuchico.edu

It should also be noted that there have been recent studies on the isotopes of the groundwater in the region (Grimm, 2000). One sample (see blue circle just west of the map above) lies just to the west of the VESP but was sampled at an unknown depth below the surface. The data indicated that "while these values suggest recharge from higher elevation than local precipitation, it is sourced from a lower elevation that that of the shallower formations or *is mixed with more local precipitation.*" If this is the case, the local precipitation is somehow getting to the sampled zone through localized fractures and/or porous beds. If more work was done to map out the geology of the VESP area including detailed cross-sections, I believe a more accurate risk analysis or recharge could be created and add significant value to the project. 39-4

Sincerely,

Todd J. Greene
Professor and Chair

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Response to Letter 39

Todd J. Greene, Professor and Chair of the Department of Geological and Environmental Sciences, CSU Chico

39-1 This comment is an introduction to comments that follow.

The comment provides context on the commenter's technical background and prior research as a geologist and professor at California State University, Chico. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

39-2 The comment states that bands of vegetation on the project site, most likely follow sedimentary bedding along more porous and permeable beds that act as permeable pathways for groundwater recharge. The comment goes on to state that placement of proposed low- and medium-density housing adjacent to these bands would enhance the chance that the aquifer would be contaminated via these permeable recharge zones.

The site-specific Preliminary Geotechnical Investigation Report (Draft EIR, Appendix E) indicates many of the tree lines visible on the air photo base of Plate 3 generally follow the boundaries between the volcanic rocks or lahar units present on the site. Many of the tree lines are marked by boulder fields and/or lahar ledges indicative of the boundaries between individual lahars. In addition, lenses of conglomerate and channel fill deposits are present across the site. On-site seeps appear to be related to boundaries between individual impermeable lahar units and more permeable sedimentary conglomerate lenses. The geotechnical report indicates that Unit C of the Tuscan Formation has an estimated thickness of 150 feet in the site vicinity.

As summarized on page 14 of the geotechnical report, based on the Preliminary Hydrogeologic Assessment (GeoPlus 2010):

- The predominant geologic material observed at the site is well lithified lahar rock of the Tuscan formation unit C. It is commonly known that the lahar is relatively impermeable and therefore restricts water transmission.
- Fractures observed in the lahar were generally discontinuous, tight and widely spaced which would not suggest the potential for active recharge. It can be expected that limited water migration could occur along these fractures; however, based on the tight fracture apertures and wide spacing between fractures, the volume and rate of water that could reach an underlying aquifer should not have a significant impact to groundwater quality or quantity. This conclusion is further supported by the great thickness of the lahar layers separating the drainage channels from underlying aquifers.
- Unit B of the Tuscan formation which underlies unit C is the primary aquifer unit of the formation and outcrops of this unit were not observed on-site. Furthermore, the basal tuff unit of unit C was not observed on-site either.
- Beds of poorly cemented granular geologic material were not observed in thicknesses or bedding attitudes conducive for groundwater recharge.

Plate 2 of the Preliminary Hydrogeologic Assessment illustrates that, with the exception of Quaternary Upper Modesto Formation mapped at the surface within two on-site drainages (lower portions of Reaches R2/R3 and Reaches R5/R6), the remainder of the site is underlain by impermeable, lithified lahar rock (Unit C) of the Tuscan Formation, which inhibits the percolation

of surface water. Unit C of the Tuscan Formation is estimated to be approximately 150 to 200 feet thick on site, based on the Preliminary Hydrogeologic Assessment. This rock unit also acts as an aquiclude and thus confines groundwater to underlying, more permeable aquifers. This indicates that recharge of the deeper aquifers is very limited at the site.

In addition, as indicated in the Draft EIR on pages 4.9-29 and 4.9-30, the construction stormwater pollution protection plan or SWPPP would require the implementation of best management practices or BMPs that would minimize the potential release of fuels, oil, and/or lubricants from construction vehicles and equipment (e.g., drip pans, secondary containment, washing stations). Project operation (i.e., residential dwellings) would not include the use or transport of substantial quantities of hazardous materials with the potential to result in groundwater contamination. Further discussion of potential impacts associated with use or transport of hazardous materials is provided in Section 4.8, Hazards and Hazardous Materials of the Draft EIR.

The proposed project would tie into the City's sewer system and would therefore result in no impacts to groundwater as a result of septic tank failure or high groundwater septic system interaction. The project's compliance with the City's Phase II MS4 permit would route stormwater runoff through surface and pipe conveyance to water quality treatment features (e.g., vegetated swales) before being discharged to areas treated with erosion protection measures. The water quality treatment features and erosion protection measures would slow the movement of water and filter sediment and other surface water contaminants from the runoff, which then surface flow to adjacent creeks. Therefore, the project would minimize the potential infiltration of contaminants into the groundwater by providing water quality treatment for all runoff before it enters the creeks, where the majority of groundwater infiltration on the project site occurs (GeoPlus 2010 and Draft EIR, Appendix E). Consequently, the potential for groundwater quality degradation to occur during construction and operation of the proposed project would be less than significant.

39-3 The comment states that the assertion in the Draft EIR that the lahar volcanic rock attains great thickness beneath the site is not supported by local well completion reports or geologic conditions. The comment indicates the lahars are more likely no greater than 20 feet thick and underlain by permeable sands directly beneath the site. As a result, even small fractures would provide a conduit to these permeable sands at depth.

The thickness of the lahars is only one of several factors listed on page 4.9-10 of the Draft EIR that support the conclusion that there is limited potential for groundwater recharge at the project site. Although it is recognized that the commenter is well-qualified to provide a geologic/hydrogeologic opinion related to these conditions within the project vicinity, it is also recognized that the preparers of the site-specific Preliminary Geotechnical Investigation Report and site-specific Preliminary Hydrogeologic Assessment are also well-qualified to provide a geologic/hydrogeologic opinion of the site based on their scientific expertise. In addition, the latter have had direct access to the project site, which included geologic mapping and shallow (up to 20 feet) subsurface exploration. In the absence of deep subsurface exploration, there is not sufficient evidence to support the claim of the commenter that the hard lahar unit at the surface is likely no more than 20 feet thick and underlain by permeable sands to the depth of the underlying Unit B of the Tuscan Formation, the primary aquifer unit.

39-4 The comment states that there have been recent studies on groundwater isotopes in the region and that one of the sampling points, which was sampled at an unknown depth, was located northwest of the project site. The comment indicates that although the data suggest recharge from off-site, higher-elevation areas than from on-site precipitation, the sampled groundwater was derived from a lower elevation than the shallow bedrock formations or is mixed with more local precipitation. The comment goes on to state that this suggests that some local recharge is occurring through on-site fractures and/or porous beds. The comment concludes that more hydrogeologic analysis of the project site, including detailed cross-sections, would provide a more accurate risk analysis with respect to groundwater recharge.

The CEQA environmental threshold that pertains to this comment is: "Would the project substantially decrease groundwater supplies or *interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin*." While it is agreed that an exhaustive hydrogeologic analysis would provide a more complete understanding of the potential for groundwater recharge at the site; the CEQA Guidelines require that "the description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives." (CEQA Guidelines Section 15125). As indicated on page 4.9-30 of the Draft EIR, both the Preliminary Hydrogeologic Assessment (GeoPlus 2010) and the Preliminary Geotechnical Investigation Report (Draft EIR, Appendix E) support the conclusion that the site is underlain by impermeable bedrock, up to 150 to 200 feet thick. This rock unit also acts as an aquiclude and thus confines groundwater to underlying, more permeable aquifers, indicating that any on-site fractures or permeable beds would allow only very limited groundwater recharge.

Assuming there is limited on-site groundwater recharge to the deeper aquifer, as suggested by the groundwater isotopes study, the data do not suggest (based on the comment) that *substantial* groundwater recharge of the deeper aquifer is occurring, such that the basin cannot be maintained sustainably. Based on the apparent limited amount (if any) of deep aquifer recharge occurring on-site, it cannot be concluded that the basin could not be sustainably maintained as a result of development. In addition, see response to comment 9-56 with respect to recharge of the localized shallow groundwater on-site.

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Comment Letter 40

DON L HANKINS, PH.D.
PO BOX 627, FOREST RANCH, CA 95942

December 13, 2021

Mike Sawley, AICP, Principal Planner
Community Development Department
411 Main Street, 2nd Floor
P.O. Box 3420
Chico, CA 95928
Email: mike.sawley@chicoca.gov

Subject: Comments on Valley's Edge DEIR

Dear Mr. Sawley:

These comments are provided in response to the subject DEIR. I have not had sufficient time to review the DEIR to provide detailed comments. However, these comments are intended to illustrate broader concerns for biodiversity conservation, water, fire, and tribal trust resources. Given the nature of the landscape involved in this project, it is evident adequate consideration of the magnitude of impacts is lacking. 40-1

Biodiversity

California is a global biodiversity hotspot. The threats to regional biodiversity concomitant with the colonization of the state and subsequent conversion of habitat has resulted in severe vulnerability to our ecosystems particularly in grassland, oak woodland, and freshwater ecosystems including the mix of blue oak, valley oak, riparian, and vernal pool ecosystems found on site. Poor land use decisions in the state have lead to a 90-99% loss of these habitats across the state, and all remaining habitats should be protected from further development. The local to global declines in biodiversity is particularly why the state and federal governments as well as the international community are focused on 30 x 30. Conservation and stewardship of underrepresented and rare ecosystems will be a critical component of such efforts, and this site represents one opportunity to make a difference. Conservation and restoration science is clear that conserving intact ecosystems is the best option for achieving conservation needs for species as well as other environmental benefits such as water storage and filtration. Once an ecosystem is destroyed it is nearly impossible to regain functionality through restoration or mitigation activities. It is best to avoid impacts altogether, and focus growth in already converted habitats (e.g., industrial agriculture or urban in-fill). 40-2

Oak woodlands in particular harbor a great richness of species. Aside from losses due to agricultural conversion and urbanization, unseasonal and high severity fires are type converting many valley and blue oak woodlands across the state. In Butte County, this is evident in the footprint of the Wall, Swedes, Camp, Humboldt, Honey, and other fires in the foothill region over the past 15 years. With the conversion of habitat, many common and rare species struggle to find alternative locations to thrive. 40-3

The DEIR inadequately addresses species impacts. While assessment of cultural resources is typically relegated to cultural artefacts, ecocultural species are an important attribute of Indigenous culture often overlooked. Ecocultural species include species of cultural importance as food, fiber, medicine, ceremonial or other significance. Many species identified as occurring or potentially occurring on the project site are of ecocultural importance, but there are many more not addressed. For instance, the site likely plays an important role in roosting, nesting, and foraging habitat for ecocultural species including bald and golden eagles. However, the direct, indirect, and cumulative impacts of this project contribute to a declining baseline for these species locally and regionally. The lack of assessment of pollinator impacts is also concerning. Such oversight is problematic to truly understanding the significance of impacts of the proposed project. 40-4 40-5

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The *Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon* (USFWS 2005) outlines recovery needs for vernal pool ecosystems. 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 and adjacent to the Doe Mill Core Recovery area for the Northeastern Sacramento Valley vernal pool region. The City of Chico and regulatory agencies have failed to protect this core recovery area. It is designated a core recovery area due in part to the unique suite of species occurring on site, and the functionality of habitat. The proposed project represents among the last currently undeveloped lands within this core recovery area. If this habitat is lost, the ability to recover the species is precluded, and the fulfillment of trust responsibilities cannot be achieved. Beyond trust responsibilities the Endangered Species Act requires all federal agencies contribute actions to conserve and recover species. Clearly, as one of the last undeveloped areas within this core recovery unit, this is not a situation where off-site mitigation could achieve a hope of recovery and fulfillment of trust responsibilities. 40-6

Water

Freshwater environments including riparian, emergent wetlands, and 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 within a natural hydrologic system; it floods, conveys water, and provides habitat. The entirety of these attributes cannot be fully minimized or mitigated through off-site activities. As stated above, it is understood that the best approach to conserving wetlands is to focus on protection and enhancement of existing functioning systems. 40-7

Understanding paleoclimate cycles is critical to understanding the potential future climate. While the colonization of California occurred under a wetter period of time, long-term droughts have and will continue to occur. We are currently in a time of great uncertainty regarding water resources in the region. Persistent long-term drought and changing patterns of precipitation particularly over the past 20 years puts our ecosystems and society at risk. There is no certainty in surface or groundwater supply. This project not only induces demand for a limited supply of water, but also develops on top of a critical recharge area for the Tuscan Aquifer. 40-8

Federal policy may not reflect the entire scope of defining waters and jurisdiction from an Indigenous perspective, but it does recognize tribal water rights. Clean water and unaltered flows are a fundamental aspect of this right. Prior legal precedence demonstrates preeminent rights to surface and ground water (see *Winters v. United States* and *Agua Caliente v. Coachella Valley Water District & Desert Water Agency*). The DEIR should consider the impact of this project in relationship to tribal water rights. 40-9

Fire

The proposed project would develop on ecosystems and within a site that is particularly fire prone. The oak woodland and grassland ecosystems of California require fire for maintenance and ecosystem health. Recent fires to impact this site or areas nearby include the 2007 Honey Fire, 2008 Humboldt Fire, and 2018 Camp Fire. It is not a matter of if, but when fire will occur. The Camp Fire alone illustrates key issues of landscape alignment with wind flow patterns and fire propagation; community and evacuation planning; and, the need for active fire stewardship. In pre-contact times, the ecosystems of this site were fire maintained – i.e., frequent low to moderate intensity fires linked primarily to cultural burning objectives in oak woodlands and grasslands. Indigenous communities traditionally used fire to protect the 'built environment' too. Given the current state of fire suppression, it is difficult to maintain a fire resilient landscape within the wildland urban interface. As interest and support for fire stewardship grows in the state, barriers to burning include smoke impacts to sensitive receptor groups and liability. New development is particularly problematic in that new liability -to homes and infrastructure and an increase in smoke sensitive areas increase. Fire will always be part of this landscape, so it is important to identify how will this project contribute to the solutions or 40-10 40-11

DON L HANKINS, PH.D.
PO BOX 627, FOREST RANCH, CA 95942

problems of fire regionally. Following the Camp Fire, it was recognized the wildland and rangeland areas of the foothills (including this site) pose a great opportunity to protect the City of Chico from similar fires, but also the foothill communities from fires originating in the valley and foothills. Ideally, this site would remain part of that 'buffer' zone, and not contribute to the problems of structure protection and evacuation needs that limit the ability for agencies to actively engage with the fire itself. Any development in this region should strive to be a model for integration of fire use, resilience, and adaptation principles established in the National Wildfire Cohesive Strategy and Fire Adapted Communities frameworks. Fire should be part of the landscape maintenance, construction criteria, and other elements of project design. One such design element is considering how to avoid contaminant flow in the event the community burns down, design specifications should ensure contaminants are retained on site rather than into adjacent waterbodies (including the aquifer).

40-11 Cont.

The above represent some of the shortcomings identified in the DEIR. I believe the analysis is inadequate in several key areas, and do not support the proposed development for reasons identified herein.

40-12

Sincerely,

Don L. Hankins

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Response to Letter 40

Don L. Hankins

40-1 This comment is an introduction for comments that follow and does not specifically address the adequacy of the EIR. Please see responses to specific comments, below.

40-2 The comment is describing changes to the biodiversity of the state and the need for conservation and stewardship of resources.

Impacts on biological resources are thoroughly evaluated in Section 4.3, Biological Resources of the Draft EIR.

40-3 The comment observes that oak woodlands have experienced a decline due to agriculture, urban development and wildfire resulting in loss of habitat for a variety of species.

Impacts on biological resources are thoroughly evaluated in Section 4.3, Biological Resources of the Draft EIR. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

40-4 The comment states that the Draft EIR does not analyze effects to ecocultural species that are of importance to tribes. The two examples identified in the comment are bald and golden eagle.

No golden eagles or bald eagles were observed during biological field surveys conducted at the site. Bald eagle was evaluated for potential to occur in the Biological Resources Assessment prepared for the project (Gallaway 2018) and was found to have no potential to occur, as there was no suitable nesting or foraging habitat for the species within the project site.

40-5 The comment states that the Draft EIR does not evaluate impacts to pollinators.

There are no thresholds under CEQA that direct analysis of impacts to pollinator species specifically, unless they are special-status species or required to complete the lifecycle of a special-status species. Further, although USFWS notes that loss of pollinator species could be factor in the decline of species such as BCM, USFWS has been unable to identify the pollinator species and whether that is or is not a factor. However, text on page 4.3-50 of the Draft EIR has been added to the analysis of impacts for BCM noting the potential for impacts to the species from reduction in pollinator species from site development. Please see Chapter 3, Changes to the Draft EIR for the revised language.

40-6 The comment notes that the project is located in and near the Doe Mill Core Recovery Area for the Northeastern Sacramento Valley vernal pool region.

Although the project site is in and near the Doe Mill Core Recovery Area, the Core Recovery Area classification should not be confused with a designation of "critical habitat," which has regulatory implications. 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. Although the project proposes to preserve all known occurrences of BCM in preserves, the Draft EIR finds impacts to the species potentially significant due to the potential for indirect effects. This level of review and the specific mitigation proposed as part of mitigation

measure BIO-1 reflect the narrow occurrence of this species and the importance of preserving existing occurrences, consistent with the Recovery Plan.

40-7 The comment addresses aquatic resources and their role in the larger ecosystem and notes the best way to conserve wetlands is to focus on protection and enhancement and that impacts cannot be mitigated through creation off-site.

The federal and state regulatory entities tasked with protecting aquatic resources (Army Corps of Engineers, Water Quality Control Board, CDFW) focus mitigation on creation and restoration of wetlands in order to ensure no net loss within the broader ecological system. Although this results in impacts in one location being mitigated elsewhere, and a shift in habitat value from one location to another, it does not preclude the creation and persistence of habitat of equal value as the existing wetlands on site.

40-8 The comment generally discusses climate change, drought, changing levels of precipitation and notes the project is located within a critical recharge area for the Tuscan aquifer.

Please see Responses to Comments 9-56 and 39-2 which address the aquifer.

40-9 The comment requests the Draft EIR consider the impact of the project as it relates to tribal water rights.

The City is required to consult with any Native American tribes that have indicated their tribal lands may include the project site. The Mechoopda Indian Tribe of Chico Rancheria (Tribe) was identified as having an interest in the project site. The Tribe has not indicated if they have any tribal water rights that may be affected by the project and the WSA (Draft EIR, Appendix J) does not indicate that the Tribe holds any water rights to water supplies that would serve the project. In addition, natural and environmental features do have the potential to be considered tribal cultural resources under specific conditions, as defined by CEQA. However, these water features have not been identified as areas of specific traditional cultural value and/or potential tribal cultural resources by the Tribe through the consultation process.

40-10 The comment is generally addressing wildfire as it pertains to ecosystem health, noting the wildfires that have occurred in the area, and the role of wildfire to maintain a fire resilient landscape. The commenter concludes it is difficult to maintain a fir resilient landscape in the wildland urban interface or WUI.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. Please see Master Response 1 which provides a thorough review of wildfire issues and concerns.

40-11 The comment discusses challenges to pre-emptive burning due to air quality in smoke sensitive areas but goes on to state that fire is a part of the landscape and recommends the site be used as a buffer zone to protect the City and refers to adaptation principles included in the National Wildfire Cohesive Strategy and Fire Adapted Communities.

Please see Master Response 1 which provides a thorough review of wildfire issues and concerns.

40-12 The comment asserts that the issues identified in the preceding comments identify where the analysis in the Draft EIR is inadequate and does not support the project due to these reasons.

The commenter's opinion is noted and forwarded to the decision makers for their consideration.

Comment Letter 41

From: Jennifer Jewell
To: Mike Sawley
Subject: Valley's Edge Specific Plan Draft Environmental Impact Report
Date: Monday, December 13, 2021 4:53:55 PM

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

Dear Mike Sawley,

As a resident of Chico for the past 14 years, I am profoundly and fiercely opposed to the Valleys Edge Development as well as the Stonegate development prior to it. 41-1

In this most recent Valleys Edge Development plan there is absolutely no consideration for high density low cost housing. Chico needs low cost, high density, infill housing and not another sprawl development which will decrease our environmental quality of life. There are only 162 medium high density residential housing plots planned in this development and 1739 very low and low density housing units which will be built out as large luxury high priced houses. There is more than enough housing being built all over Chico right now especially "luxury" high price housing. 41-2 The valleys edge development will fragment and degrade, if not fully destroyed, a valuable and intact area of oak Woodland and open country in the urban wildland interface - helping to sequester carbon and mitigate our urban heat island, control stormwater runoff decreasing chances for flooding and groundwater and surface water degradation, allowing for natural wildlife corridor's, and helping to buffer us from the most damaging effects of wildfire. And this is to say nothing of the lack of oversight and mitigation potential for endangered species let alone endangered ecosystems. It is damaging our greatest biological resources for which Chico is known, beloved and valued. 41-3

Finally, water use and the traffic planning is incredibly poorly thought out in this -profit-over-community-planning endeavor. Huge traffic congestion in the southeaster part of town will ensue along with the pollution and poor air quality attendant to that. 41-4 The Development Plan has serious oversight in the way of egress and evacuation planning for this newly overbuilt/underplanned section of town in the event of emergency off of 20th and Bruce. 41-5 And the water use planning for of this continued level of low density housing with only deplete our limited water resources more. Poor planning all the way around, I very much hope the plan is reviewed and reconsidered from all angles. 41-6

Sincerely,

Jennifer Jewell
Chico, CA

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Response to Letter 41

Jennifer Jewell

41-1 This comment is an introduction to comments that follow and states general opposition to the project.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

41-2 The comment states that the VESP does not consider high-density and low-cost housing, which the City needs and claims the project will be developed as large, luxury homes.

Please see Responses to Comments 9-68 and 9-69 that address housing concerns.

41-3 The comment states that the project would fragment and degrade a valuable and intact area of oak woodland, which helps to sequester carbon and mitigate the urban heat island, control stormwater runoff decreasing chances for flooding and groundwater and surface water degradation, allowing for natural wildlife corridors, and helping to buffer surrounding areas from the damaging effects of wildfire. The comment concludes there's a lack of oversight and mitigation for protected species.

Regarding carbon sequestration, please refer to Response to Comment 9-1. As stated in Chapter 2, Project Description, the proposed project would designate approximately 700 acres for parks, preserves, and open space of the 1,448-acre project site. Development of the VESP would permanently convert roughly 569 acres of annual grassland, 200 acres of blue oak foothill pine woodland, and one acre of wetlands. The indirect and direct impacts associated with development of the project site are evaluated in the Draft EIR which addresses stormwater runoff and flooding (Section 4.9, Hydrology, Water Quality and Drainage), impacts to biological resources (Section 4.3, Biological Resources), and effects of wildfire (Section 4.14, Wildfire). Please also see Master Response 1, Wildfire, for a comprehensive response to comments related to wildfire issues and Master Response 2, which addresses concerns regarding the protection and management of Butte County meadowfoam.

41-4 The commenter states that the project will contribute to traffic congestion in the southeastern portion of the City, which will contribute to an increase in air pollutants leading to a decline in air quality.

The Draft EIR evaluates transportation in Section 4.13, Transportation and Circulation. In 2018, the Natural Resources Agency approved changes to the CEQA Guidelines including how traffic is evaluated. Instead of using a standard of level of service (LOS) to understand potential traffic impacts on area roadways and intersections, the decision was made to eliminate the evaluation of LOS impacts in lieu of vehicle miles traveled or VMT. This change was made specifically in response to SB 743, which requires the state to reduce greenhouse gas emissions. Therefore, the traffic impact analysis does not include an evaluation of "congestion" on areas roadways. However, the City's General Plan does contain policies regarding roadway levels of service. The project's consistency with these and other policies is addressed in Chapter 3, Land Use and Planning. Air quality is evaluated in Section 4.2, Air Quality, and the project's indirect and direct impacts associated with construction and operation, including increase in vehicle trips is quantified in this section. Please also see Responses to Comments 9-21 and 9-76.

41-5 The comment references evacuation in the event of an emergency relative to the E. 20th Street and Bruce Road area.

The Draft EIR addresses emergency evacuation in a few different sections. Specifically, Section 4.8, Hazards and Hazardous Materials addresses if the project would impair implementation of an adopted emergency response plan or emergency evacuation plan; Section 4.13, Transportation and Circulation addresses if the project would require emergency access and how the project is proposing to address emergency vehicle access to and around the site and vehicle access off the site in the event of an emergency. Lastly, Section 4.14, Wildfire looks more closely at emergency evacuation in the event of a wildfire. As noted in the analysis starting on page 4.14-21, the project is located along an identified evacuation route in both the City and County's adopted Emergency Evacuation plans. The City's Emergency Evacuation Plan identifies Highway 99 and Highway 32 as the primary evacuation routes in the southeastern portion of the city. The project provides new roadway access at the main project entries on Skyway and E. 20th Street. In addition, the Steve Harrison Memorial Bike Path would provide secondary emergency access and internal fire access road connections would be provided between planning areas in the eastern portion of the site to ensure adequate emergency vehicle access is available to serve those residential neighborhoods. These project features, combined with the VESP Firewise Guidelines and access provisions for Type 3 wildland fire engines, support the Draft EIR's conclusions that the project's impact on evacuations would be less than significant. Further, advancements in emergency notification technologies (widespread use of cell phone alert systems such as CodeRed) and evacuation protocols (the city is now divided into practicable response zones), has greatly enhanced the ability for emergency responders to conduct effective and efficient evacuations relative to pre-Camp Fire conditions. Please also see Master Response 1 which provides additional information specific to wildfire concerns.

41-6 The comment states that the project will increase demand for water, especially due to the project's low density and closes with an opinion that the project is poorly planned and hopes the plan is reviewed and reconsidered.

The Draft EIR evaluates the project's increase in demand for water supply in Section 4.12, Public Utilities. As discussed under Impact 4.12-2 on page 4.12-20, the water purveyor, Cal Water, has indicated adequate water supplies are available to serve the project under all conditions, normal, single dry, and multiple dry years including a 5-year drought period. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

Comment Letter 42

From: John Merz
To: Mike Sawley
Cc: "Elizabeth Devereaux"; "Susan Tchudi"; G Marvin; "Caitlin Dalby"; "Richard Harriman"; "Jon Luvaas"
Subject: Valley"s Edge DEIR
Date: Monday, December 13, 2021 4:44:28 PM

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

Hi, Mike:

I believe the Chico City Council passed a resolution several years ago that directed that all Special Planning Areas identified in the current City of Chico General Plan (GP) be postponed from further consideration in terms of development until other key elements of the GP addressing infill needs and associated infrastructure issues were implemented. Please clarify. Thanks. 42-1

Due to the size of the DEIR and the holiday season, I would also request that the public comment period be extended for at least an additional 30 days. 42-2

John Merz

P.S. Please include me in all future notices concerning the Valley's Edge project. 42-3

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Response to Letter 42

John Merz

42-1 The comment requests clarification on a City Council resolution adopted by the Chico City Council directing that all Special Planning Areas be postponed from further consideration until other key elements of the General Plan addressing infill needs and associated infrastructure issues are implemented.

This comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. No resolution was adopted by the Chico City Council specific to postponing consideration of development within a Special Planning Area.

42-2 The comment requests an extension of the Draft EIR public comment period by an additional 30 days.

The Draft EIR was released for a 45-day public comment period from October 29 through December 15, 2021. Per CEQA Guidelines Section 15105, the public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. There are no unusual circumstances that would warrant a 30-day extension beyond the 45-day comment period provided. Holidays are not considered unusual circumstances.

42-3 The comment requests receipt of future notices concerning the project.

The commenter has been added to the City's noticing list for the project and will be informed of future notices for public hearings as requested.

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Comment Letter 43

From: Chris Mueller
To: Mike Sawley
Subject: Comments on the Valley"s Edge Specific Plan DEIR
Date: Monday, December 13, 2021 4:59:21 PM

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

Dear Mr. Sawley,

The Draft Environmental Impact Report for proposed Valley Edge Specific Plan (VESP) project fails to adequately characterize the sprawling nature of the proposed Valley Edge Specific Plan (VESP) project, which has very-low-density and low-density residential scattered throughout the 1,448-acre site. The acreage described as parklands or open space would be divided into ribbons that extend between developed areas substantially degrading the undeveloped area's value as habitat. 43-1

The discussion in Chapter 3, Land Use and Planning, finds the project to be generally consistency with the Butte County 2016 Regional Transportation Plan/Sustainable Communities Strategy 2016-2040's policy to promote "Compact Urban Form and Infill Development." This conclusion is unsupportable. This project appears more accurately to be the definition of sprawl development, the opposite of what the cited policy aims to achieve. 43-2

The analyses in many sections in Chapter 4 of the DEIR rely in part on the guiding principles, goals, and actions found in the Specific Plan itself (the subject of the DEIR) to determine that impacts will be less-than-significant. Since these aspirations identified in the VESP are not mitigation measures, who (what agency) would be responsible for ensuring that the principles, goals and actions of the VESP are in fact implemented? Without adequate oversight by a public agency, such goals and actions may simply be found by the project sponsor, during project implementation, to be "infeasible" for one reason or another. 43-3

Chico needs housing but not this kind - luxury housing in sprawl development on the edge of the city. This project would not alleviate the city's existing housing problems. It would be detrimental to existing habitat important to sensitive species, exacerbate existing traffic problems, and expose residents and workers at the project site to substantial wildfire risks, among other impacts. 43-4

The DEIR analysis identified significant unavoidable impacts from increased GHG emissions and significant unavoidable impacts on the visual character of the area and public views of the site and its surroundings. The project would not provide the kind of housing that Chico needs, as the project's luxury homes are very unlikely to be affordable to most residents in Chico or former residents of Paradise and other Ridge communities displaced by the Camp Fire. Considering the impacts identified in the DEIR as significant and unavoidable and the impacts noted above, the adverse impacts of the VESP would clearly outweigh any benefits and the project therefore should not be approved. 43-5

Thank you for this opportunity to comment.

Sincerely,

Christine Mueller
Chico, CA

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Response to Letter 43

Christine Mueller

43-1 The comment asserts that the Draft EIR fails to adequately characterize the sprawling nature of the very low- and low-density residential. The comment also states that the project's parkland and open space would be divided into ribbons that would degrade the undeveloped area's value as habitat.

Chapter 2, Project Description, in the Draft EIR describes, in detail, what the project is proposing, including tables and exhibits that characterize the type of residential development and distribution of parkland and open space. The commenter's opinion regarding the merits of the project is noted and forwarded to the decision makers for their consideration.

43-2 The comment states that the policy consistency determination regarding the Butte County Association of Governments (BCAG) 2016 RTP/SCS presented in Chapter 3, Land Use and Planning, is unsupported. The comment also states an opinion that the project more accurately represents sprawl than it meets the intent of the RTP/SCS.

The commenter appears to be referring to LAFCo policy 2.6 rather than a policy in BCAG's 2016 RTP/SCS to promote "compact urban form and infill development". As stated on page 3-25 of the Draft EIR, the project is generally consistent with that LAFCo policy because the VESP is designed as a compact land use plan that also maximizes preservation of open space for parks and trails. This comment reveals an error in the heading for Table 3-1 of the Draft EIR, which has been corrected and a revised version of the table is included in Chapter 3, Changes to the Draft EIR. Please also see Response to Comment 21-2 which provides an overview of consistency with plans and policies. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

43-3 The comment states that the analysis in Chapter 4 of the Draft EIR relies on the guiding principles, goals and actions contained in the VESP to address specific impacts, and questions what agency would be responsible for ensuring the principles, goals, and actions of the VESP are complied with during project implementation.

If the project is approved, the VESP will become a City document, similar to the General Plan. The City would be the primary agency responsible for ensuring consistency between the VESP policy framework, development approvals, and on-the-ground construction and operation. Future subdivisions and building permits, for instance, would be reviewed for consistency with VESP policies, as well as adherence to VESP zoning and development criteria. Since these common project entitlements must be processed by the City, the City is well positioned to ensure adequate public oversight of the VESP's goals and actions.

43-4 The comment asserts that the project would not alleviate the City's existing housing problems, would be detrimental to existing sensitive habitat, exacerbate existing traffic problems, and expose residents and workers to wildfire risk.

The commenter's concern is noted and forwarded to the decision makers for their consideration. Please see Responses to Comments to Letter 6 (CDFW) and Letter 8 (Sierra Club) regarding biological resources, and Responses to Comments 41-2 and 41-3, and 9-68 through 9-70, 21-2 and 25-10 regarding housing issues, and Master Response 1 regarding wildfire.

43-5 The comment notes that the Draft EIR identified significant and unavoidable impacts related to GHG emissions and visual resources. The comment also reiterates an opinion that the project would not provide the kind of housing that the City needs and suggests that the significant and unavoidable impacts of the project outweigh any of the benefits.

The commenter's concerns regarding the merits of the project are noted and will be forwarded to the decision makers for their consideration.

Comment Letter 44

From: Chris Nelson
To: Mike Sawley
Subject: Re Draft EIR Valley"s Edge
Date: Monday, December 13, 2021 3:48:41 PM

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

Noted- No documentation for this project that was prepared prior to the Camp Fire should be admissible due to the environmental effects and implications of the fire.
The Chico General Plan (last updated 2017) is outdated and does not reflect the extreme crisis of climate catastrophe we all must acknowledge. To use a flawed document to guide a project of this size is irresponsible. 44-1

Aesthetics- The viewshed will be permanently altered. What will be visible are homes of very wealthy people overseeing and looking down on the more modest and plebeian Chico. This model is unacceptable in a democratic society and will further divide a divided town. 44-2

Air Quality- The sheer numbers of cars and car trips for day from this project will permanently harm the AQI of Chico which is already marginal and often poor a large part of the year due to our valley bowl sink effect. Allowing this sprawl to occur can never be mitigated. 44-3

Biological Resources/Hydrology- Butte County meadowfoam is rare and endangered.
Removing 1100 rare, hydrologically important blue oaks is not supportable.
The vernal pools are not hydrologically separated from the project. There is no scientific proof for that claim. 44-4

I am seeking the no project alternative. 44-5

Thank you, Chris Nelson
2300 B Estes Rd. Chico 95928

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Response to Letter 44

Chris Nelson

44-1 The comment asserts that the City's General Plan is outdated and does not reflect the magnitude of the current climate crisis, and that no documentation that was prepared prior to the Camp Fire should be relied upon due to the environmental effects of the fire.

The baseline for the Draft EIR is post Camp Fire for a majority of the technical sections in Chapter 4. However, some reports were prepared prior to the Camp Fire, such as the geotechnical evaluations and some of the biological resource reports. A majority of the project site was not affected by the Camp Fire; therefore, the results of the biological resource surveys would not be any different pre or post Camp Fire. This is confirmed in the Technical Memo: Post Fire Conditions within the Valley's Edge Development, prepared by Gallaway Enterprises in 2019 (Draft EIR, Appendix C). In addition, the traffic analysis factored in the change in traffic patterns post Camp Fire, as explained on page 5 in the Traffic Study provided in Appendix K of the Draft EIR. The goals and policies contained in the City's General Plan and recently updated Climate Action Plan reflect the overarching values of the City which did not change as a result of the Camp Fire. Therefore, the City's adopted General Plan remains valid and it is not outdated. The commenter's concerns are noted and will be forwarded to the decisionmakers for their consideration.

44-2 The comment states that the viewshed will be permanently altered and suggests that the layout of the project in relation to the City will cause further economic and social divide.

The project's significant and unavoidable impact to the quality of public views is fully disclosed in Section 4.1, Aesthetics, of the Draft EIR. As described therein, implementation of Mitigation Measure AES-1 may help to minimize impacts to visual character and public views of the project site. However, there are no additional, feasible mitigation measures to reduce the impact to less than significant beyond adherence to the policies and actions contained in the City's General Plan, Chapter 19.52.100 of the City's Municipal Code, and the VESP.

The commenter's concerns related to exacerbating an economic and social divide is speculative, and the visual description of VESP residents "overseeing and looking down on" other Chico residents is overstated. CEQA does not require an analysis of the socioeconomic effects of a project and such effects of a project shall not be treated as significant effects on the environment (CEQA Guidelines section 15131). The commenter's concerns are noted and will be forwarded to the decision makers for their consideration.

44-3 The comment states due to the increase in vehicles the project will adversely affect the region's air quality, which is often marginal in the region.

The Draft EIR evaluates the project's direct and indirect impacts to air quality in Section 4.2, Air Quality. Construction of the proposed project would result in the temporary addition of pollutants to the local airshed caused by on-site sources (i.e., off-road construction equipment, soil disturbance, and VOC off-gassing) and off-site sources (i.e., on-road haul trucks, vendor trucks, and worker vehicle trips). As shown in Table 4.2-7 on page 4.2-30 of the Draft EIR, maximum daily construction emissions associated with the proposed project would not exceed the

BCAQMD significance thresholds for ROG, NO_x, PM_{10} or $PM_{2.5}$. Table 4.2-8 on page 4.3-32 identifies the levels of pollutants that would be generated by due to project operation prior to mitigation and notes if the levels would exceed applicable thresholds. As shown in the table, levels of ROG, NO_x and PM_{10} would exceed the air district's thresholds. As explained on page 4.2-34, compliance with mitigation measures AQ-2 and AQ-3 would reduce operational-related criteria air pollutant emissions associated with mobile and energy sources and mitigation measure AQ-4 would require the project developer to either establish an off-site mitigation program within Butte County, coordinated through the BCAQMD, or participate in an Off-site Mitigation Program by paying the equivalent amount of money equal to the project's contribution of pollutants (ROG, NO_x and PM), as recommended by the BCAQMD CEQA Handbook. With implementation of these measures, the project's net emissions would be below the identified thresholds reducing the impact to less than significant. See Response to Comment 9-21 for additional information regarding the use of offsets within the air basin to mitigate estimated project emissions beyond threshold levels.

44-5 The comment states the BCM is a protected species and asserts that the removal of 1,100 rare and hydrologically important blue oak trees is not supportable. The comment further asserts that the vernal pools are not hydrologically separated from the project and that there is no scientific evidence to support this claim.

The commenter is correct in that BCM is a rare plant species that is technically classified as "endangered." Potential impacts to BCM were addressed in Section 4.3, Biological Resources. Please see Master Response 2 for more details on the maintenance and preservation of this species. Regarding the removal of blue oak woodland, please see Response to Comment 26-8. Blue oaks are considered fairly widespread throughout the Central Valley and are not considered hydrologically important for support of wetlands. Please see Master Response 2 and Response to Comment 49-9 for more information regarding the hydrologic connection of the vernal pools present within the project site.

Comment Letter 45

From: Ann Ponzio
To: Mike Sawley
Subject: Valley"s Edge DEIR public comment
Date: Monday, December 13, 2021 1:28:21 PM

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

TO: Mike Sawley, Principal Planner
RE: Valley's Edge Draft Environmental Impact Report: Public Comment
DATE: 12/13/2021
FROM: Ann Ponzio

17 Arminta Court
Chico, CA 95928
annpnz@gmail.com

Issues to be addressed:

1. 'Significant and Unavoidable' increase in Greenhouse Gases. The City of Chico has committed to a GHG emissions to 0 by 2021. This is also a California State requirement. Valley Edge cannot go forward unless it is compatible with the goals required by the City and State for GHG reductions. The Final EIR must address this issue. 45-1
2. The loss of carbon sequestration by destruction of biological resources, such as 1,100 oak trees and other plant life, is not quantified. The effects of this loss of carbon sequestration on the City's goal of GHG emissions is not addressed. 45-2
3. Valley's Edge is proposed to be built in the Wildland-Urban Interface with a fire hazard of "moderate". The significance of this finding must be clarified. The risk to neighboring development and further into Chico must be quantified. The potential losses should be specified. 45-3

Thank you for your consideration.

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Response to Letter 45

Ann Ponzio

45-1 The comment states that the Draft EIR identified a significant and unavoidable increase in GHG emissions and asserts that the VESP cannot be approved unless it is compatible with the goals required by the City and the state for reducing GHG emissions.

The City recently adopted an update to its Climate Action Plan (CAP), as discussed on pages 4.7-31 and 4.7-32 in Section 4.7, Greenhouse Gases. The City's CAP identifies a variety of GHG reduction measures to help the City progress towards a carbon neutrality goal by 2045. Table 4.7-5 on page 4.7-31 discusses how the proposed project would meet each of the CAP reduction measures. Although the proposed project would not meet the CAP's efficiency goals of 2.76 MT CO_2e per capita per year by 2030 and carbon neutrality goal by 2045, the project would include many goals, policies, and actions related to reducing GHG emissions. Most of the GHG emissions associated with implementation of the project would be due to vehicle trips. Actions C-1.5, C-1.7, and C-1.8, in addition to Title 24 building code requirements, would promote alternative methods such as walking and biking, which would reduce criteria air pollutant and GHG emissions associated with transportation sources by requiring the proposed project develop EV infrastructure. However, because the extent to which residents, employees, and customers would use these alternative methods are unknown the associated reductions cannot be determined. Therefore, the project's GHG impacts would remain significant and unavoidable.

The project's contribution of GHG emissions that exceed the air district's standards resulting in an impact does not make the project inconsistent with either the City's General Plan or CAP. Impacts identified as part of the CEQA process are tied to exceeding a specific threshold, which differs from determining consistency with an applicable plan or specific policy. The goal of the consistency analysis is to provide the reader with a general overview of whether the project is in harmony with the overall intent of applicable plans including the City's 2030 General Plan goals and policies and CAP. Compliance with every goal and policy is not expected or typically achievable. However, it is within the City's purview to decide if the proposed project is consistent or inconsistent with applicable City goals or policies, which includes the CAP.

45-2 The comment asserts that the loss of carbon sequestration by destruction of biological resources, such as 1,100 oak trees and other plant life, is not quantified and would affect the City's ability to meet its GHG emissions goals.

As discussed in Chapter 2, Project Description, the proposed project would designate approximately 700 acres for parks, preserves, and open space of the 1,448-acre project site. Development of the VESP would permanently convert roughly 569 acres of annual grassland, 200 acres of blue oak foothill pine woodland, and one acre of wetlands. The California Emissions Estimator Model (CalEEMod) includes carbon content values, which are based on Intergovernmental Panel on Climate Change (IPCC) reports, to estimate the loss of sequestered carbon (release of CO_2). For grassland, which would be the closest land use associated with the existing site, removal of grassland would result in a rate of 4.31 MT CO_2/acre. The proposed project would also result in carbon sequestration from the planting of a variety of hardwood tree species, as listed in Appendix B of the VESP. Mixed hardwood trees planted within the project would result

in a sequestration rate of 0.0367 MT CO_2/tree/year assuming growth over 20 years; however, the number of trees to be planted is currently unknown. Assuming a very conservative estimate of two new trees per single-family unit and one new tree per multi-family unit, new trees within the project site would equate to approximately 3,315 MT CO2e of sequestered carbon. Most residential units include one or two street trees and at least two private trees (e.g., in front yards, rear yards and in parking areas), often more. Although planting new trees within the project may offset the loss of grasslands regarding carbon sequestration, these alterations in vegetation would not be sufficient to change the conclusions reached in the Draft EIR. Table 4.7-4 on page 4.7-27 of the Draft EIR presents the operational GHG emissions associated with development of the project site. The proposed project would result in approximately, 17,719 MT CO_2e compared with existing conditions. Therefore, the project was determined to result in a cumulatively considerable contribution of GHG emissions prior to estimating the loss of sequestered carbon and gain in sequestered carbon due to the removal and planting of trees.

45-3 The comment states that the project is proposed within the wildland-urban interface (WUI) area with a fire hazard rating of "Moderate," and requests the significance of this finding be clarified. The comment also states that the risk to neighboring development and the City should be quantified and the potential losses should be specified.

Please see Response to Comment 26-6 and Master Response 1 for a comprehensive discussion of concerns related to wildfire and development within the WUI.

Comment Letter 46

From: mike trolinder
To: Mike Sawley
Subject: Valleys edge EIR
Date: Tuesday, December 14, 2021 3:02:02 PM

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

Dear Mike

Re Valleys Edge EIR

The project does not analyze its ability to sustain its full cost to maintain its infrastructure and municipal services without further eroding existing city infrastructure and services, leading to a general decline in the cities ability to provide a usable solvent city to its citizens. Please provide how property tax revenue or other revenue sources will cover the project costs going forward. 46-1

Sincerely

Mike Trolinder

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Response to Letter 46

Mike Trolinder

46-1 The comment states that the project does not provide information regarding revenue sources to sustain operational costs without affecting existing City infrastructure and services.

CEQA does not require the cost or economic viability of a project be evaluated in an EIR, including revenue sources to support project operational costs. Section 15131 of the CEQA Guidelines specifies "economic or social effects of a project shall not be treated as significant effects on the environment." However, all new development would be required to pay City fees for utility service connections and other required fees along with property taxes which would help fund and maintain City infrastructure required to support the project. In addition, the project's HOA would also oversee and fund some operational activities of the project, such as maintenance of the Regional Park, Valley Open Space and neighborhood parks. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

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Comment Letter 47

KD Anderson & Associates, Inc.

KD Anderson & Associates, Inc.
3853 Taylor Road, Suite G ·Loomis, CA 95650
(916) 660-1555 · Fax (916) 660-1535
E-mail: wshijo@kdanderson.com

MEMORANDUM

TO: Mike Sawley, City of Chico

COPY TO: Bill Brouhard, Craig Sandberg, Law Offices of Craig Sandberg

FROM: Wayne Shijo, KD Anderson & Associates

SUBJECT: Valley's Edge Specific Plan Draft Environmental Impact Report

DATE: December 13, 2021 **PROJECT:** Valley's Edge EIR (1379-07)

As requested, KD Anderson & Associates (KDA) has completed a review of the Valley's Edge Specific Plan Draft Environmental Impact Report (Valley's Edge DEIR). KDA was asked to provide our opinion of the *Air Quality* and the *Greenhouse Gases* sections of the DEIR. The purpose of this memorandum is to present the results of our review.

The review conducted by KDA focused on the *Air Quality* and the *Greenhouse Gases* sections of the DEIR. The vehicle trip generation estimates and mitigation measures included in these two sections of the DEIR refer to the *Transportation and Circulation* section of the DEIR. As a result, portions of the *Transportation and Circulation* section of the DEIR were also included in our review.

Overall, the analysis of project-related air quality and greenhouse gas (GHG) impacts presented in the DEIR is valid and defensible. While some improvements are recommended below, the analysis appears to meet the requirements of the California Environmental Quality Act (CEQA). The following is a summary of our review: 47-1

- The analysis of air quality and GHG impacts is quite extensive. Overall, the analysis is thorough, and applies industry-standard approaches and assumptions. 47-2
- The list of potential mitigation measures is also quite extensive. The list is in the *Transportation and Circulation* section of the DEIR. Selection of specific measures is to some degree left to future development of individual phases, which is appropriate, to be responsive to changing circumstances and technologies. 47-3

OBSERVATIONS, NOTES AND RECOMMENDATIONS

As noted earlier, KDA conducted a focused review of the *Air Quality* and the *Greenhouse Gases* sections of the DEIR. The review also included portions of the *Transportation and Circulation* section of the DEIR. The following observations, notes and recommendation are based on our review.

Air Quality Section

CEQA Conclusions. The air quality assessment presented in the DEIR is primarily based on quantitative analysis. The quantitative analysis is used to form qualitative CEQA conclusions about the significance of air quality impacts. The following is a summary of the CEQA conclusions presented in the DEIR:

- The impact of the project on conflicts with implementation of air quality plans would be significant without mitigation measures, but would be reduced to a less-than-significant level with implementation of mitigation measures.
- The impact of the project on construction-related emissions would be less than significant.
- The impact of the project on operational emissions would be significant without mitigation measures, but would be reduced to a less-than-significant level with implementation of mitigation measures. Notably, the mitigation measures include purchase of offsite emissions offsets.
- Construction-related impacts of the project on toxic air contaminants (TAC) would be significant without mitigation measures, but would be reduced to a less-than-significant level with implementation of mitigation measures.
- Operational impacts of the project on TAC would be less than significant.
- The impact of the project on carbon monoxide (CO) would be less than significant.
- The impact of the project on health effects would be significant without mitigation measures, but would be reduced to a less-than-significant level with implementation of mitigation measures.
- The cumulative impact of the project on air quality would be significant without mitigation measures, but would be reduced to a less-than-significant level with implementation of mitigation measures.

47-4

KDA

Analysis Software. The air quality analysis presented in the DEIR applies version 2020.4.0 of the CalEEMod emissions model. CalEEMod is the industry-standard software used for air quality analysis of land use development projects in California, and version 2020.4.0 is the latest version of this software.

Motor Vehicle Emission Rates. The CalEEMod emissions model applies emission rates to estimate emissions generated by motor vehicles. Emission rates used in the CalEEMod model are from the EMFAC software package prepared by the California Air Resources Board (CARB). Recently, CARB has updated the EMFAC software every three or four years.

Version 2020.4.0 of the CalEEMod emissions model uses EMFAC2017. EMFAC2017 was the most recent version available at the time version 2020.4.0 of the CalEEMod emissions model was prepared. While version 2020.4.0 is the most recent version of the CalEEMod emissions model, CARB has released a newer version of EMFAC – EMFAC2021.

47-4 Cont.

According to CARB's description of the EMFAC2021 model,

> "This newest model reflects CARB's current understanding of statewide and regional vehicle activities, emissions, and recently adopted regulations such as Advanced Clean Trucks (ACT) and Heavy Duty Omnibus regulations." (https://content.govdelivery.com/accounts/CARB/bulletins/2b62927)

Lag times are unavoidable in the creation and release of new software. So, while the DEIR applies the latest version of the industry-standard software (i.e., CalEEMod), it should be noted there are identifiable improvements in vehicle emissions control that are not included in version 2020.4.0 of the CalEEMod model.

An additional unavoidable aspect of CalEEMod to note is future regulatory changes. Which regulations will be adopted in the future and the nature and magnitude of the regulations cannot be known. But it is quite likely future regulations will be adopted, and the CalEEMod model cannot account for future regulations. For example, CARB is currently considering the Advanced Clean Fleets Regulation. According to CARB's description of this regulation,

47-5

> "CARB is developing a medium and heavy-duty zero-emission fleet regulation with the goal of achieving a zero-emission truck and bus California fleet by 2045 everywhere feasible and significantly earlier for certain market segments such as last mile delivery and drayage applications. . . The goal of this effort is to accelerate the number of medium and heavy-duty zero-emission vehicle purchases to achieve a full transition to zero-emission vehicles in California as soon as possible." (https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets/about)

KDA

As the most recent version of industry-standard software, version 2020.4.0 of the CalEEMod model is appropriate for use in CEQA compliance documents. However, because of unavoidable lag times in developing software and future unknown regulations, it should be recognized that future emissions estimates, and future emissions in reality, may be different.

47-5 Cont.

Land Use Quantities. An important factor in air quality analysis of a land use development project is the set of land use quantities included in the analysis. In an EIR, it is important that the land use quantities used in the air quality analysis (e.g., used in the CalEEMod emissions model) be consistent with the quantities described in the *Project Description* section of the EIR. The land use quantities used in the air quality analysis of the Valley's Edge project are consistent with the quantities described in the *Project Description* section of the EIR.

Vehicle Mix. One of the assumptions used in the CalEEMod emissions model is referred to as "vehicle mix". The vehicle mix is a set of percentages describing the portions of the project-related trips made by various types of vehicles (e.g., automobiles, light-duty trucks, heavy-duty trucks, and busses). CalEEMod provides default vehicle mixes. In some geographic areas, for some land use types, these default values are unrealistic. The vehicle mix used in the air quality analysis of the Valley's Edge project is reasonable.

47-6

Trip Generation. Another important factor in air quality analysis of a land use development project is the number of vehicle trips generated by the project. In an EIR, it is important that the trip generation estimate used in the air quality analysis be consistent with the estimate used in the transportation analysis.

The trip generation estimate used in the CalEEMod model is 23,151.93 trips per weekday. The estimate of net new vehicle trips generation presented in Table 16 of Appendix K of the DEIR, *Traffic Study*, is 23,162 trips per day. The 0.04 percent difference between these two values might be due to rounding. The methods used to calculate and sum trips generated by various land uses might have been different. As a result, the 0.04 percent difference can be considered to be nominal, having no effect on the qualitative conclusions of the analysis.

The trip generation estimate presented in Table 16 of Appendix K of the DEIR includes adjustments for internal trips, and for external walking, bicycle and public transit trips. Based on the composition and configuration of the Valley's Edge project described in the *Project Description* section of the EIR, this appears to be reasonable.

47-7

Vehicle Miles Traveled. CalEEMod reports an annual value for vehicle miles traveled (VMT). This value includes weekdays and weekends. KDA used the data reported by CalEEMod to estimate a weekday value of approximately 170,000 VMT per day.

47-8

KDA

Table 4-13.3 of the *Transportation and Circulation* section of the DEIR reports a weekday value of 195,538 VMT per day. This value is based on the Butte County Association of Governments (BCAG) travel demand model, and includes an adjustment for travel outside of Butte County.

The VMT reported by CalEEMod is approximately 13 percent below the value reported in Table 4-13.3 of the *Transportation and Circulation* section of the DEIR. The 13 percent difference is probably due, at least in part, to the different methodologies (i.e., CalEEMod versus the BCAG model) and the adjustment for travel outside of Butte County applied in the *Transportation and Circulation* section of the DEIR.

47-8 Cont.

While it would be desirable for the VMT estimates used in the *Air Quality* and the *Transportation and Circulation* sections of the DEIR to be consistent, it is unlikely that increasing the VMT estimate used in the *Air Quality* section would change the qualitative conclusions of the analysis.

Mitigation Measures. The *Air Quality* section of the DEIR presents several mitigation measures to reduce the impacts of the project. The following is a very brief summary of the measures, described in more detail in the DEIR.

- **AQ-1.** Implement Mitigation Measures AQ-2 through AQ-5
- **AQ-2.** Idling Restrictions
- **AQ-3.** Energy Conservation
- **AQ-4.** Purchase Offsets
- **AQ-5.** Implement the Transportation Demand Management program included in Mitigation Measure TRAF-2
- **AQ-6.** Construction Equipment Emissions Reductions
- **AQ-7.** Health Risk Assessment Requirements

47-9

Mitigation Measure AQ-4, *Purchase Offsets*, requires the project developer to participate in an Offsite Mitigation Program by paying money to purchase offsite emissions offsets. The amount of money is not specified in the mitigation measure. The amount would be calculated in accordance with the Butte County Air Quality Management District prior to approval of a final map for a project phase.

KDA

Mitigation Measure AQ-5, *Implement the Transportation Demand Management program included in Mitigation Measure TRAF-2*, is addressed below in the *Transportation and Circulation* section of this memorandum.

47-9 Cont.

Greenhouse Gases Section

CEQA Conclusions. Like the air quality assessment, the GHG assessment is primarily based on quantitative analysis, which is used to form qualitative CEQA conclusions about the significance of GHG impacts. The following is a summary of the CEQA conclusions presented in the DEIR:

- The operational impact of the project on GHG emissions would be significant without mitigation measures. Because implementation of mitigation measures would not reduce this impact to a less-than-significant level, this impact is considered significant and unavoidable.
- The impact of the project on GHG plans, policies or regulations would be significant without mitigation measures. Because implementation of mitigation measures would not reduce this impact to a less-than-significant level, this impact is considered significant and unavoidable.

Analysis Software. The *Greenhouse Gases* section of the DEIR states that version 2020.4.0 of the CalEEMod emissions model was used for the GHG emissions analysis. CalEEMod is the industry-standard software used for GHG analysis of land use development projects in California, and version 2020.4.0 is the latest version of this software.

47-10

Transportation and Circulation Section

Background. KDA conducted a detailed review of the *Air Quality* and *Greenhouse Gases* sections of the DEIR. KDA was not tasked with a detailed review of the *Transportation and Circulation* section of the DEIR. However, as noted earlier in this memorandum, mitigation measures presented in the Air Quality section refer to mitigation measures presented in the *Transportation and Circulation* section – Mitigation Measure AQ-5 is *Implement the Transportation Demand Management program included in Mitigation Measure TRAF-2*. The *Transportation and Circulation* section presents a more detailed description of these measures. As a result, KDA reviewed Mitigation Measure TRAF-2, presented in the *Transportation and Circulation* section of the DEIR.

47-11

Vehicle Miles Traveled Mitigation Measure. As described in DEIR Impact 4.13-6, *The proposed project would generate an average total VMT per service population that is 86% of the average total VMT per service population for the region.* The significance threshold for VMT is a project having a VMT per service population that is 85 percent of the average for the region.

47-12

KDA

As a result, a modest one percent reduction in project-related VMT would reduce the impact of the Valley's Edge project to a less-than-significant level.

Mitigation Measure TRAF-2 presents a list of potential mitigation measures to reduce VMT. The source of the list of measures is the California Air Pollution Control Officers Association (CAPCOA) document *Quantifying Greenhouse Gas Mitigation Measures*. Mitigation Measure TRAF-2 presents 22 measures for residential land uses and 26 measures for non-residential land uses.

47-12 Cont.

Mitigation Measure TRAF-2 notes that specific measures should be selected for implementation before each residential tentative map or non-residential use permit. CAPCOA measure numbers TRT-3, TRT-5, and TRT-7 are suggested, but not required.

The DEIR concludes implementation of Mitigation Measure TRAF-2 would reduce the project impact on VMT to a less-than-significant level. While Mitigation Measure TRAF-2 does not identify specific measures, it is reasonable to conclude a one percent reduction in VMT is achievable.

KDA

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Response to Letter 47

Wayne Shijo, KD Anderson & Associates
[Note: KD Anderson is a consultant to the project applicant.]

47-1 The commenter states that the analysis of project-related air quality and greenhouse gas emissions in the Draft EIR is valid and meets the requirements of CEQA.

The comment is noted and forwarded to the decision makers for their consideration. Please see Responses to Comments 47-2 through 47-12.

47-2 The comment states that the Draft EIR's analysis of air quality and GHG impacts is thorough and applies industry standards and assumptions.

The comment is noted and forwarded to the decision makers for their consideration.

47-3 The comment notes the mitigation measures included in the transportation section of the Draft EIR is comprehensive and adequate.

The comment is noted and forwarded to the decision makers for their consideration.

47-4 The comment summarizes the findings of the air quality impact conclusions and discusses the software used to quantify emissions concluding that while the Draft EIR appropriately applies the latest version of industry-standard software, there are improvements in vehicle emissions control that are not included in that version.

The comment is noted and forwarded to the decision makers for their consideration.

47-5 The comment is discussing future versions of the CalEEMod software and noting potential changes to the model under consideration.

The comment is noted. The modeling conducted for the project provides a conservative estimate of air emissions based on current industry standards and, as the commenter noted previously, the Draft EIR uses the most up to date versions of the models.

47-6 The comment is providing background on project-specific information relied upon for modeling, which includes land use, vehicle mix and trip generation information.

The comment is noted and forwarded to the decision makers for their consideration.

47-7 The comment is noting the trip generation estimate used in the CalEEMod model is slightly less than what is provided in Appendix K and wonders if this is due to rounding. The difference is 0.04 percent which, as the commenter notes, is nominal and would have no effect on the analysis.

The commenter is correct, the difference of 10 trips is due to rounding and would have no substantive effect on the analysis.

47-8 The comment notes the vehicle miles traveled or VMT for the project using CalEEMod for the air quality evaluation is approximately 13% less than what was assumed in the traffic analysis.

As the commenter notes the difference is most likely due to the Butte County Association of Governments travel demand model which includes an adjustment for travel outside of the County, thus generating a slightly higher VMT. However, the difference is too small and would not change the quantitative analysis included in the Draft EIR's air quality evaluation.

47-9 The comment summarizes the air quality mitigation measures included in the Draft EIR.

The comment is noted and forwarded to the decision makers for their consideration.

47-10 The comment summarizes the GHG assessment included in the Draft EIR.

The comment is noted and forwarded to the decision makers for their consideration.

47-11 The comment provides a general overview of the air quality and GHG mitigation measures that are also cited in the transportation section.

The comment is noted and forwarded to the decision makers for their consideration.

47-12 The comment confirms information contained in the transportation section of the Draft EIR that the project's VMT would exceed the City's threshold by 1% and summarizes the mitigation measures to address this impact and ultimately concludes it is reasonable to conclude compliance with these measures would achieve a 1% reduction to reduce the impact to less than significant.

The comment is noted and forwarded to the decision makers for their consideration.

Comment Letter 48

MEMORANDUM

Date: December 13, 2021	
To: Mike Sawley	**Organization:** City of Chico 411 Main Street, 2nd Floor P.O. Box 3420 Chico, CA 95928
From: Debbie Rudd, Principal (dlrudd@rrmdesign.com) Rachel Raynor, AICP (rcraynor@rrmdesign.com)	
Topic: Applicant's Reponses to Valley's Edge Specific Plan Project Draft Environmental Impact Report	

RE: Applicant's Reponses to Valley's Edge Specific Plan Project
Draft Environmental Impact Report Dated October 2021

Dear Mike Sawley,

This letter and the attachments containing comments and questions comprise the applicant's comprehensive response to the Draft Environmental Impact Report (DEIR) prepared by Dudek dated October 2021 for the Valley's Edge Specific Plan Project (VESP).

We have used a standardized template as a format to organize our questions and comments. The comments and questions are grouped together by EIR sections and issue areas are consistent with the order of topics included in the DEIR Table of Contents. Individual comments under specific EIR section and issue areas are then further identified by page number, figure/table number, and/or section heading from the DEIR document to assist reviewers to locate the source of comments.

48-1

Thank you for the opportunity to comment. Please don't hesitate to contact us if you have any questions about these comments.

Sincerely,

RRM DESIGN GROUP

cc: Bill Brouillard, Brian Spilman

VALLEY'S EDGE DEIR RESPONSES/COMMENTS – 0.0 EXECUTIVE SUMMARY		
Comment #	***Page # / Section / Figure Reference***	***Comment***
Issue Area – 0.0 Executive Summary		
1	Page ES-3, Mitigation Measure AES-1	AES-1 is not clear as to whether this mitigation measure applies to single-family or multi-family residential. As noted in Chapter 4 and Appendix A of the VESP, the Valley's Edge Design Review Committee (DRC) is responsible for design guideline compliance through project review within the planning area. The VESP DRC shall have sole authority for reviewing single-family residential projects and shall utilize City staff for technical concurrence in the review and approval of commercial and multi-family residential projects. AES-1 should be revised to better clarify the appropriate review authority.
2	Page ES-36, Mitigation Measure NOI-2: Operation Noise	What is considered a 'potentially significant noise generating element' and whose discretion is it to determine when a noise study is required? Please provide additional clarification, if possible.

48-2

48-3

VALLEY'S EDGE DEIR RESPONSES/COMMENTS – 2.0 PROJECT DESCRIPTION		
Comment #	***Page # / Section / Figure Reference***	***Comment***
Issue Area – 2.0 Project Description		
1	Page 2-14, Accessory Dwelling Units	Add reference to Junior Accessory Dwelling Units (JADUs).
2	Page 2-14, Parks, Recreation, and Open Space	Revise text to include "bikes and trails constructed for public and quasi public uses".
3	Page 2-16, Big Meadows Park	Add reference for fire suppression and stormwater drainage purpose of the pond proposed in Big Meadows Park. Revise DEIR accordingly.

48-4
48-5
48-6

VALLEY'S EDGE DEIR RESPONSES/COMMENTS – 3.0 LAND USE AND PLANNING		
Comment #	***Page # / Section / Figure Reference***	***Comment***
Issue Area – 3.0 Land Use and Planning		
1	Page 3-28, Table 3-1	Remove reference to 'no man made barriers between project site and lands to the east'. This is incorrect as there is a 5 ft rock wall along the eastern boundary. Revise DEIR accordingly.

48-7

VALLEY'S EDGE DEIR RESPONSES/COMMENTS – 4.1 AESTHETICS		
Comment #	***Page # / Section / Figure Reference***	***Comment***
Issue Area – 4.1 Aesthetics		
1	Page 4.1-51, Mitigation Measure AES-1	Same comment as under Executive Summary, Issue Area 1. Revise DEIR accordingly.

48-8

VALLEY'S EDGE DEIR RESPONSES/COMMENTS – 4.2 AIR QUALITY		
Comment #	***Page # / Section / Figure Reference***	***Comment***
Issue Area – 4.2 Air Quality		
1	Page 4.2-23, Impacts and Mitigation Measures	It is unlikely that the commencement date of April 2022 will occur and the DEIR should acknowledge actual construction will likely be two years later and associated energy emissions are likely overstated.

48-9

VALLEY'S EDGE DEIR RESPONSES/COMMENTS – 4.5 ENERGY		
Comment #	***Page # / Section / Figure Reference***	***Comment***
Issue Area – 4.5 Energy		
1	Page 4.5-8, Local Regulations	The City of Chico's Climate Action Plan (CAP) Update (2021) should be added to the various local regulations / policy documents that the Valley's Edge planning area would be subject to. The City's CAP includes Measure E-2, which mandates that natural gas be eliminated in all new building construction starting in 2025.

48-10

VALLEY'S EDGE DEIR RESPONSES/COMMENTS – 4.14 WILDFIRE		
Comment #	***Page # / Section / Figure Reference***	***Comment***
Issue Area – 4.14 Wildfire		
1	Page 4.14-28, Non-potable and Recycled Water Supply subsection	Recommend revising subsection as follows: *Wells: There are two existing wells onsite. Any maintenance needed on either well would not result in additional temporary or permanent impacts from exacerbating wildfire risk beyond those identified in impact 4.14-2.* There is no intent to provide recycled water as part of the VESP. Recreational pond features proposed in the planning area would provide additional sources of water for wildland fire suppression and should be added to this section.
2	Page 4.14-28, WFIRE-2 Mitigation Measure (third bullet)	Clarify applicability of WFIRE-2; revise WFIRE-2 accordingly: *Ensure building materials and construction methods for all structures are in compliance with California Fire Code Chapter 49, Section 4905, for all residential buildings, not just those residences located along the Wildland Urban Interface perimeter lots.*

48-11

48-12

VALLEY'S EDGE DEIR RESPONSES/COMMENTS – 6.0 ALTERNATIVES		
Comment #	***Page # / Section / Figure Reference***	***Comment***
Issue Area – 6.0 Alternatives		
1	Page 6-9 (second paragraph)	Reference to natural gas; this should be evaluated / revised based on the City's CAP measure to ban / eliminate natural gas from new construction starting in 2025. This reference should be addressed for all proposed alternatives.

48-13

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Response to Letter 48

Debbie Rudd, Principal and Rachel Raynor, AICP, RRM Design Group
[Note: RRM Design Group is a consultant to the project applicant and prepared the Valley's Edge Specific Plan.]

48-1 This comment is an introduction to comments that follow.

Please see Responses to Comments 48-2 through 48-13, below.

48-2 The comment addresses mitigation measure AES-1 and requests clarification if it applies to single-family or multi-family residential projects and the City's role in the review process.

Mitigation measure AES-1 on page 4.1-51 is required to help minimize impacts to visual character and public views of the project site. As stated in the mitigation measure, "[f]uture residential and commercial development would be reviewed pursuant to Chapter 19.18 of the Chico Municipal Code. Review and approval of any site plans and architectural designs would be required prior to the issuance of a building permit by the project's Design Review Committee, City planning staff, and the City's Architectural Review and Historic Preservation Board (if required), unless the proposed development is exempt from design review under Title 19." To clarify, when the City receives an application and site plan for any commercial or residential development (including single family and multi-family) City staff would first review Chapter 19.18 of the Chico Municipal Code (CMC) along with the VESP to ensure consistency with the plan and the design guidelines. Certain types of projects, such detached single-family dwellings, are exempt from review pursuant to CMC 19.18040, and would only be reviewed by City staff to verify conformance with objective development standards. Some other proposals are deemed "minor projects" which are subject to the Chapter but do not require review by the Board (e.g., additional development on a partially developed site, and others listed under CMC 19.18.030). Lastly, there are projects such as new commercial and or multi-family residential projects that are subject to CMC 19.18 and require full review by the City's Architectural Review and Historic Preservation Board. Typically, before any of these City processes, the project's Design Review Committee would review the project for conformance with the VESP design guidelines. Thus, mitigation measure AES-1 applies to both single-family and multi-family residential projects, no revisions to the mitigation measure are required.

48-3 The comment refers to mitigation measure NOI-2 and requests clarification on what entity would determine if a noise report is required.

The City would be responsible for implementing mitigation measure NOI-2, and planning staff would determine if the requirement to prepare an acoustical analysis applies to a future proposed development within the project. The language of the mitigation measure has been modified to clarify, when the City receives an application for any commercial or multi-family use staff will evaluate the application to determine if the project-level impacts were adequately examined in the EIR, or if a noise study is required. See Chapter 3, Changes to the Draft EIR for the updated language.

48-4 The comment requests a revision to the project description to also include "Junior Accessory Dwelling units".

The project description has been updated to include this additional type of ADU. Please see Chapter 3, Changes to the Draft EIR.

48-5 The comment is requesting a revision to the project description to also include "quasi public" in addition to trails constructed for public uses.

The project description has been updated to include this change. Please see Chapter 3, Changes to the Draft EIR.

48-6 The comment is requesting a revision to the project description to add "fire suppression and stormwater retention" to the description of the lake proposed in Big Meadows Park.

The project description has been updated to include this change. Please see Chapter 3, Changes to the Draft EIR. Please also see Response to Comment 38-2.

48-7 The comment is requesting a correction to Chapter 3, Land Use and Planning to remove a reference to "no man made barriers".

Chapter 3 of the Draft EIR has been updated to include this change. Please see Chapter 3, Changes to the Draft EIR.

48-8 The comment is requesting the Summary Table in the Executive Summary be updated to include any changes to mitigation measure AES-1.

Please see Response to Comment 48-2.

48-9 The comment is noting that the commencement date of April 2022 included in Section 4.2, Air Quality is not feasible and is requesting the Draft EIR be revised to acknowledge this update.

As noted in the Draft EIR on page 4.2-23 in footnote 3, the analysis assumed a construction start date of April 2022 because it represents the earliest date construction could start and represents a worst case scenario. To address the comment the footnote will be revised to clarify that 2024 or 2025 are more realistic start dates. Please see Chapter 3, Changes to the Draft EIR for the revised text.

48-10 The comment requests information on the City's recently adopted Climate Action Plan Update be added to the Regulatory Setting in Section 4.5, Energy to reflect Measure E-2, which mandates that natural gas be eliminated in all new building construction starting in 2025.

The analysis in the Draft EIR on page 4.5-18 notes the project would be "all-electric" per Reduction Measure E-2 included in the CAP Update. The requested information is added to the Regulatory Setting, as shown in Chapter 3, Changes to the Draft EIR.

48-11 The comment is recommending language in Section 4.14, Wildfire, be updated to clarify the use of the on-site wells.

The commenter notes that recycled water would not be provided as part of the project; therefore, the discussion regarding wells will be removed from the analysis because it is not relevant as it pertains to providing water in the event of a wildfire. Please see Chapter 3, Changes to the Draft EIR for the revised text.

48-12 The comment is addressing mitigation measure WFIRE-2 and is requesting a minor clarification.

Mitigation measure WFIRE-2 has been updated to include this change. Please see Chapter 3, Changes to the Draft EIR.

48-13 The comment is requesting references to use of natural gas in the alternative analysis in Chapter 6 be corrected.

Chapter 6 of the Draft EIR has been updated to remove references to use of natural gas. The air quality and greenhouse sections also assumed the project would be "all electric" and assumed no natural gas would be provided. Please see Chapter 3, Changes to the Draft EIR.

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Comment Letter 49

December 13, 2021

FROM:
Paul & Kathy Coots
2646 E 20th Street
Chico, CA 95928
pkcoots@comcast.net
(530) 898-1799

TO:
City of Chico Community Development Dept
Mike Sawley, Senior Planner
411 Main Street
PO Box 3420
Chico, CA 95927
mike.sawley@chicoca.gov
(530) 879-6812

RE: Draft EIR for VALLEY'S EDGE

Dear Mr. Sawley,

This letter addresses our concerns about inadequacies of the *Valley's Edge Specific Plan Draft EIR (VESP dEIR)*, dated October 2021. We previously reviewed nearly every page of the *Valley's Edge Specific Plan Project* and related documents as detailed in the *Notice of Preparation* dated August 14, 2019—over 600 pages. We have now reviewed this *VESP dEIR* dated October 2021 and most of the related appendices—over 4,600 pages. 49-1

Use of Previously Prepared Environmental Documentation

We note on page 1-5 (PDF pg 79), the *VESP dEIR* used previously prepared documentation that includes the *Stonegate Final EIR*, dated August 2018. That document was prepared prior to the Camp Fire in November 2018. The significance of the Camp Fire on a variety of environmental elements considered during the environmental review cannot be ignored. If any of the findings of the *VESP dEIR* are dependent on the *Stonegate Final EIR*, the findings are likely quite inadequate. A case in point is noted under the Biological Resources section below regarding numbers of Butte County Meadowfoam located within the Stonegate footprint. 49-2

Along the same concerns, City of Chico last amended its *General Plan* in March 2017. The Camp Fire, climate change, COVID-19 have all impacted various elements of the General Plan. We realize this report cannot reach into a not-yet-updated General Plan, but a concern we hold is that the *Chico General Plan* is woefully outdated. This *Draft EIR* for Valley's Edge uses this outdated plan. In general, the accuracy or the adequacy of the current document may be compromised and therefore inadequate. 49-3

Aesthetics

The photo used to demonstrate the anticipated change in viewshed looking east along E. 20th Street from the flood control channel bridge appears incorrect. [*VESP dEIR* pg. 4.1-33, PDF pg. 191] The area where the future houses are situated in the "anticipated view" appears to be in a designated Primary Open Space (POS), rather than more easterly in an area designated as Low Density Residential (LDR). We believe this POS is due to significant drainage as well as sensitive biological assets located in that area. By incorrectly placing the houses closer to the bike path within that POS, it appears that the viewshed would not be significantly impacted. Because these before-and-after photos are so small, the actual 49-4

1

impact to the viewshed is difficult to determine. We also note that the Specific Plan designates the LDR continues well beyond the end of E. 20th, yet there are no houses located in the area in the 'anticipated view' photo. We believe this is an inadequate representation to the actual impact to the viewshed especially for all those traveling along E. 20th in an easterly direction, by car, by bike, and on foot and many traveling by car along Skyway and Bruce Road. If this project continues the numbers of travelers will be significant. The viewshed for all will be forever changed. We respectfully request a revision to the photo that accurately depicts the changes to the viewshed.

49-4 Cont.

Air Quality

To estimate project emissions, this *Draft EIR* assumes construction takes place 5 days per week or 22 days per month (pg. 4.2-23; PDF pg. 237). Based on the current conditions of the build out of Belvedere Heights, construction often takes place more than 5 days per week. We are uncertain how this may or may not impact the results of the analysis. Also, we note that many of the tables included in Appendix B, show a windspeed of 2.2 mph. While the windspeed may often be 2.2 mph, it often reaches much higher speeds in this area of southeast Chico. Again, we are uncertain how this may or may not impact the results of the analysis.

49-5

Additionally, the East Avenue Monitoring Station information included on pages 4.2-10 and 4.2-11 note the impact of the number of days in 2018 where Chico's air exceeded state and national standards for quality. Because this document is dated October 2021 it seems pertinent to include air quality data from 2019, 2020, and 2021. Summer and fall air quality in those years was negatively impacted by wildfires in our region. We likely can count on more very poor-quality air days due to smoke from wildfires. We believe because this *Draft EIR* does not use updated information it is inadequate.

49-6

We did not note any analysis to the air quality associated with Franklin Construction. The odors from this nearby asphalt and paving company can be noted while using the Steve Harrison Memorial Bike Path. The company is located directly south of Valley's Edge outside of Chico city limits. We realize this issue does not fit into the impact Valley's Edge would have to air quality, but it seems the design of the use of the property must consider the existing less-than-pleasing neighbor. Imagine the property owners' desire to move the asphalt plant once they are living across the street.

49-7

Biological Resources/Hydrology

The *VESP dEIR*, page 4.3-49 (PDF page 307) states, "There are thousands of Butte County Meadowfoam mapped just west of the Steve Harrison Memorial Bike Path." *The Stonegate EIR Appendix D-2* titled *Rare Plant Survey and Mapping, WRA 2018* states in the Executive Summary, page i, "Approximately 1,656 individuals of BCM were observed during the April study." Seems to be quite a leap to suggest 1,656 individual plants equal thousands. Thousands of BCM individual plants have been observed over several years. The statement is misleading. This suggests that BCM is abundant, instead it is a threatened species.

49-8

On page 4.3-49 the *VESP dEIR* states: "The vernal pool complexes where BCM occur are hydrologically separated from the project site by the bike path and rock walls, which would prevent indirect effects from the project." We have photographs of water traversing across the bike path from Valley's Edge to Stonegate. The rock walls and bike path do not prevent indirect effects. These photos were taken during two different rain periods as noted in dates.

49-9

2

Steve Harrison Memorial Bike Path, looking south. Valley's Edge on the left, Stonegate Preserve on the right. Water, debris scattered across bike path to and around rock wall.

Photo taken 11/30/2018

Steve Harrison Memorial Bike Path, looking north. Valley's Edge on the right, Stonegate Preserve on the left.

Photo taken 12/12/2018

49-9 Cont.

We do note that improvements to drainage from Valley's Edge to Stonegate are indicated in the proposal. Water however often makes its own path. Climate change is impacting the amount of water received with any storm. At the same time improvements to storm drainage are planned, the additional

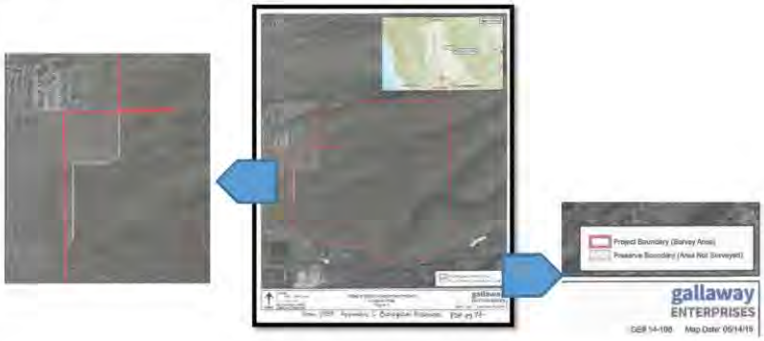
'pavement' involved in a project of this scope will promote surface water runoff, rather than permit the water to penetrate the area.

The increased urban runoff containing fertilizers, pesticides and automobile residue from Valley's Edge eventually flows to nearby creeks—negatively impacting the water quality for aquatic creatures. This same chemical-laden water runoff significantly impacts sensitive plant species within the project footprint. Valley's Edge causes the wildlife using this corridor to be squeezed—and these critters lack voices to shout against this use of this land.

49-10

3

We remained confused by this map from Galloway Enterprises dated 05/14/2015, located in Appendix C, PDF page 74:



49-11

This map has white cross hairs noting the area NOT surveyed because it was inside a "Preserve Boundary." In the Aesthetics section, this area depicts houses in a LDR area, or is it POS? Also, was this area ever surveyed? The layers of reports make this difficult to determine. The *Draft EIR* does not clarify.

The lack of survey data from this cross-hatch area appears to make this *Draft EIR* inadequate regarding identification of any species located in this "preserve boundary" and associated impacts and mitigation measures. This cross-hatch area is depicted with houses as discussed in the previous section on Aesthetics.

49-12

The mitigation measures included in VESP *dEIR* to protect BCM are inadequate. The construction buffers and the recommendations for the future BCM preserves within the Valley's Edge footprint must be even more robust. In order to build 2,777 residences, the project proposes to remove 1,100 trees. The allowance for removing 1,100 oak trees is an unacceptable level of oak destruction. These are a keystone species and a critical part of our ecological and hydrological systems.

49-13

Greenhouse Gas Emissions

We are very concerned about the effects of GHG Emissions on our climate and what the future holds for our children, our grandchildren, and our great grandchildren. We want to state that all efforts to reduce GHG Emissions are necessary to protect our future quality of life. This draft EIR illustrates that this proposed project exceeds target goals.

We were advised of the availability of this *Draft EIR* by email on October 29, 2021, included in that upload was *Appendix F Greenhouse Gas*. Page 4.7-26 states: "Emissions from the operational phase … were estimated using CalEEMod Version 2016.3.2. " *Appendix F* uploaded concurrent to October 29, 2021 appears to use CalEEMod Version 2016.3.2. The pages within *Appendix F* uploaded October 29, 2021 have analysis dates in May 2020.

The 'new' *Appendix F for Greenhouse Gases* was not uploaded until November 12, 2021. The pages within this 'new' *Appendix F* are dated June 2021. These pages use CalEEMod 2020.4.0. The introductory

49-14

4

paragraphs state the CalEEMod Version 2020.4.0 were used to prepare this section. Yet in the Operational Phase analysis CalEEMod Version 2016.3.2 were used.

If there are 'new' analyses available to use, that were uploaded beyond the initial 45-day review start date of October 29, 2021 there are two issues.

1) This section of the *VESP dEIR* is inadequate as it either does not use updated information included in the 'new' *Appendix F* or it is misrepresenting the information.
2) Because *Appendix F*, uploaded on November 12, 2021 was not available with the *VESP dEIR* the 45-day review period is lessened by approximately 2 weeks. The public has been given an inadequate time frame to review this very critical component of any EIR.

49-14 Cont.

49-15

49-16

Noise and Vibration

Page 4.10-31 states: "The developer(s) shall fund and construct either a noise protection wall for existing off-site residences along E 20th Street or a portion of E. 20th Street shall be repaved with quiet pavement.... Between Potter and Dawncrest...." Our home along E. 20th just west of Potter and would not be included in the 'repaving' with quiet pavement. Yet the same numbers of vehicles would travel in front of our home as those located on the E. 20th. The Mitigation Measure NOI-6 is inadequate. There is no roadway between Potter and Roth that might allow from some of the vehicles to exit. Therefore, all houses along E. 20th Street, between Potter and Bruce should be included in the 'repaving' efforts. Or at the very least additional noise analysis is required.

49-17

Transportation and Circulation

We examined the tables included in *Appendix K Traffic* to understand the impact to the traffic flow along E. 20th Street immediately in front of our home. The conditions in May 2019 counted 355 vehicles traveling east and westbound, AM and PM. The conditions predicted for 2040 are 2,020 trips per day. That is a 570% increase in the numbers of vehicles traveling along E. 20th east of the Bruce Road intersection. This stretch of roadway includes a well-used bicycle path and bike lanes connecting to the Steve Harrison Memorial Bike Path. This stretch of roadway has sidewalk only on the northern edge for pedestrians. The safety of all travelers is at risk. It is already quite difficult to enter E. 20th from Roth, England, Belgium etc. The 2,020 trips per day in the future is more than north/southbound traffic logged at the Bruce Road/E 20th St intersection in May 2019.

49-18

This *Draft EIR* suggests few changes to E. 20th Street between Valley's Edge and Bruce Road—except add a right turn lane at that intersection, and the addition of noise-calming pavement. There are no suggestions or findings for the safety of all those using E. 20th Street in this area. Children walking to and from school, hard-of-hearing seniors out for a stroll, dog-walkers, bicycle riders are all at risk for safety hazards due to the increase. There are no suggestions for traffic calming, yield signs, stop signs, crosswalks. We do realize this area is outside of the boundaries of Valley's Edge, but E. 20th Street will be greatly impacted by this development. Traffic calming mitigations for the cumulative impact must be included. We view this as section of the *VESP dEIR* as inadequate.

49-19

Wildfire

We recently joined the Little Chico Creek Fire Safe Council (LCCFSC) to find ways to reduce the wildfire danger that lurks along Little Chico Creek, the Butte Creek Diversion Channel and the adjacent

49-20

5

neighborhoods and lands. The LCCFSC has been working with the City of Chico and Butte County Fire Safe Council to fund activities that would clear vegetation along Little Chico Creek. These areas are included in Chico's Vegetative Fuels Management Plans (VFMP), dated April 2021, but there are 'no management plans' adopted for either Hillview/Belvedere Open Space or Little Chico Creek Greenway (VFMP PDF pg. 80). Indeed, the map on PDF page 74 of the same document depicts the Little Chico Creek, Doe Mill, and Belvedere Heights neighborhoods as suffering a torching and crown fire in the event of wildfire. Valley's Edge is situated along Little Chico Creek/Stilson Canyon. While homeowners can maintain defensible space, we are unable to clear property owned by the city—sensitive biological resources could be destroyed.

49-20 Cont.

The *VESP dEIR* explains the plan for the HOA to enforce fire safe actions, yet these actions may result in sensitive biological resources being destroyed. The dilemma faced currently by the LCCFSC. We believe the current draft EIR inadequately resolves the issue of wildfire within the proposed development and importantly the cumulative effects on neighboring existing homes, including the relationship to Biological Resources (particularly BCM and vernal pools) and Transportation (particularly evacuation routes for cumulative impacts).

49-21

Closing Comments

We realize a developer can bring a proposal to the city for approval of how property is to be developed. We also know that the city has a responsibility to turn down a proposal—or at the very least send it back to the drawing board. The Environmental Impact Report is just one of many tools a city uses. We appreciate the opportunity to examine this Draft EIR for Valley's Edge. We have indicated where we believe this draft EIR falls short and is therefore inadequate.

49-22

We hate to see this quiet, aesthetically pleasing valley community, nestled against the foothills disappear and sadly become another example of urban sprawl.

Sincerely,

Paul Coots

Kathy Coots

6

Response to Letter 49

Paul and Kathy Coots

49-1 The comment provides an introduction to comments presented in their letter and responded to below. The comment does not describe any accuracy or adequacy deficiencies of the Draft EIR; therefore, no further response is required.

49-2 The comment refers to documents listed in the Draft EIR that were reviewed and expresses concern that referencing information from the Stonegate EIR would not be accurate because that document predates the Camp fire. The comment states that an example of this concern is provided below (under Comment 49-8).

The commenter is referring to the list of documents referenced during preparation of the Draft EIR presented on page 1-5 of Chapter 1, Introduction and Scope of the EIR. None of the findings of the Draft EIR depend on findings from the Stonegate EIR. The Stonegate EIR was only used as a reference document that characterizes existing resources and the details of a project on an adjacent site, such as the example provided. The reference to Butte County meadowfoam on page 4.3-49 of the Draft EIR is relevant with respect to characterizing the relative amounts and patterns of Butte County meadowfoam plants in the vicinity of the VESP site. However, the significance findings in the Draft EIR do not rely directly on information from the Stonegate EIR and were developed independent of the significance findings of the Stonegate EIR.

49-3 The commenter asserts that the City's General Plan is outdated and inadequate since it was adopted prior to the Camp fire, climate change, and the COVID-19 pandemic and because of this believes the adequacy and accuracy of the Draft EIR may also be compromised and inadequate.

First adopted in 2011, the Chico 2030 General Plan covers a 20-year planning horizon. This comment provides no details on how the Camp Fire, climate change or COVID-19 have "impacted" the General Plan in a manner that would cause its policy framework to be outdated in a meaningful way. Please also see Response to Comment 44-1.

49-4 The comment questions the accuracy of a photosimulation included in the Aesthetics section of the Draft EIR and believes the view should be of open space and not residential units. The comment further asserts that the Draft EIR does not accurately represent views of the site from this location and requests the photosimulation be corrected.

The commenter is referring to Figure 4.1-9 on page 4.1-33 of the Draft EIR which depicts a view of the project site looking east from the E. 20th Street bridge over the Butte Creek Diversion Channel. The image shows housing units for the project on the right-hand (southerly) side of E. 20th Street, which is adjacent to a portion of the site that would be set aside as Primary Open Space. Since it is lower in elevation and because no improvements are anticipated within the open space area in the foreground of the image, observers from this vantage point would look over the open space and see the homes that are anticipated in the planning area located on the south side of E. 20th Street, and some homes located farther into the project site. Given the existing topography and project layout, the photosimulations appear to be reasonably accurate for showing the visual changes associated with project development.

49-5 The comment questions the project's construction assumptions pertaining to the number of days per week (5) or per month (22) that construction would occur, stating that the Belvedere Heights project is active with construction more frequently, and the comment also questions the assumptions for wind speed (2.2 mph), stating that higher wind speeds are common in the area.

The comments relate to the modeling inputs used in the California Emissions Estimator Model (CalEEMod) which include specific construction assumptions. CalEEMod provides a host of default values for the construction emissions analysis. Construction default values were utilized where proposed project information was not readily available. Default inputs that were updated according to information provided by the applicant include construction schedule phase lengths for major activities (e.g., demolition, grading, building construction, paving, and architectural coating); construction equipment lists for these major activities and hours of usage per day, construction truck and vehicle worker trips, and grading/excavation quantities. The construction methodology assumes construction would occur within the allowable times and days set by the City, in this case, 5 days per week. Information specific to construction provided by the applicant are provided in the Draft EIR beginning on page 4.2-22 in Section 4.2.3, Impacts and Mitigation Measures.

The commenter's statement that the modeling used the CalEEMod default parameter of a windspeed of 2.2 miles per hour is incorrect, when a specific project location is input in the model it automatically fills in the default wind speed for the region. The wind speed in CalEEMod is in units of meters per second (m/s), which is used in the fugitive dust calculations. Specifically, wind speed data in CalEEMod is based on information from the Western Regional Climate Center, which is based on typical wind conditions. The use of CalEEMod default parameters when site-specific information is unavailable is routinely used and is widely accepted as the industry standard model for purposes of quantifying emissions for CEQA impact analyses. Lastly, the BCAQMD includes Rules 200 (Nuisance) and 205 (Fugitive Dust) to control emissions of fugitive dust which require increased watering frequency whenever wind speeds exceed 15 mph to control dust emissions (Draft EIR p. 4.2-31).

49-6 The comment requests updated information from the East Avenue Monitoring station be provided, especially due to the wildfires that occurred in the past few years. The commenter suggests the analysis is inadequate because it does not provide updated information.

Information provided in Table 4.2-2 (see Draft EIR p. 4.2-10) was the most recent information available when the section was drafted and generally represents baseline conditions when the Notice of Preparation was released in August 2019. The data from the monitoring stations is not continually updated in real time so when the analysis was drafted it included the most recent information. Since the Draft EIR was completed information from the monitoring stations has been updated. Revisions are made to Table 4.2-2 in Section 4.2, Air Quality of the EIR, and are provided in Chapter 3, Changes to the Draft EIR. The updates to Table 4.2-2 are very minor would not change the adequacy of the Draft EIR or the impact conclusions in the Draft EIR.

49-7 The commenter asks why odors from the nearby asphalt and paving company, Franklin Construction, were not considered in the analysis.

Franklin Skyway Asphalt was located at 1480 Skyway but the business has since closed. The closest asphalt plant to the project site is Mathews Readymix located at 1619 Skyway. Table 7.1 of BCAQMD's CEQA Air Quality Handbook presents the screening distances for various odor

sources. If a project is proposed within the screening distance indicated in Table 7-1, the Air District should be contacted for information regarding potential odor problems. Although the proposed project would be located approximately 0.3-mile to the south of the Mathews Readymix Asphalt Plant, no odor complaints have been received for the facility within the last 3 years (BCAQMD 2022); therefore, the proposed project would not be located in an area where existing odors are a concern. The proposed project would also not introduce a new source of odors. Impacts related to odors would remain less than significant.

49-8 The comment questions the accuracy of the characterization of BCM plants on the Stonegate site as numbering in the "thousands," when the Rare Plant Survey from the Stonegate EIR states that only 1,656 BCM plants were observed in an April survey.

The comment relates to the discussion of BCM provided on page 4.3-49 of the Draft EIR. The number 1,656, from the Executive Summary of Appendix D-2 of the Stonegate EIR, refers to the BCM plants that were identified during rare plant surveys performed by WRA in April 2016. The Executive Summary also notes that WRA conducted follow-up rare plant surveys in March 2018, shortly before the Stonegate Draft EIR was released for its public comment period. The 2018 rare plant surveys included the 15-acre Doe Mill-Schmidbauer Preserve, which had not been previously surveyed in connection with the Stonegate project. According to Figure 5 of Appendix D-2 of the Stonegate EIR, a total of 8,164 BCM were surveyed on the Doe Mill-Schmidbauer Preserve in 2018, and 16,542 BCM were surveyed on the remainder of the Stonegate site. The characterization that there are thousands of BCM plants present just west of the bike path is accurate and based on substantial evidence. However, despite this local abundance on the Stonegate site, BCM remains an endangered species and is recognized as such by the Draft EIR. Please also see Master Response 2 for more information regarding BCM.

49-9 The commenter disagrees with the statement that the vernal pool complexes on the adjacent Stonegate site are hydrologically separated from the project site due to the Steve Harrison Memorial Bike Path and rock walls and has observed water flowing from the project site towards the Stonegate site.

The commenter is correct in that the VESP project site is hydrologically connected to stream channels on the Stonegate property, but the vernal pools with BCM within Doe Mill-Schmidbauer Preserve are perched higher on that site and drain into the same stream channels on the Stonegate property. The culverts that cross under the Steve Harrison Memorial Bike Path drain into incised channels before flowing into the Butte Creek Diversion Channel. These drainages are below the elevation of the Stonegate BCM preserves and thus runoff from the project site could not enter the sensitive areas of the preserve and would not cause direct or indirect effects. The text on page 4.3-49 of the Draft EIR has been updated to clarify the hydrologic connection between the two properties and is provided in Chapter 3, Changes to the Draft EIR.

49-10 The commenter asserts that with an increase in impervious surfaces more stormwater runoff from the project would flow into nearby creeks, negatively impacting water quality and plant species.

The Draft EIR analyzes potential impacts to streams and protected wetlands in Section 4.9, Hydrology, Water Quality and Drainage and Section 4.3, Biological Resources. As discussed under Impact 4.9 starting on page 4.9-26, the effects of construction and operational activities on water

quality is addressed. As the analysis describes all future development projects are required to prepare a Stormwater Pollution Prevention Program or SWPPP for grading activities. The SWPPP must be developed and implemented by a Construction General Permit Qualified SWPPP Developer/Qualified SWPPP Practitioner. The Qualified SWPPP Developer/Qualified SWPPP Practitioner is tasked with determining the receiving water risks (including beneficial uses and CWA Section 303d impairments), monitoring site activities that could pose risks to water quality, and developing a comprehensive strategy to control construction-related pollutant loads in site runoff. During operations stormwater runoff would be subject to the Low Impact Development (LID) standards described on pages 4.9-16 and 4.9-17 of the Draft EIR, which include source control, site design, treatment control, and hydromodification measures that ensure there is no net increase in runoff rates resulting from development. Therefore, as stated on pages 4.9-28 and 4.9-29, construction and operation of the project would not substantially degrade water in nearby creeks.

49-11 The comment notes that the Biological Resources Assessment (Appendix C to the Draft EIR) shows an area in the west of the project site as not surveyed during the vernal pool branchiopod surveys.

At the time the referenced surveys were conducted, the area shown on the figure was proposed to be preserved and was thus omitted from sampling. The revised proposed preserve boundary excludes one wetland feature that was not sampled for branchiopods and now coincides with a proposed development area located immediately south of E. 20th Street. Changes to the preserve boundary also excluded several wetlands that now coincide with the community park site. This discrepancy was noted during preparation of the Draft EIR and in response the project applicant retained their biological consultant, Gallaway to conduct dry-season sampling of those wetlands to determine if presence of listed large branchiopod species could be detected. That survey was conducted in September 2019 (Appendix C3 to the Draft EIR, starting on PDF page 194 of 767), and the results indicated no presence of listed large branchiopod species in the wetland features that had not previously been sampled. Therefore, the area highlighted by this comment was included in branchiopod survey efforts, and it is properly evaluated in the Draft EIR.

49-12 This comment references Comment 49-11 and questions whether the analysis in the Draft EIR is adequate.

Please see Response to Comment 49-11.

49-13 The comment asserts that the construction buffers and other measures to protect preserved BCM populations are inadequate, and further asserts that the removal of 1,100 oak trees is unacceptable.

The comment does not elaborate as to why the commenter believes measures to protect BCM are inadequate. Please see changes to mitigation measure BIO-1 (Chapter 3, Changes to the Draft EIR) for adjustments that have been made to improve the effectiveness of proposed mitigation. Regarding the removal of blue oak woodland, please see Response to Comment 26-8. It is not accurate to state that the VESP proposes to remove 1,100 trees at the site. Tree removal is addressed under Impact 4.3-2 on page 4.3-58 of the Draft EIR. The commenter's opinion regarding the merits of the project is noted and will be forwarded to the decision makers for their consideration.

49-14 The commenter questions what version of CalEEMod was used to evaluate the project's GHG emissions since the Draft EIR and Appendix F appear to refer to different versions of the software.

The comment also asks if anything more updated has been provided subsequent to close of the 45-day comment period.

The methodology used to estimate the project's GHG emissions and the GHG emissions presented in the Draft EIR in Tables 4.7-3 and 4.7-4 are consistent with CalEEMod Version 2020.4.0. The only difference between the Appendix F versions uploaded onto the City's website was due to the use of the most current version of CalEEMod. The model was updated during preparation of the analysis which required updating the analysis to reflect the most current model. There were no changes to the methodology and assumptions used to estimate the project's criteria air pollutant and GHG emissions between the two versions of Appendix F. Furthermore, CalEEMod Version 2020.4.0 applies emission factors derived from CARB's EMFAC2017 rather than EMFAC2014, so using a later version of the software is expected to produce more-accurate estimates for future mobile emissions.

49-15 The comment asserts that Section 4.7, Greenhouse Gases, is inadequate because it does not rely on the same information provided in the updated version of Appendix F.

The emission calculations and methodology associated with construction and operation of the proposed project uses CalEEMod Version 2020.4.0, which is consistent with the revised version of Appendix F. The use of project-specific data and CalEEMod default values, where appropriate, corresponds with the modeling output presented in Appendix F of the Draft EIR and the Draft EIR's analysis is based on substantial evidence and is adequate as presented. As shown in Table 4.7-4 on page 4.7-27, the proposed project would result in approximately, 17,719 MT CO_2e compared with existing conditions which correlates with the calculations presented in Appendix F. The analysis provided in Section 4.7 of the Draft EIR relies on the updated information contained in Appendix F and does not misrepresent the findings of the modeling. Therefore, the proposed project was determined to result in a cumulatively considerable contribution of GHG emissions. No change to the EIR analysis is required and impacts would remain significant.

49-16 The commenter states that a revised version of Appendix F was uploaded on November 12, 2021, which was after the Draft EIR was released for the 45-day review period. The commenter asserts that the public therefore has not been given adequate time to review this component of the EIR.

The commenter is correct, Appendix F was revised to update the modeling consistent with the release of an updated version of the CalEEMod model. However, the updated information contained in the revised version of Appendix F reflects use of the most current version of CalEEMod (2020.4.0). Notably, there were no changes to the underlying methodology and assumptions between the two versions of Appendix F that were uploaded to the City's website. The updated model outputs included in Appendix F were minor and did not change the Draft EIR analysis; therefore, adequate time was provided for review of this supporting documentation. Please also see Response to Comment 49-14.

49-17 The comment refers to mitigation measure NOI-6 which requires repaving a portion of E. 20th Street with rubberized pavement to reduce vehicle noise and questions the adequacy of the mitigation because it does not go west of Potter Road.

The noise analysis included in Section 4.10, Noise, of the Draft EIR was prepared based on information contained in the transportation impact analysis provided in Section 4.13, Transportation and Circulation. The greatest change in roadway traffic noise that would have the potential to occur, east of Bruce Road, would be at the outdoor activity area (i.e., backyard, side yard) of the residence located on the corner of E. 20th Street and Dawncrest Drive; as such, that was used as the primary driver of whether the proposed project would result in a noise impact due to an increase in vehicles. The proposed project was found to have the potential to generate an impact at the residence adjacent to the intersection of E. 20th Street and Dawncrest Drive. In developing the necessary scope for implementation of the mitigation measures (determine the most appropriate place to implement), a more detailed look into the traffic noise modeling results was necessary. The extent of the traffic volume data provided by the transportation consultant included volumes for six roadway segments along E. 20th (east of Bruce Road) between: Bruce Road and Belgium Avenue; Belgium Avenue and Roth Street; Roth Street and Poppy View Terrace; Poppy View Terrace and Potter Road; Potter Road and Autumnfields Way; and Autumnfields Way and Dawncrest Drive.

Traffic noise levels were calculated using the FHWA TNM 2.5 modeling algorithms at receiver locations representing the outdoor activity area of the noise-sensitive receptors adjacent to each of the roadway segments. Traffic noise levels were calculated for the existing and cumulative scenarios, with and without full build-out of the proposed VESP. For both the existing and cumulative scenarios, the significant increase threshold (+8 dBA Ldn above ambient) was only exceeded for the receiver located on E. 20th Street, between Autumnfields Way and Dawncrest Drive. Therefore, because only this segment of E. 20th Street was affected, application of the mitigation measure would only be necessary for that segment. However, traffic noise modeling for the unmitigated cumulative plus project conditions indicated that the receivers along E. 20th Street, between Potter Road and Dawncrest Drive would potentially be exposed to traffic noise levels exceeding the land use compatibility noise level significance threshold of 65 dBA Ldn (absolute noise exposure level rather than relative increase). For the proposed project to achieve compliance with the City's land use compatibility noise level significance threshold the mitigation measure was applied along E. 20th Street, between Potter Road and Dawncrest Drive. With application of the mitigation measure, the traffic noise levels generated by full build-out of the proposed VESP is predicted to comply with the City's land use compatibility noise level thresholds. Thus, extending the repaving of E. 20th Street west of Potter Road is not supported by the noise modeling and is not required.

49-18 The comment references traffic counts along E. 20th Street and notes the project would increase the volume of traffic relative to existing conditions and notes the presence of bike lanes and an existing bike path in this area. Also, the comment states that the increase in traffic may make access onto E. 20th Street difficult from side roads.

Please see Response to Comment 9-49.

49-19 The comment relates to safety along E. 20th Street and notes that due to the increase in vehicles along this road there are no suggestions for traffic calming; the comment suggests it should be addressed as part of the project's cumulative analysis.

Please see Response to Comment 9-49.

49-20 The comment states that wildfire dangers exist along Little Chico Creek, the Butte Creek Diversion Channel, the adjacent neighborhoods and lands, and that the Little Chico Fire Safe Council has been working to clear vegetation in this area with the City and County per the Chico Vegetation Management Plan. The commenter is concerned with the inability to clear property owned by the City resulting in torching and crown fires, and sensitive biological resources being destroyed.

It is noted that the commenters are part of the Little Chico Creek Fire Safe Council and have concerns regarding hazardous vegetation not being cleared along Little Chico Creek due to a lack of management plans for the Hill View Terrace and Belvedere Heights open space lots. However, Little Chico Creek is not within the project boundary. The map on page 74, referenced in the comment, has been reviewed; however, due to the resolution and quality of the map the information is not clear, and it is difficult to assess the accuracy of the commenter's claim that City parcels in the area are mapped for torching and crown fires. Regardless, the commenter is generally correct in that City-owned open space parcels in the area do not lend themselves to vegetation clearing due to the presence of biological resources. As described in Master Response 1 the VESP project takes a multilayered approach to address wildfire concerns and prevent ignitions, including fuel reduction along waterways within the project site. Further, the impact on biological resources by the project has been analyzed within the Draft EIR, and to determine how a potential project fire may affect biological resources in a fire-adapted ecosystem such as the project area is too speculative to be evaluated under CEQA. Please see Master Response 1 which also addresses concerns regarding wildfire.

49-21 The comment states that sensitive biological resources may be destroyed by enforcing fire-safe actions. The comment further asserts that the Draft EIR inadequately addresses wildfire within the proposed development and the cumulative effects on existing neighborhoods including Biological Resources and Transportation (evacuation).

As indicated in Response to Comment 49-20, the impact on biological resources by the project has been analyzed within the Draft EIR, and to determine how a potential project fire may affect biological resources in a fire-adapted ecosystem such as the project area is too speculative to be evaluated under CEQA. Please see Response to Comment 49-20 and Master Response 1 which addresses concerns regarding wildfire related to biological resource impacts and evacuation.

49-22 The commenter appreciates the opportunity to review the Draft EIR and states that they do not want to see this area become another example of urban sprawl.

The commenter's opinion regarding the project is noted and will be forwarded to the decision makers for their consideration.

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Comment Letter 50

George T. Kammerer
Attorney At Law
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12/12/2021

Mr. Mike Sawley, Principal Planner
City of Chico
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Chico, CA 95928

Via E-Mail & First Class Mail

Re: Comments Upon Draft Environmental Impact Report for the Valley's Edge Specific Plan (State Clearing House # 2019089041)

Dear Mr. Sawley:

We submit these comments on behalf of our client, the Drake Revocable Trust of 2001, Virginia Drake, Trustee ("Drake"), a nearby landowner, upon the Draft Environmental Impact Report ("DEIR") for the Valley's Edge Specific Plan Project ("Valley's Edge Project", or "Project") currently released for public comment by the City of Chico ("City"). Drake has a variety of concerns about the Project, and in particular, concerns about the extensive wastewater treatment and wastewater conveyance service (sewer service) demands that the Project will make upon the South East Chico Sewer Assessment District ("SECSAD"), which the DEIR fails to analyze as required by the California Environmental Quality Act. 50-1

South East Chico Sewer Assessment District - District Formation and History

In 1981 and 1982, the City established the SECSAD for the purpose of providing wastewater treatment and wastewater conveyance service to 2,577.51+/- acres of undeveloped lands in the southeast Chico area (see **Exhibit "A" - SECSAD Service Area Map**). (The Valley's Edge Project is not within the SECSAD Service Area and it's wastewater treatment and wastewater conveyance service needs were not taken into account and not provided for as part of the SECSAD design and allocation of wastewater conveyance pipeline capacity or disposal services to be provided by the SECSAD sewer system facilities.)

At the time of SECSAD district formation, every parcel that was within the SECSAD was assigned a City-calculated wastewater flow factor based upon the City's General Plan Land Use Designation and Zoning flow needs for each of those parcels. Bonds were issued by the SECSAD and the parcels therein were assessed a fair share public benefit payment requirement. Bond fund proceeds were used to design, size and install wastewater conveyance main and trunk lines throughout the SECSAD to serve all of the identified parcels. That work was completed in the early 1990s. SECSAD landowners were assigned Assessment Nos. (Drake was No. 705 and No. 706). Over time the other SECSAD landowners and Drake paid off their fair share of the bonded indebtedness. Drake paid its share of sewer bond principal in full ($798,181.00 principal), plus over $200,000.00 in interest payments. Drake was/is the largest landowner in the SECSAD, owning 530.1+/- acres (see **Exhibit "B"- Dan J. Cook Engineer, 1981**). 50-2

South East Chico Sewer Assessment District - Installed Conveyance Capacity

The wastewater conveyance pipelines installed as part of the SECSAD were sized to accommodate the wastewater conveyance capacity needs for the urban density land development requirements of the financially participating landowners located within SECSAD district boundaries. This wastewater conveyance capacity is identified and clearly depicted within the City's Final Sanitary Sewer Master Plan Update, June 2013, by Carollo Engineers, as revised, (see **Exhibit "C" Figure 4.1 Existing Sanitary Sewer Collection System, Carollo Engineers**).

As depicted in Figure 4.1, Drake installed, at Drake's direct expense, from a point starting at Drake's land holdings south of Highway 32, an eight inch (8") sewer trunk line heading west, leading to and including an eighteen inch (18") sewer main line heading south, just west of and paralleling Bruce Road, down to 20th Street. The 18" sewer main line then turns west and runs underneath 20th Street. Nearby, at the point where the Drake-installed 18" sewer main line main meets 20th Street, a separate ten inch (10") Doe Mill trunk sewer line comes in from the east sized to serve the Doe Mill subdivisions.

This Doe Mill trunk line is the Valley's Edge Project north connection to the existing SECSAD sewer conveyance pipelines with an enlarged fifteen inch (15") trunk line as explained in Chapter 4 of the Project DEIR. This will direct wastewater into the SECSAD pipeline system from a sizable segment of the Valley's Edge Project comprised of several hundred residential units (which were not anticipated or planned for within the SECSAD district for wastewater disposal service).

Drake is quite reasonably concerned that approval of an enlarged 15" Valley's Edge Project wastewater connection at this location (Doe Mill trunk line) will adversely impact the ability of the existing 18" SECSAD wastewater conveyance main line to convey that wastewater capacity already paid for and needed by Drake to serve the Drake lands upstream when the expanded 15" Doe Mill trunk line with Valley's Edge sewage will connect to and dump into the SECSAD 18" main line. None of these highly-foreseeable potential adverse impacts were analyzed in the DEIR and must be pursuant to CEQA.

50-3

The likelihood of a significant adverse impact to the SECSAD wastewater conveyance system capacity from a Valley's Edge Project connection at the Doe Mill location is quite high, as the lands of Drake upstream already have existing engineered subdivision plans, previously submitted to the City and reviewed by City staff at length, which are being prepared for re-submittal. As acknowledged by the Chico City Manager in his letter to Drake of March 26, 2021, the "City's planning assumes development of the Drake properties at 100 percent of the capacity provided in the SECSAD Engineer's Report" which amounts to 600 +/- residential dwelling units and up to 40,000 square feet of Commercial / Office space (see **Exhibit "D" Eastgate Site Plan**). The DEIR failed to analyze these SECSAD system capacity needs.

50-4

In fact, in order for the DEIR to be legally adequate, it is imperative that the City actually conduct a SECSAD district-wide engineering study to analyze and determine the potential impact to wastewater disposal conveyance capacity pipelines throughout the entire SECSAD system to all existing SECSAD sewer lines installed by and at the expense of all SECSAD district landowners. The DEIR has some brief cursory discussion of the capacity of the City Water Pollution Control Plant (WPCP), but no meaningful quantitative discussion of potential impacts to sewer line sizing and its capacity to serve other lands within the entire surrounding growth areas that paid for the SECSAD infrastructure which Valley's Edge now plans to tap into, use and consume a very large share of SECSAD sewer conveyance capacity. It is

50-5

essential that the DEIR analyze Valley's Edge impacts to the entire SECSAD conveyance system assuming maximum development by all other SECSAD landowners per the SECSAD Engineer's Report. 50-5 Cont.

The need to conduct this analysis by Valley's Edge, before the project can be approved, is particularly acute because the large neighboring Merriam Park development project's density was dramatically increased (with a commensurate substantial increase in sewer unit hookups and use of SECSAD sewer capacity in this exact location west of Bruce Road and north of 20th Street) above and beyond the density originally assumed for the Merriam Park site by SECSAD when the district was formed. As a result, substantial additional conveyance capacity has been used in this location which will exacerbate impacts from Valley's Edge tying into the SECSAD system. New state law now allows "Granny Flat" ancillary living quarters to be built on lots and tie into sewer. Both were not and must be analyzed in the DEIR. 50-6

South East Chico Sewer Assessment District - Conveyance Capacity Owned By Drake

As the largest landowner in the SECSAD at the time of formation and thereafter, Drake paid a lion's share of the bonded indebtedness, with interest, to install the wastewater conveyance pipeline infrastructure, for the very purpose, and with reasonable investment-backed expectations, of using the maximum wastewater capacity necessary to develop of all of Drake's holdings within the SECSAD. Any excess capacity not used by Drake, based upon Drake's acreage of participation, remains the property of Drake and is saleable on the open market to others who have SECSAD sewer hook-up needs.

As noted above, the Chico City Manager in his letter to Drake of March 26, 2021, confirmed that the "City's planning assumes development of the Drake properties at 100 percent of the capacity provided in the SECSAD Engineer's Report." Drake's engineers, Rolls, Anderson & Rolls ("RAR"), agree with that conclusion after conducting a thorough analysis of the SECSAD Engineer's Report, and the City's consulting engineer, Carollo Engineers' July 26, 2020 memorandum with its new loading polygons which show all of the Drake properties south of State Highway 32 as assumed for 100% development use of SECSAD wastewater conveyance capacity. 50-7

In fact, RAR has numerically quantified the number of sewer units allocated to the Drake properties within Carollo's new loading polygons based upon parcel acreage and zoning, and Drake's bonding and construction cost participation in the SECSAD wastewater conveyance pipeline system to serve Drake's properties. RAR's precise engineered calculations confirm that Drake owns a minimum of 4,165.33 wastewater sewer hook-up units for residential and/or other development (see **Exhibit "E" RAR, April 26, 2021 Drake Owned Sewer Unit Calculation**). The DEIR failed to analyze this SECSAD capacity need. 50-8

This DEIR deficiency is particularly acute because this sewer unit calculation has been known to the City since at least April 25, 2021 (and discussed with the City in additional multiple written correspondence dating back over several years). Inexplicably, the DEIR failed to discuss or even mention the City's well known (fully foreseeable) future Drake development wastewater conveyance system needs and allocation within the City's own SECSAD Engineer's Report. To be legally adequate, the 4,165.33 sewer hook-up unit capacity owned by Drake must be taken into account in the Valley's Edge Project DEIR analysis. 50-9

Further still, this Drake 4,165.33 sewer hook-up units capacity has a priority over the Valley's Edge Project's wastewater disposal needs. The Valley's Edge Project is <u>not</u> within the SECSAD service area. The SECSAD Engineer's Report never took into account development of the Valley's Edge Project 50-10

parcels in designing and sizing adequate wastewater infrastructure conveyance capacity. It is a legal imperative that the City reserve adequate hook up and conveyance capacity within the SECSAD system to serve the entire Drake-owned allocation of 4,165.33 sewer hook-up units, before allowing Valley's Edge to connect to the SECSAD wastewater conveyance system. 50-10 Cont.

The Valley's Edge Project and DEIR are inadequate and legally insufficient to allow for project approval by the City until a SECSAD district-wide sewer system wastewater conveyance system capacity and unit allocation reservation study has been conducted and verified as accurate. This SECSAD-wide study must demonstrate conclusively that there is adequate wastewater disposal capacity in the SECSAD conveyance system to accommodate development of all lands within General Plan-approved growth areas within the SECSAD boundaries, before approving sewer service to projects, like Valley's Edge, located outside SECSAD district boundaries. The paucity of the DEIR data and discussion on this topic fails to meaningfully inform the public and meet CEQA's public information notice and disclosure mandates: 50-11

A SECSAD district-wide sewer system wastewater conveyance system capacity and unit allocation reservation study must be performed as an essential component of the Valley's Edge Project DEIR, in order to legally support any Valley's Edge Project approval that would use any SECSAD facilities. 50-12

Make no mistake, the financial damages of approving the Valley's Edge Project, without sufficient sewer hook-up conveyance capacity to serve all of Drake's holdings at 100% build out is substantial. The current value of Drake's 4,165.33 pre-paid sewer hookup units (recently valued at $1,825.46 per SFR unit and valued at $1,545.80 per MFR unit), is the following:

- 2,763 SFR sewer hookup units (R-1 and R-2) at their current fair market value of $5,044,348; plus,

- 1,400 MFR sewer hookup units (R-3) at their current fair market value of $2,164,120 = $7,208,468. 50-13

Any deprivation of Drake's ability to use and/or sell Drake's sewer units will result in immediate requests for judicial relief against the City and the project proponents. And that is solely the value of the sewer units themselves if deprived of their sale or use. This does not include fully foreseeable damages for loss of revenue to Drake for being unable to build and sell actual dwelling units served by those sewer units.

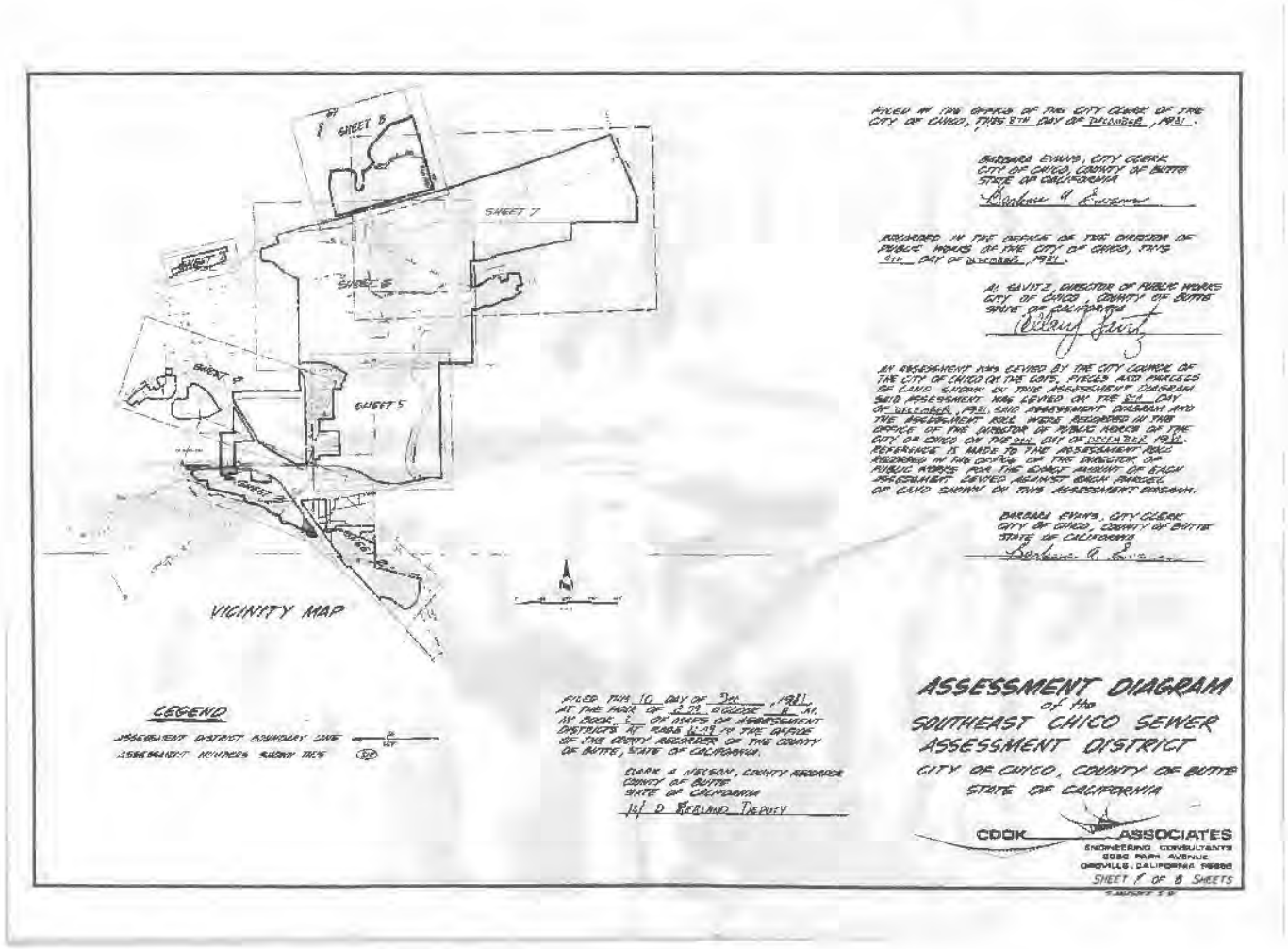
In this multitude of ways, the Valley's Edge DEIR is legally deficient and inadequate to support project approval until and unless this level of additional significant impact analysis is performed and all feasible mitigation measures are exhausted that mitigate all these significant impacts to less than significant levels. 50-14

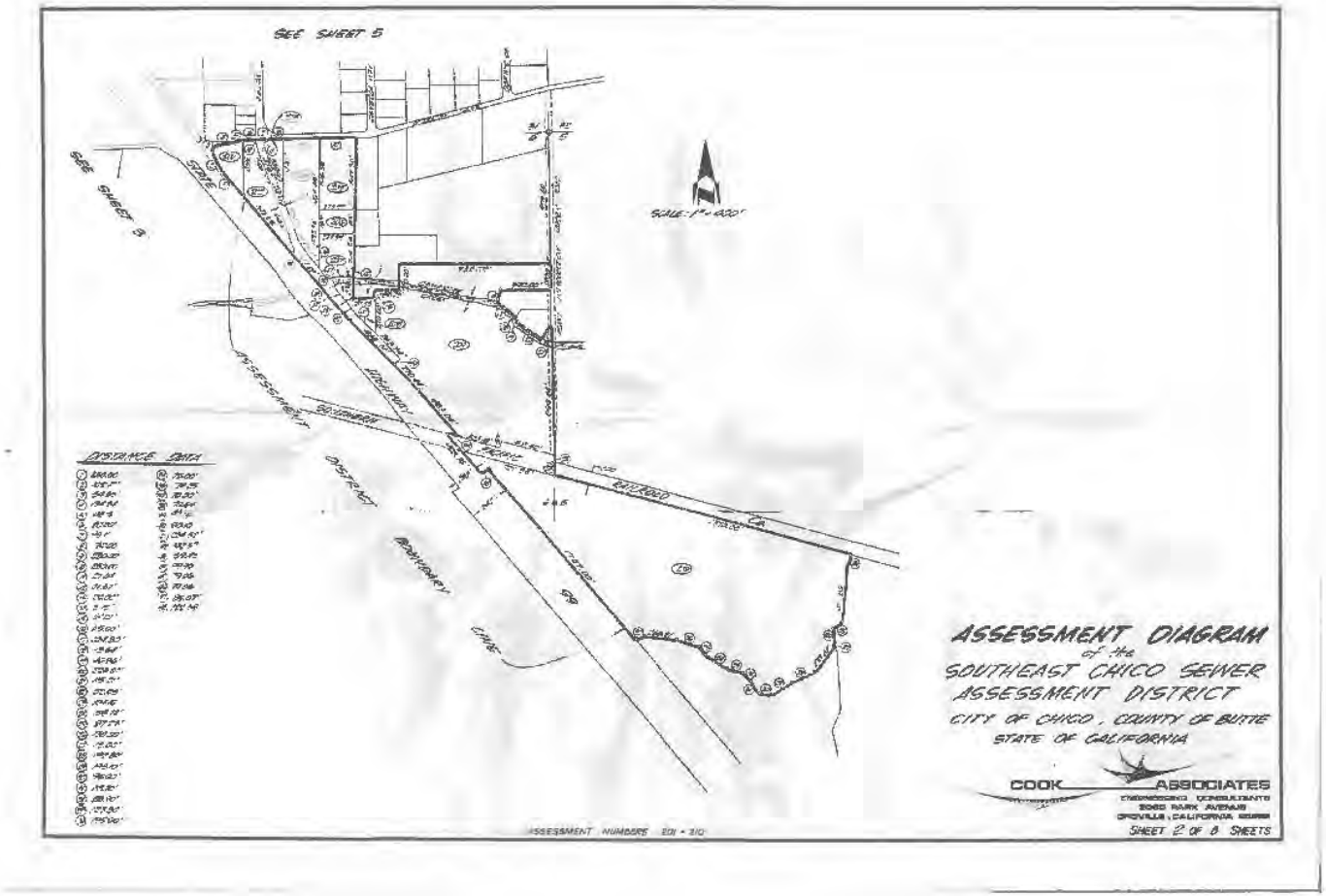
Very truly yours,

George T. Kammerer, Attorney At Law

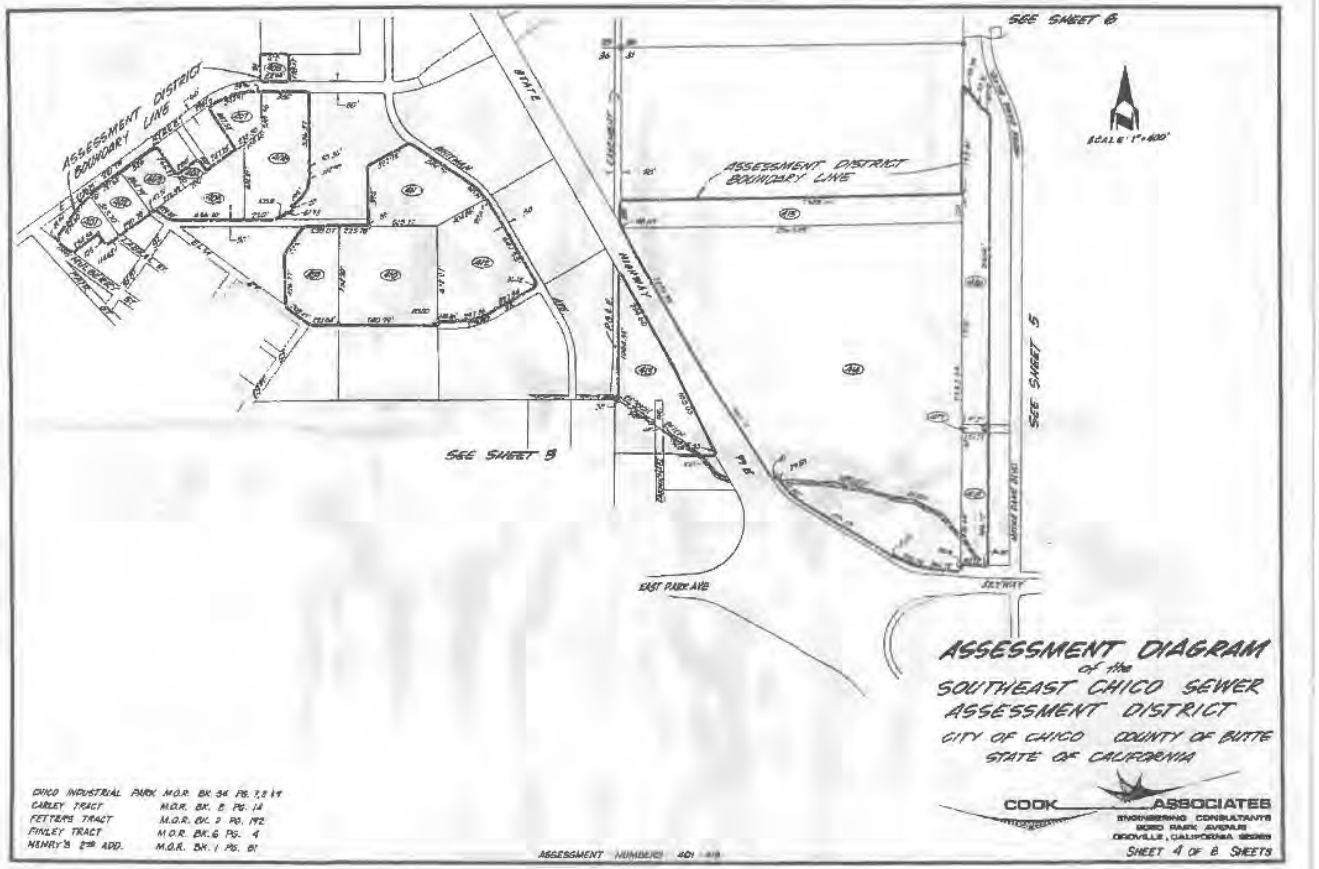
Exhibits A - E attached

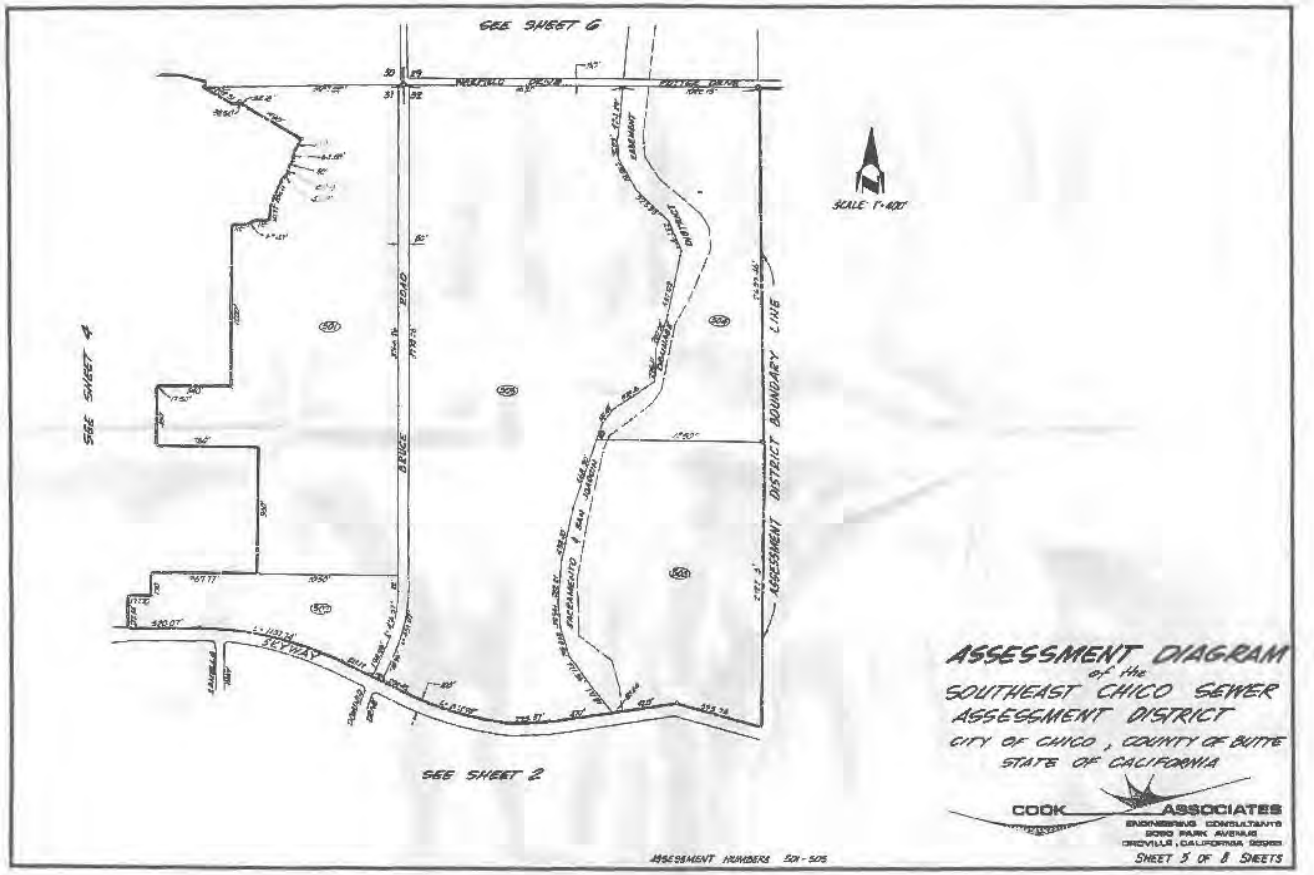
cc: The Drake Revocable Trust of 2001, Virginia Drake Trustee
Kenneth R. Stone, Senior Litigation Attorney, Hefner Law
Rolls, Anderson & Rolls Engineers
Mark Orme, Chico City Manager
Matt Johnson, Chico City Senior Development Engineer

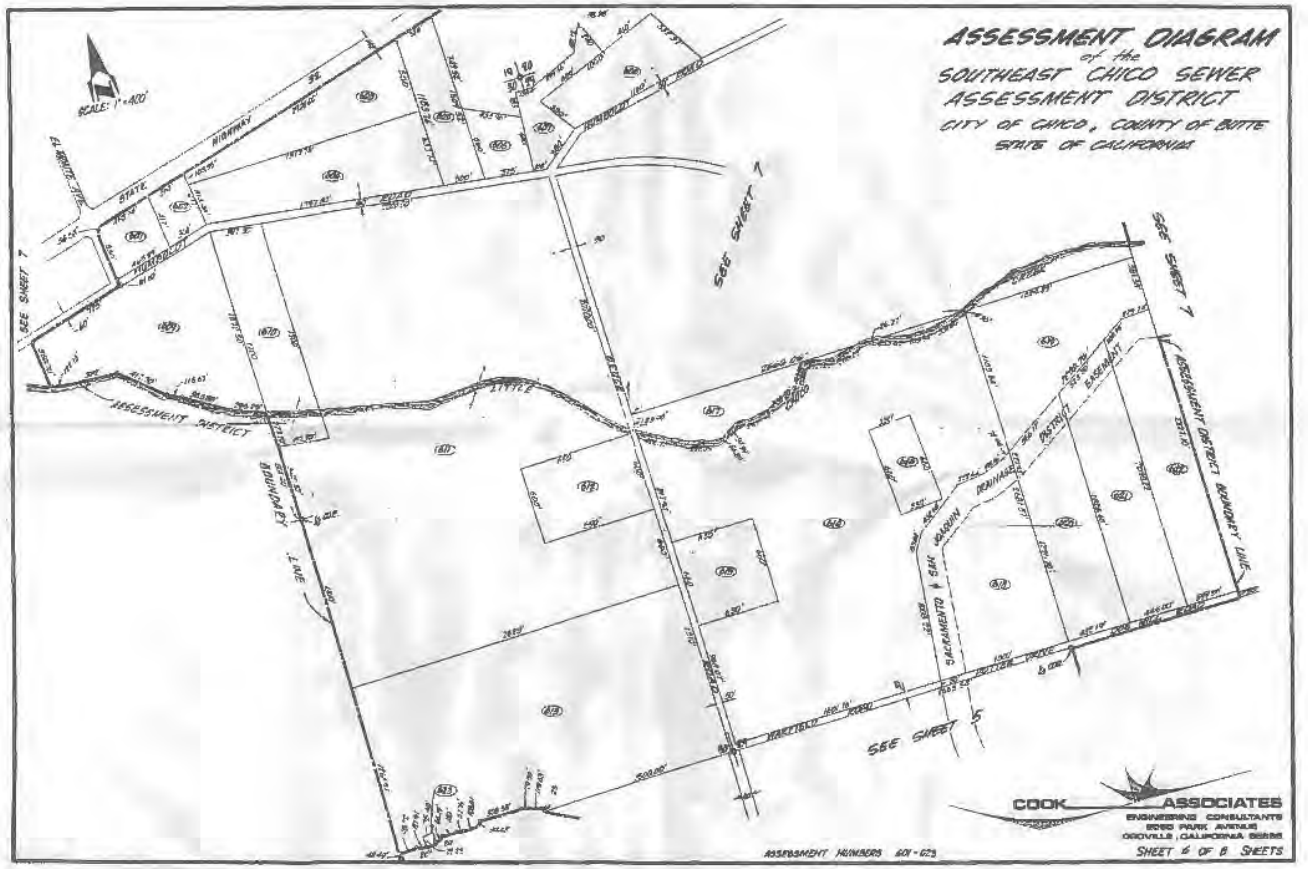

SHEET 8
SHEET 7
SHEET 6
SHEET 5
SHEET 4
SHEET 3
SHEET 2
SHEET 1
VICINITY MAP
LEGEND
ASSESSMENT DISTRICT BOUNDARY LINE
ASSESSMENT NUMBERS SHOWN THUS
FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CHICO, THIS 8TH DAY OF DECEMBER, 1981.
BARBARA EVANS, CITY CLERK
CITY OF CHICO, COUNTY OF BUTTE
STATE OF CALIFORNIA
ASSIGNED IN THE OFFICE OF THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF CHICO, THIS 9TH DAY OF DECEMBER, 1981.
AL DAVIS, DIRECTOR OF PUBLIC WORKS
CITY OF CHICO, COUNTY OF BUTTE
STATE OF CALIFORNIA
AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL OF THE CITY OF CHICO ON THE LOTS, PIECES AND PARCELS OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM. SAID ASSESSMENT WAS LEVIED ON THE 8TH DAY OF DECEMBER, 1981. SAID ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL WERE ASSIGNED IN THE OFFICE OF THE DIRECTOR OF PUBLIC WORKS ON THE CITY OF CHICO ON THE 9TH DAY OF DECEMBER 1981. REFERENCE IS MADE TO THE ASSESSMENT ROLL ASSIGNED IN THE OFFICE OF THE DIRECTOR OF PUBLIC WORKS FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM.
BARBARA EVANS, CITY CLERK
CITY OF CHICO, COUNTY OF BUTTE
STATE OF CALIFORNIA
FILED THIS 10 DAY OF DEC, 1981
AT THE HOUR OF 2:03 O'CLOCK P M.
IN BOOK 2 OF STATE OF ASSESSMENT
DISTRICTS AT PAGE 41-49 IN THE OFFICE
OF THE COUNTY RECORDER OF THE COUNTY
OF BUTTE, STATE OF CALIFORNIA.
CLARK A NELSON, COUNTY RECORDER
COUNTY OF BUTTE
STATE OF CALIFORNIA
BY D KERRIGAN DEPUTY
ASSESSMENT DIAGRAM
of the
SOUTHEAST CHICO SEWER
ASSESSMENT DISTRICT
CITY OF CHICO, COUNTY OF BUTTE
STATE OF CALIFORNIA
COOK ASSOCIATES
ENGINEERING CONSULTANTS
2036 PARK AVENUE
OROVILLE, CALIFORNIA 95965
SHEET 1 OF 8 SHEETS

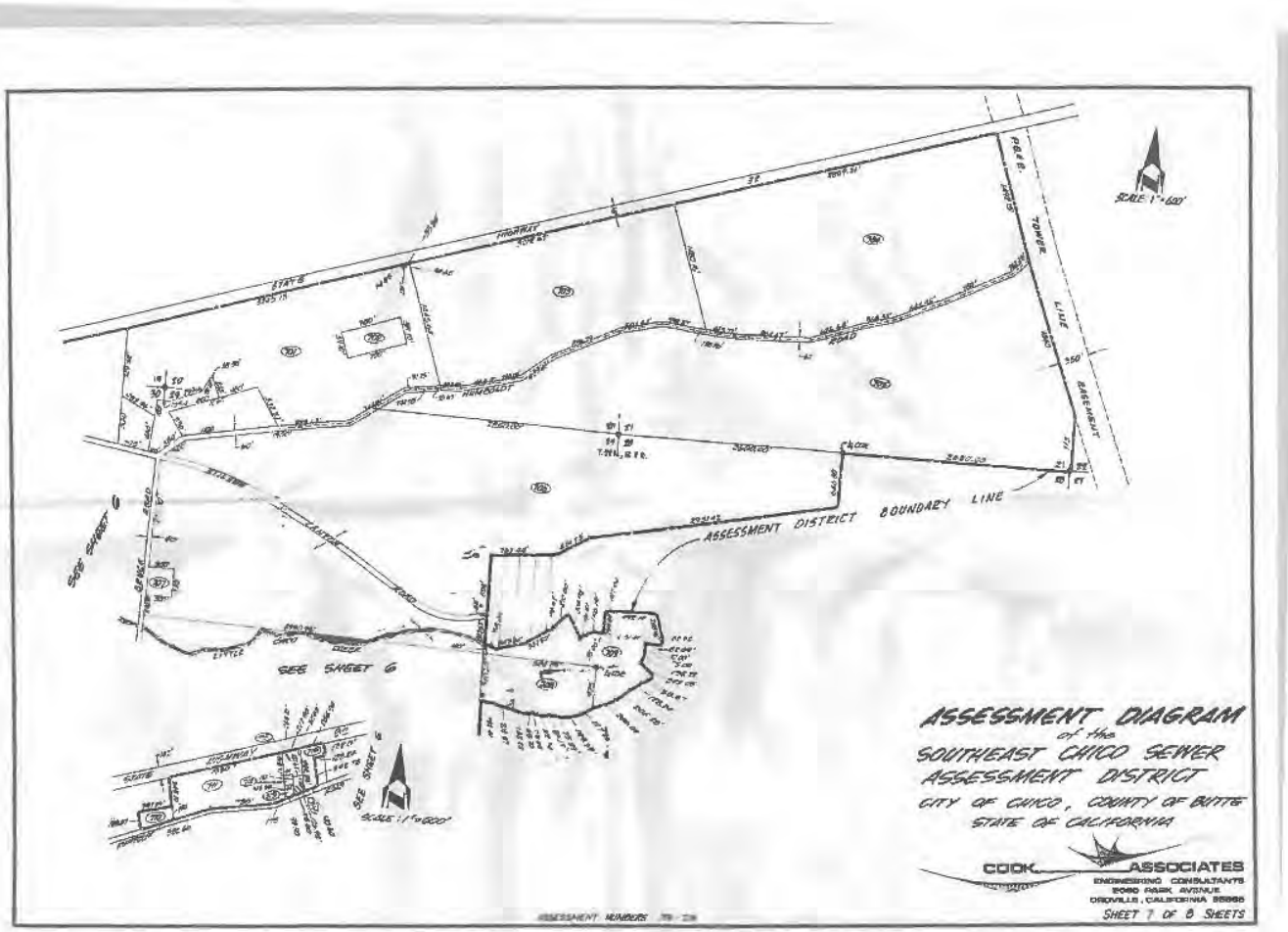

SEE SHEET 5
SEE SHEET 3
SCALE: 1" = 400'
DISTANCE DATA
ASSESSMENT DIAGRAM
of the
SOUTHEAST CHICO SEWER
ASSESSMENT DISTRICT
CITY OF CHICO, COUNTY OF BUTTE
STATE OF CALIFORNIA
COOK ASSOCIATES
ENGINEERING CONSULTANTS
SHEET 2 OF 8 SHEETS

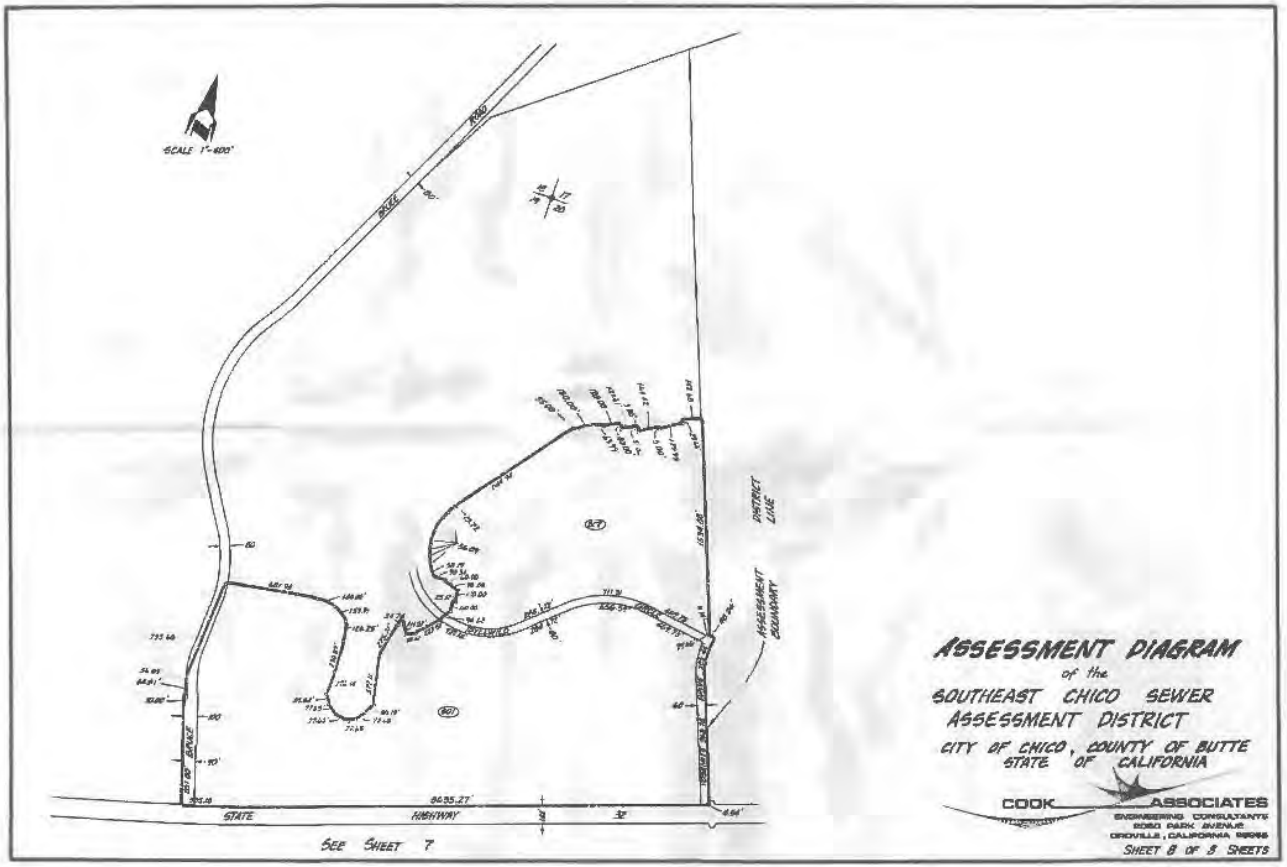
SEE SHEET 4
SEE SHEET 4
STATE
SCALE 1"=400'
DISTANCE DATA
SILVER DOLLAR FAIRGROUNDS
EAST PARK
EASEMENT
HIGHWAY
SKYWAY
ASSESSMENT DISTRICT BOUNDARY LINE
SEE SHEET 2
FAIR
BRASELTON & FERRELLS SUBD. NO 1 M.O.R. BK. 7 PG. 16
CARLEY TRACT SUBD M.O.R. BK. 8 PG. 14
ASSESSMENT DIAGRAM
of the
SOUTHEAST CHICO SEWER
ASSESSMENT DISTRICT
CITY OF CHICO, COUNTY OF BUTTE
STATE OF CALIFORNIA
COOK ASSOCIATES
ENGINEERING CONSULTANTS
2080 PARK AVENUE
CHICO, CALIFORNIA 95928
SHEET 3 OF 8 SHEETS


SEE SHEET 6
SCALE 1"=400'
ASSESSMENT DISTRICT BOUNDARY LINE
ASSESSMENT DISTRICT BOUNDARY LINE
SEE SHEET 5
SEE SHEET 3
EAST PARK AVE
ASSESSMENT DIAGRAM
of the
SOUTHEAST CHICO SEWER ASSESSMENT DISTRICT
CITY OF CHICO COUNTY OF BUTTE
STATE OF CALIFORNIA
CHICO INDUSTRIAL PARK M.O.R. BK. 34 PG. 7,8 & 9
CARLEY TRACT M.O.R. BK. E PG. 14
FETTERS TRACT M.O.R. BK. 2 PG. 192
FINLEY TRACT M.O.R. BK. 6 PG. 4
HENRY'S 2ND ADD. M.O.R. BK. 1 PG. 81
COOK ASSOCIATES
ENGINEERING CONSULTANTS
SHEET 4 OF 8 SHEETS


SEE SHEET 6
SCALE 1"=400'
SEE SHEET 4
SEE SHEET 2
ASSESSMENT DISTRICT BOUNDARY LINE
ASSESSMENT DIAGRAM
of the
SOUTHEAST CHICO SEWER
ASSESSMENT DISTRICT
CITY OF CHICO, COUNTY OF BUTTE
STATE OF CALIFORNIA
COOK ASSOCIATES
ENGINEERING CONSULTANTS
ASSESSMENT NUMBERS 501-505
SHEET 3 OF 8 SHEETS


ASSESSMENT DIAGRAM
of the
SOUTHEAST CHICO SEWER
ASSESSMENT DISTRICT
CITY OF CHICO, COUNTY OF BUTTE
STATE OF CALIFORNIA
SCALE: 1" = 400'
SEE SHEET 7
SEE SHEET 5
ASSESSMENT DISTRICT BOUNDARY LINE
SACRAMENTO & SAN JOAQUIN DRAINAGE DISTRICT
EASEMENT
COOK ASSOCIATES
ENGINEERING CONSULTANTS
OROVILLE, CALIFORNIA
ASSESSMENT NUMBERS 601 - 673
SHEET 6 OF 8 SHEETS


ASSESSMENT DISTEICT BOUNDARY LINE
SEE SHEET 6
SEE SHEET 6
SCALE 1"=600'
ASSESSMENT DIAGRAM
of the
SOUTHEAST CHICO SEWER
ASSESSMENT DISTRICT
CITY OF CHICO, COUNTY OF BUTTE
STATE OF CALIFORNIA
COOK ASSOCIATES
ENGINEERING CONSULTANTS
2060 PARK AVENUE
OROVILLE, CALIFORNIA 95965
SHEET 7 OF 8 SHEETS


SCALE 1"=400'
ROAD
DISTRICT LINE
ASSESSMENT BOUNDARY
STATE HIGHWAY
8635.27'
See Sheet 7
ASSESSMENT DIAGRAM
of the
SOUTHEAST CHICO SEWER
ASSESSMENT DISTRICT
CITY OF CHICO, COUNTY OF BUTTE
STATE OF CALIFORNIA
COOK ASSOCIATES
ENGINEERING CONSULTANTS
2280 PARK AVENUE
OROVILLE, CALIFORNIA 95965
SHEET 8 OF 8 SHEETS

APPORTIONED ASSESMENT
AMENDING ASSESSMENT NOS. 705 AND 706
SOUTHEAST CHICO SEWER ASSESSMENT DISTRICT
CITY OF CHICO, BUTTE COUNTY, CALIFORNIA

1. A request has been filed with the Director of Public Works of the City of Chico requesting an apportionment of assessment within Southeast Chico Sewer Assessment District to conform with a subdivision of land within the district.

2. In accordance with the application, the undersigned hereby apportions to each separate part of the original parcel of land the proportionate part of the assessment that would have been levied thereon if the parcel had been so divided at the time the original assessment was made. The undersigned has assigned a new assessment number to each parcel, as shown on the Amended Assessment Diagram attached to this apportionment.

3. The old assessment numbers, new assessment numbers and apportioned assessments (based in each case on the original amount of assessment) are as follows:

Old Assesment and Diagram No.	New Assesment and Diagram No.	Reapportionment of Original Amount	Assessor's Parcel No.
706	706-A	$199,679.60	46-36-114
705&706	706-B	$ 40,547.59	46-36-115
706	706-C	$136,339.40	46-36-116
705	706-D	$421,614.20	46-36-117 & 46-34-83
		Σ=$798,180.79	

DATED : August 27, 1985.

Cook Associates
Engineer of Work

By _____

EXHIBIT A

ASSESSMENT & DIAGRAM NO.	ASSESSMENT AMOUNT	PROPERTY DESCRIPTION	
610	$ 46,107.84	46-36-02	
611	346,144.22	46-36-80	
612	26,254.90	46-36-04	
613	170,708.78	46-42-02	
614	205,618.90	46-36-85	
615	19,779.40	46-36-84	
616	6,920.78	46-36-83	
617	11,020.85	46-36-06	
618	37,649.06	46-36-31	
619	25,060.15	46-36-~~89~~ 113	
620	22,236.47	46-36-86	
621	23,530.66	46-36-87	
622	23,648.31	46-36-88	
623	.00	46-42-03	DROPPED OUT
701	209,326.79	46-34-34	
702	21,626.68	46-34-16	
703	127,401.91	46-34-35	
704	163,961.62	46-34-36	
→ 705	250,277.53	46-34-38	←
706	547,903.26	46-36-07	
707	6,603.16	46-36-05	
708	13,540.66	46-36-10	
709	10,792.81 ~~22,222.22~~ 1/	46-55-75	
710	~~8,994.54~~	46-56-01	
711	44,971.27	46-26-69	
712	276.84	46-26-117	
713	1,920.01	46-26-116	
714	2,920.60	46-26-118	
715	3,697.77	46-26-119	
716	6,122.25	46-26-183	
801	323,926.74	46-34-58	
802	193,752.96	46-34-57	
	$ ~~XXXXXXXXXX~~	TOTAL ASSESSMENT	
	56,952.07	REDUCTIONS 1/	
	$4,741,428.05	REVISED TOTAL ASSESSMENT 1/	

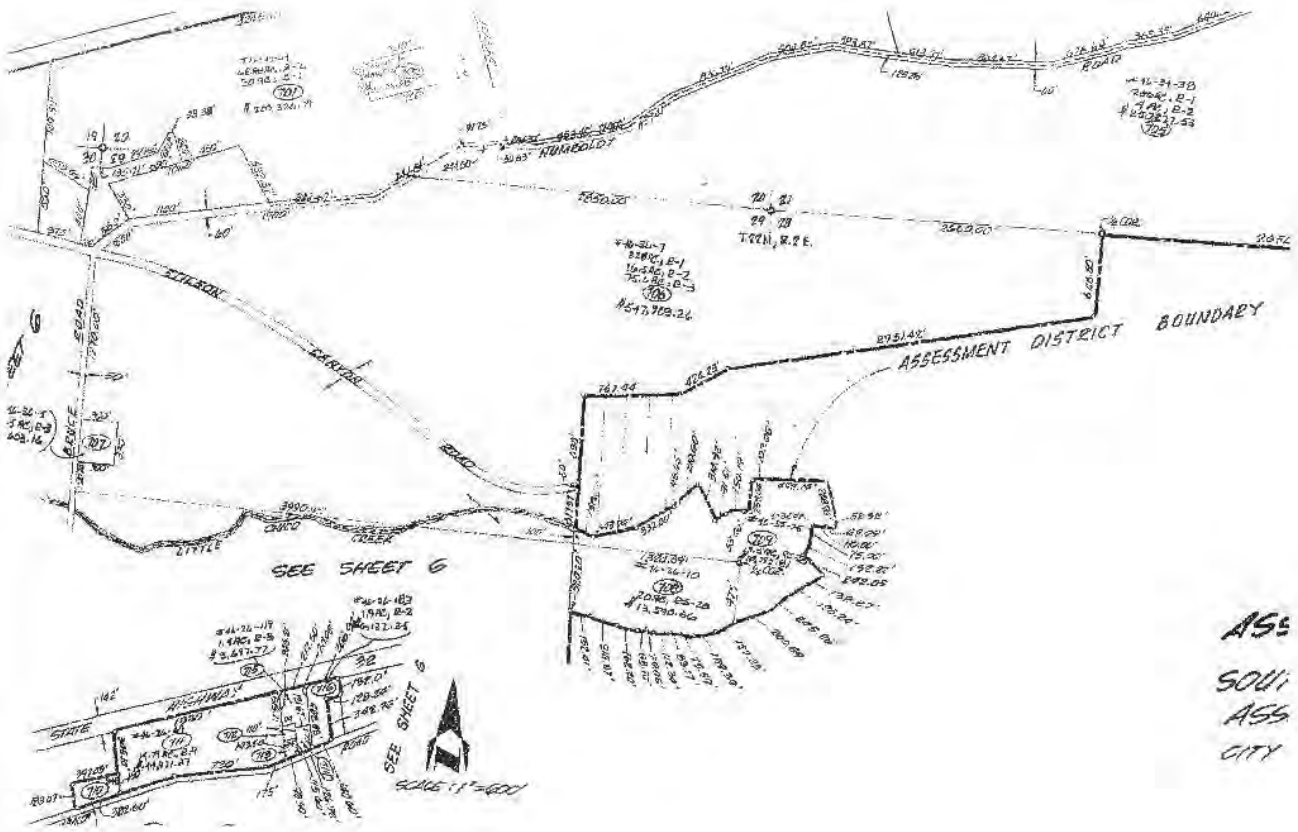
1/ Revised in accordance with the City Council's action taken at continued protest hearing December 8, 1981.

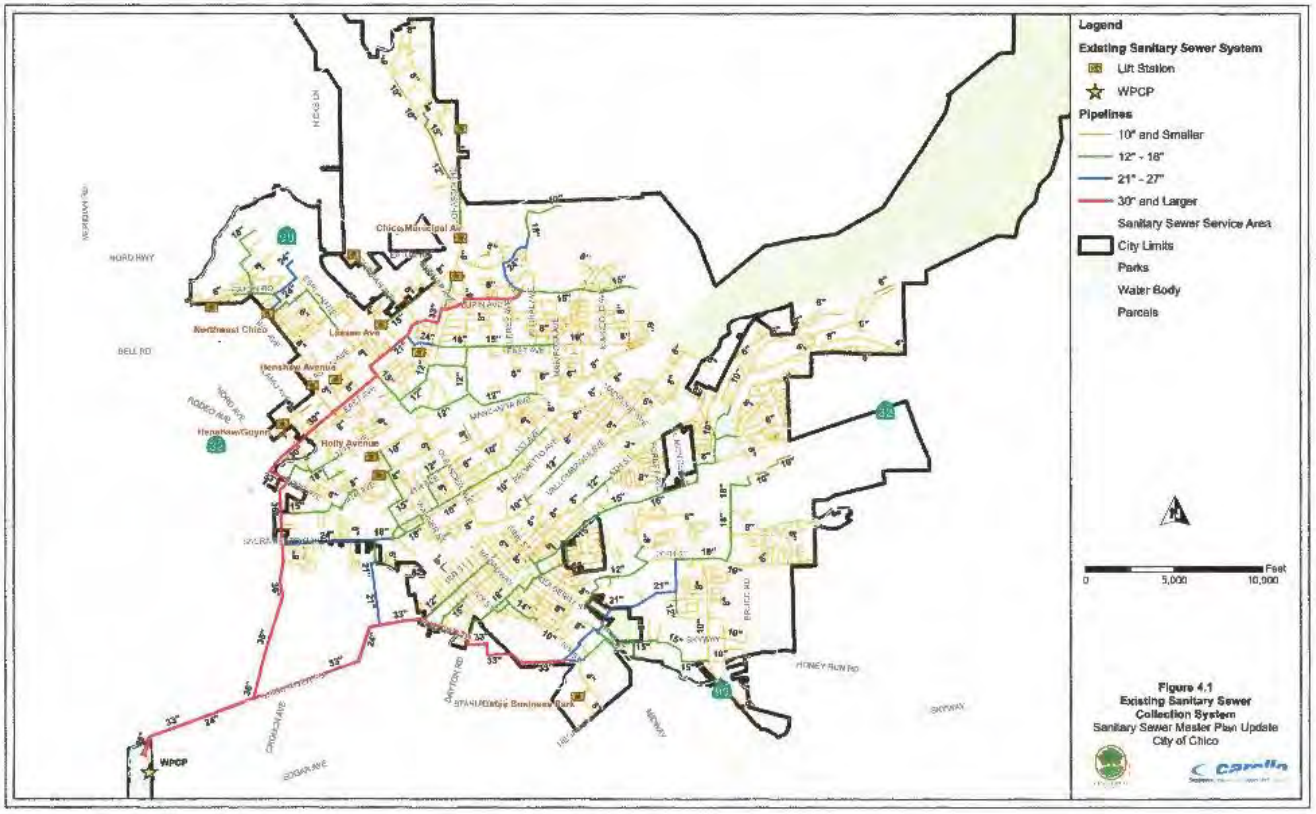
Dan J. Cook, R.C.E. 13062
Engineer of Work

-3-

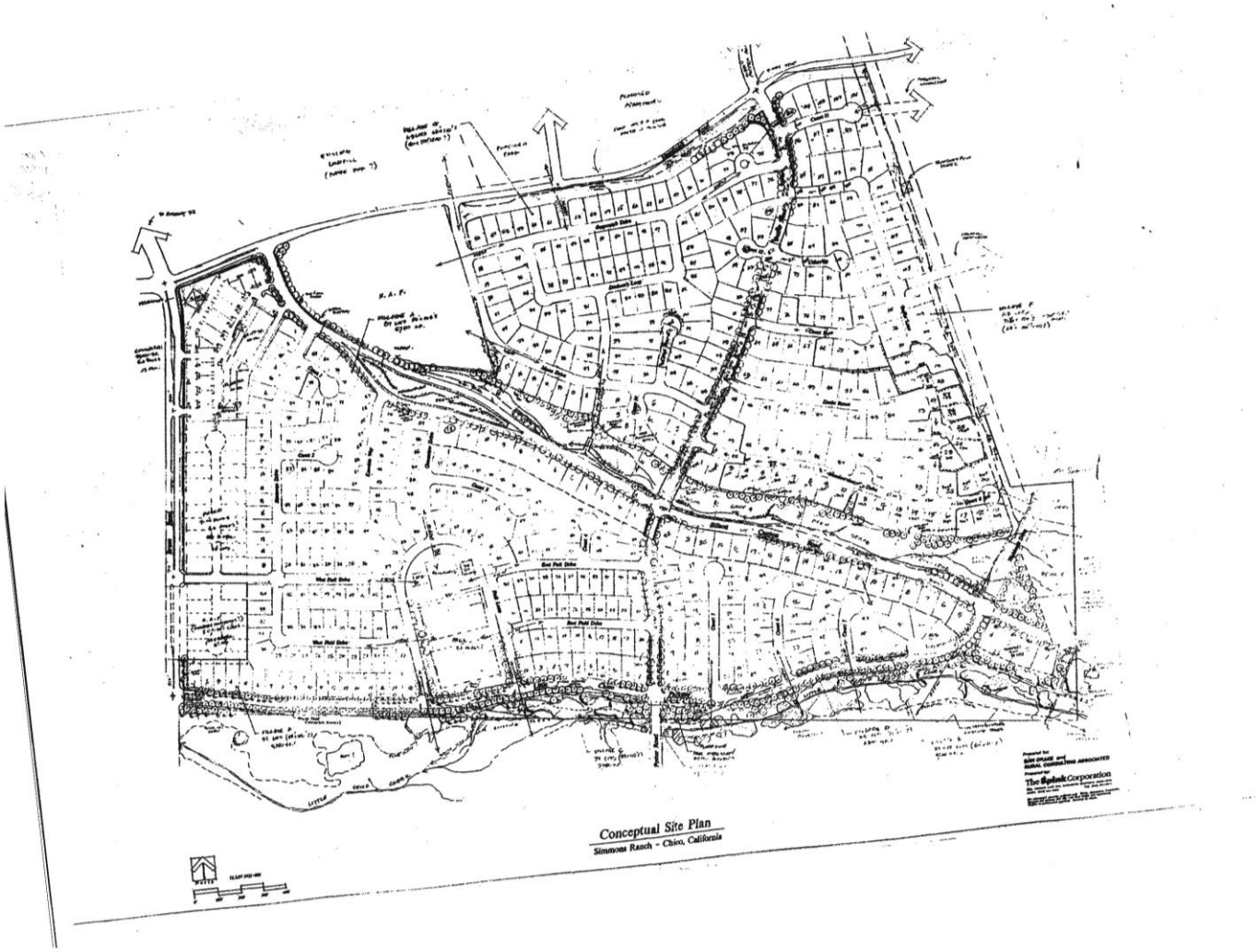
	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
2	LAST	FIRST	ASMT.	BOOK	PAGE	PARCEL	LAND		GROSS	AREA	SEWAGE	FLOW	FRONTAGE	FRONTAGE	FRONTAGE	TOTAL	NET	BASE
3	NAME	NAME	NO.	NO.	NO.	NO.	USE	DUTY	ACRES	SHAPE F	FLOW	FACTOR	DISTANCE	SHAPE F	BENEFIT	COST	COST	ASSMT
4																		
91	WINN	ARLIN	609	46	27	8	R-3	3950	26.52	.9	94278.6	.0155379	1500	1	25500			89417.28
92	WINN	ARLIN	610	46	36	2	R-3	3950	15	1	59250	.0097649	387	1	6579			46748.23
93	SCHMIDBAUER	GEORGE	611	46	36	80	PC/R-1	2070	178	1	369460	.0687254	3950	1	101150			358951.8
94	GOLD EMP	BROADCAST	612	46	36	4	R-1	2070	11.7	1	24219	.0039915	600	1	10200			26619.55
95	SCHMIDBAUER	GEORGE	613	46	42	2	PC/R-1	2070	77.42	1	160259.4	.0264121	3790	1	64430			173879.7
96	SCHLAF	IRVIN	614	46	36	85	PC/R-1	2070	49.46	1	102382.2	.0168735	0	0	0		207986.4	69411.21
97	SCHLAF	IRVIN	614				PC/R-2	2950	15	1	44370	.0073126	0	0	0			30081.16
98	SCHLAF	IRVIN	614				PC/R-3	3950	35	1	138250	.0227848	0	0	0			93728.21
99	SCHLAF	IRVIN	614				NC	2250	18	1	22500	.0037082	0	0	0			15254.14
100	WHITAKER	MARCE	615	46	36	84	R-2	2950	10	1	29500	.0048758	0	0	0			20054.11
101	ALLDRIN	CHARLES	616	46	36	83	PC/R-1	2070	5	1	18350	.0017858	0	0	0			7816.904
102	DAY	DONALD	617	46	36	6	R-3	3950	8.89	0	0	0	0	0	0			11173.92
103	SCHLAF	IRVIN	618	46	36	31	PC/R-1	2070	32	.85	56304	.0092794	0	0	0			38171.96
104	SCHLAF	IRVIN	619	46	36	89	PC/R-1	2070	21.3	.85	37477.35	.0061766	0	0	0			25408.21
105	SCHLAF	IRVIN	620	46	36	86	PC/R-1	2070	18.9	.85	33254.55	.0054806	0	0	0			22545.31
106	SCHLAF	IRVIN	621	46	36	87	PC/R-1	2070	20	.85	35190	.0057996	0	0	0			23857.47
107	SCHLAF	IRVIN	622	46	36	88	PC/R-1	2070	20.1	.85	35365.95	.0058286	0	0	0			23976.76
108	CALIF.	PARK	801	46	34	58	R-1+	2950	113.72	.9	302745.4	.0498951	0	0	0			205249.8
109	CALIF.	PARK	802	46	34	57	R-1+	2950	68.23	.9	181641.9	.0299362	0	0	0			123146.3
110	ROSELLINI	ILDO	701	46	34	34	R-2	2950	68.88	.1	203747.8	.0335793	1207	1	28319		211644.6	158651.7
111	ROSELLINI	ILDO	701				C-1	2250	30	1	67500	.0111246	468	1	7828			53582.42
112	JOHNSON &	WATSON	702	46	34	16	R-2	2950	5	1	14750	.0024375	700	1	11900			21927.65
113	ROSELLINI	ILDO	703	46	34	35	PC/R-1	2070	182.27	.9	190529.8	.0314088	0	0	0			129171.4
114	ROSELLINI	ILDO	704	46	34	36	PC/R-1	2070	148.87	.8	245203.9	.0404117	0	0	0		596187.8	166238.9
115	DRAKE	JOHN	705	46	34	38	R-1	2070	286	.85	362457	.0597361	0	0	0		252948.1	245732.8
116	DRAKE	JOHN	705				R-2	2950	4	1	11832	.0019580	0	0	0			8021.643
117	DRAKE	JOHN	706	46	36	7	R-1	2070	228	1	471960	.0777831	0	0	0		553732.2	319978.8
118	DRAKE	JOHN	706				R-2	2950	16.5	1	48807	.0080438	0	0	0			33089.28
119	DRAKE	JOHN	706				R-3	3950	75.6	1	298620	.0492152	0	0	0		806672.3	202452.9
120	JOHNSON	ELMER	707	46	36	5	R-1	2950	2.5	1	9875	.0016275	0	0	0			6694.872
121	SCHLAF	IRVIN	708	46	36	10	RS-20	1350	20	.75	20250	.0033374	0	0	0			13728.72
122	SCHLAF	IRVIN	709	46	35	75	RS-20	1350	32	.7	30240	.0049838	0	0	0			20501.56
123	ALLEN	MARVIN	710	46	36	1	NC	2250	1.71	1	3847.5	6.341E-4	383	1	6511			9119.458
124	HIGNELL	FRED	711	46	26	69	RP	2250	14.79	1	33277.5	.0054944	1355	1	23035			45595.87
125	STEINSIEK	DONALD	712	46	26	117	R-1	2070	.2	1	414	6.823E-5	0	0	0			288.6762
126	STEINSIEK	DONALD	713	46	26	116	R-1	2070	.2	1	414	6.823E-5	98	1	1666			1946.676
127	WALSVICK	IRVING	714	46	26	118	R-2	2950	.4	1	1183.2	1.958E-4	127	1	2159			2961.164
128	STEINSIEK	DONALD	715	46	26	119	R-3	3950	1.4	1	5530	9.114E-4	0	0	0			3749.128
129	KEMP	MARI AN	716	46	26	183	R-2	2950	1.9	1	5620.2	9.263E-4	141	1	2397	(3)		6207.288
130	TOTALS								2577.51		6867642.				532382.2			4668551

Dan J. Cook
Engineer of Work


ASSESSMENT DISTRICT BOUNDARY
SEE SHEET 6
SEE SHEET 6
SCALE 1"=600'
HUMBOLDT
ELKHORN
STATE


Legend
Existing Sanitary Sewer System
Lift Station
WPCP
Pipelines
10" and Smaller
12" - 18"
21" - 27"
30" and Larger
Sanitary Sewer Service Area
City Limits
Parks
Water Body
Parcels
Feet
0
5,000
10,000
Figure 4.1
Existing Sanitary Sewer
Collection System
Sanitary Sewer Master Plan Update
City of Chico
WPCP
Chico Municipal Air
Northwest Chico
Loesser Ave
Kenshaw Avenue
Holly Avenue
HONEY RUN RD
SKYWAY

8"
10"
10"
18"
18"
8"
8"
18"
8"
10"


Conceptual Site Plan
Simmons Ranch - Chico, California

EASTGATE PROJECT
Conceptual Site Plan

LAND USE SUMMARY

Area/ Symbol	Description (lot size)	Units or Sq. Ft.	Gross Acres	Density du/ac or FAR
A	Single Family Residential (55' x 105'± = 5,750 s.f.)	87	18.4	4.7
B	Single Family Residential (55' x 105'± = 5,750 s.f.)	52	10.8	4.8
C	Single Family Residential (55' x 105'± = 5,750 s.f.)	77	16.2	4.7
D	Single Family Residential (60' x 110'± = 6,500 s.f.)	53	13.6	3.9
E	Single Family Residential (80' x 110'± = 8,750 s.f.)	34	11.1	3.1
F	Single Family Residential (65' x 110'± = 6,500 s.f.)	125	34.6	3.6
G	Single Family Residential (72' x 110'± = 8,500 s.f.)	119	29.6	4.0
TH	Townhome (Half plex units?)	48	4.5	12.0*
CO	Commerical/Office	40,000 sf	5.4	.17 FAR
OS	Open Space	-	31.8	-
P	Park	-	5.0	-
	Total	595 +40,000sf	181.0	-

Note: Acreages and unit counts are approximate and based on Conceptual Plan. *Asterisk indicates townhomes were calculated on a net acreage.

115 YELLOWSTONE DRIVE • CHICO, CALIFORNIA 95973-5811 • TELEPHONE 530-895-1422 • www.rarcivil.com
RAR ROLLS ANDERSON & ROLLS CIVIL ENGINEERS

April 26, 2021

Ms. Ginger Drake
P.O. Box 1448
Chico, CA 95927

SUBJECT: SECSAD ASSESSMENT DISTRICT SEWER UNITS OWNED BY DRAKE

Dear Ginger:

We have reviewed the letter from City Manager, Mark Orme, of the City of Chico (City) to George Kammerer dated March 26, 2021, and the included Southeast Chico Sewer Assessment District (SECSAD) Sewer Capacity Analysis report dated July 16, 2020 prepared by Carollo Engineers (Carollo) for the City. Additionally, we have reviewed a portion of the original property owner assessment sheets prepared by the City for the SECSAD.

The City's March 26 letter states, "the City's planning assumes development of the Drake properties at 100 percent of the capacity provided in the SECSAD Engineer's Report". The Drake properties within the SECSAD include APN's 018-390-009, 018-390-014, 018-390-017, 018-390-018, 018-390-019 and 018-500-083. The Carollo report provides a summary of the updated results of their analysis of the City's sewer system. It accounts for future anticipated development, including the Drake properties. Based upon our review of the Carollo report, the actual capacity allocated to the Drake properties is not listed numerically but its location is shown in Figure 2 of what Carollo calls a "New Loading Polygon" south of State Highway 32 containing the Drake holdings between Humboldt Road, Little Chico Creek, Bruce Road and the high-powerline lattice steel towers, as shown on Sheet 7 of 8 of the SECSAD Engineer's Report. (ATTACHED)

In order to numerically determine the amount of sewer units within this "New Loading Polygon" allocated to the Drake holdings, we reviewed portions of the original SECSAD district property owner assessment sheets prepared by the City which have been freely available to the public for several years. (ATTACHED)

On that assessment sheet, the Drake properties are shown in five separate rows numbered # 115, 116, 117, 118 and 119. The assessment sheet dates to 1981 when the sewer bonds were first issued and the sewer line infrastructure installed. As a result some of the Drake APN numbers listed have been changed by the assessor's office. Particularly relevant information on the assessment sheet includes the following:

From Assessment Sheet					
Row "A"	Assessment No. "D"	Land Use "I"	Gross Areas "J"	Sewage Flow "L"	Base Assessment
115	705	R-1	237	490,590	631,272.1
116	705	R-2	4	11,832	15,224.96
117	706	R-1	222.15	721,987.5	929,025.4
118	706	R-2	16	45,434.88	58,463.84
119	706	R-3	70	276,500	355,789.4
			Sum =	1,546,344.38	1,989,775.70

Additionally, this assessment sheet includes hand written notes that identify the precise number of sewer units assumed and allocated by the City for the different land use/zoning categories used for

T:\Data\PROJECTS\2015\169 Applications\Ewigleit\Drake-042621.docx

the SECSAD assessment calculations. (ATTACHED) Relevant to the Drake properties are the following three land use/zoning categories: R-1 at 5.5 Units/Acre, R-2 at 12 Units/Acre and R-3 at 20 Units/Acre. Utilizing that information we were able to determine that in the SECSAD the City allocated the following number of sewer units to the Drake properties:

From Assessment Sheet					Calculated
Row "A"	Assessment No. "D"	Land Use "I"	Gross Areas "J"	Allocated Density	Number of Units
115	705	R-1	237	5.5	1,303.5
116	705	R-2	4	12	48
117	706	R-1	222.15	5.5	1,221.83
118	706	R-2	16	12	192
119	706	R-3	70	20	1,400
				Sum =	4,165.33

Based upon the City of Chico's SECSAD assessment sheet, the Drake properties were allocated a total of 4,165.33 sewer hook-up units, equivalent to a total sewage flow of 1,546,344.38 gallons per day. The Drake sewer unit hook-up allocation of 4,165.33 units is the "special benefit" conferred upon Drake commensurate with the seven figure sewer line infrastructure installation cost paid for by Drake in full along with substantial interest on the bonds for nearly a decade.

It is incumbent upon the City of Chico to acknowledge in writing the City's long-standing allocation of these 4,165.33 sewer units to Drake dating back to 1961 when Drake was first assessed to pay for them, and thereafter Drake did pay for them in full with interest.

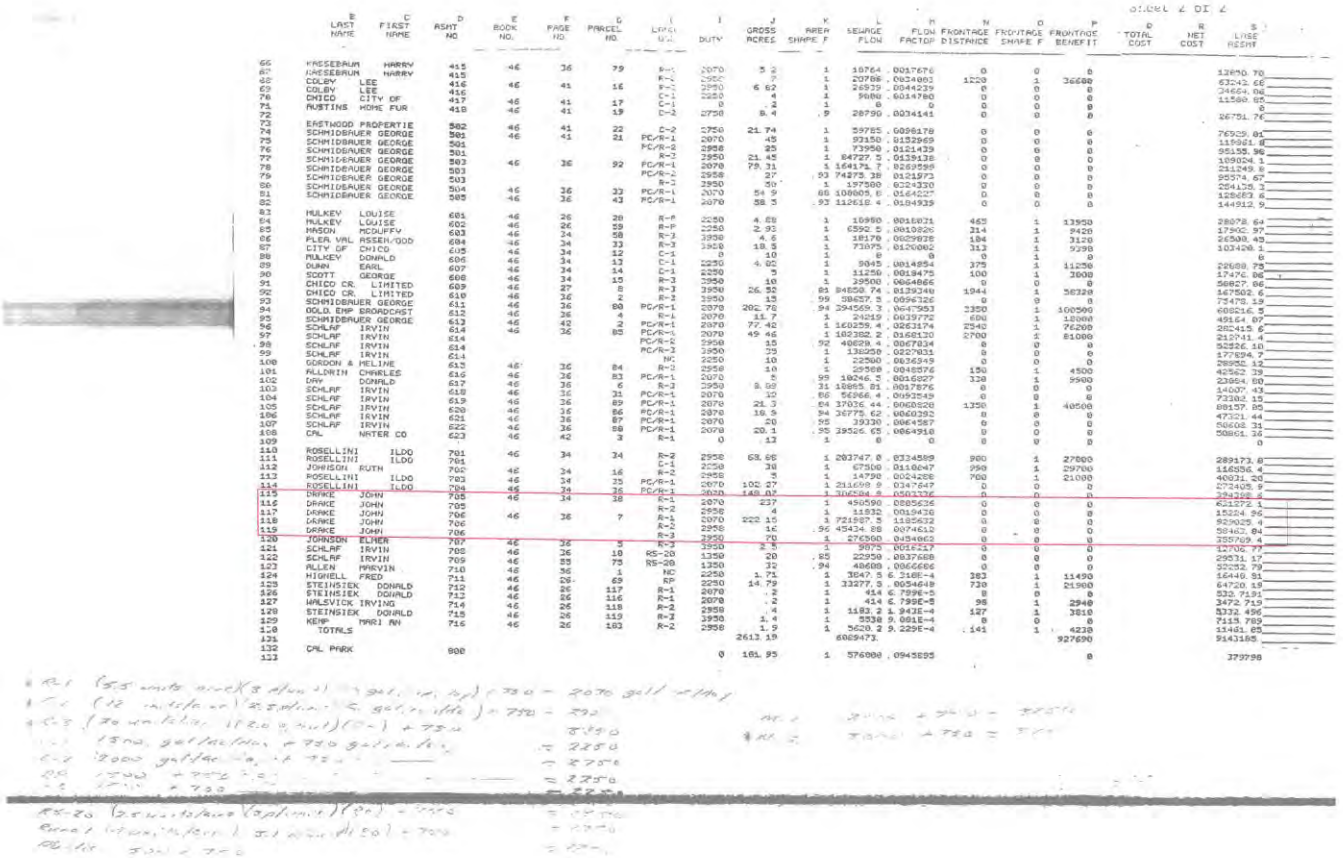
Please contact me if you have any questions or desire additional information.

Sincerely,

ROLLS, ANDERSON & ROLLS

Keith Doglio

Keith Doglio, P.E.



	B LAST NAME	C FIRST NAME	D ASMT NO	E BOOK NO.	F PAGE NO.	G PARCEL NO.	H LAFCO U.A.	I DUTY	J GROSS ACRES	K AREA SHAPE F	L SEWAGE FLOW	M FLOW FACTOR	N FRONTAGE DISTANCE	O FRONTAGE SHAPE F	P FRONTAGE BENEFIT	Q TOTAL COST	R NET COST	S LIEN ASSMT
66	KRESEBAUM	HARRY	415	46	36	79	R-1	2070	5.2	1	16764	.0017676	0	0	0			12850.70
67	KRESEBAUM	HARRY	415				R-1	2950	.7	1	20788	.0024801	1220	1	36600			63242.68
69	COLBY	LEE	416	46	41	16	R-1	2950	6.62	1	26939	.0044239	0	0	0			34664.06
70	COLBY	LEE	416				C-1	2250	4	1	9000	.6014780	0	0	0			11580.62
71	CHICO	CITY OF	417	46	41	17	C-1	0	.2	1	0	0	0	0	0			0
72	AUSTINS	HOME FUR	418	46	41	19	C-2	2750	8.4	.9	28790	.0034141	0	0	0			26751.74
73	EASTWOOD	PROPERTIE	502	46	41	22	C-2	2750	21.74	1	59785	.0096178	0	0	0			76929.01
74	SCHMIDBAUER	GEORGE	501	46	41	21	PC/R-1	2070	45	1	93150	.0132969	0	0	0			119981.8
75	SCHMIDBAUER	GEORGE	501				PC/R-2	2958	25	1	73950	.0121439	0	0	0			95153.96
77	SCHMIDBAUER	GEORGE	501				R-2	2950	21.45	1	84727.5	.0139138	0	0	0			109004.5
78	SCHMIDBAUER	GEORGE	503	46	36	92	PC/R-1	2070	78.31	1	164171.7	.0269598	0	0	0			211249.8
79	SCHMIDBAUER	GEORGE	503				PC/R-2	2958	27	.93	74273.28	.0121973	0	0	0			95574.67
80	SCHMIDBAUER	GEORGE	503				R-2	2950	50	1	197500	.0324330	0	0	0			254155.3
81	SCHMIDBAUER	GEORGE	504	46	36	33	PC/R-1	2070	54.9	66	108805.8	.0164227	0	0	0			139983.6
82			505	46	36	43	PC/R-1	2070	38.5	.93	112618.4	.0184939	0	0	0			144912.9
83	MULKEY	LOUISE	601	46	26	28	R-P	2250	4.68	1	10980	.0018071	465	1	13950			28072.64
84	MULKEY	LOUISE	602	46	26	59	R-P	2250	2.93	1	6592.5	.0010826	314	1	9420			17402.97
85	MASON	MCDUFFY	603	46	34	58	R-1	3950	4.6	1	18170	.0029828	184	1	3120			26500.49
87	CITY OF	CHICO	605	46	34	33	R-3	3950	18.5	1	73075	.0120062	313	1	9298			103426.1
88	MULKEY	DONALD	606	46	34	12	C-1	0	10	1	0	0	0	0	0			0
89	DUNN	EARL	607	46	34	14	C-1	2250	4.02	1	9045	.0014854	375	1	11250			22680.79
90	SCOTT	GEORGE	608	46	34	15	R-3	3950	5	1	11250	.0018475	100	1	3000			17476.86
91	CHICO CR.	LIMITED	609	46	34	27	R-3	3950	10	1	29500	.0064866	0	0	0			50827.86
92	CHICO CR.	LIMITED	610	46	26	2	R-3	3950	26.52	.93	84658.74	.0139246	1944	1	58320			167502.6
93	SCHMIDBAUER	GEORGE	611	46	26	80	R-3	3950	13	.99	38637.5	.0096126	0	0	0			75478.19
94	GOLD. EMP	BROADCAST	612	46	26	80	PC/R-1	2070	202.78	.94	394569.3	.0647953	3350	1	100500			608216.5
95	SCHMIDBAUER	GEORGE	613	46	26	4	R-1	2070	11.7	1	24219	.0039772	604	1	18000			49164.07
96	SCHLAF	IRVIN	614	46	42	2	PC/R-1	2070	77.42	1	160259.4	.0263174	2540	1	76200			262415.6
97	SCHLAF	IRVIN	614		36	85	PC/R-1	2070	49.46	1	102382.2	.0168120	2700	1	81000			212741.4
98	SCHLAF	IRVIN	614				PC/R-2	2958	15	.92	40829.4	.0067034	0	0	0			52826.16
99	SCHLAF	IRVIN	614				PC/R-2	2950	35	1	138250	.0227031	0	0	0			177894.7
100	GORDON &	HELINE	615	46	36	84	NC	2250	10	1	22500	.0036949	0	0	0			28952.12
101	ALLDRIN	CHARLES	616	46	26	83	R-3	2950	10	1	29500	.0048876	150	1	4500			40562.39
102	DAY	DONALD	617	46	36	6	PC/R-1	2070	5	.99	10246.5	.0016827	120	1	3900			23964.80
103	SCHLAF	IRVIN	618	46	36	31	R-2	2950	8.98	31	11865.81	.0017876	0	0	0			14007.43
104	SCHLAF	IRVIN	619	46	26	89	PC/R-1	2070	10	86	56966.4	.0093549	0	0	0			73302.15
105	SCHLAF	IRVIN	620	46	36	86	PC/R-1	2070	21.3	64	37036.44	.0060828	1350	1	40500			88157.85
106	SCHLAF	IRVIN	621	46	36	87	PC/R-1	2070	16.5	94	36775.62	.0060382	0	0	0			47321.44
107	SCHLAF	IRVIN	622	46	36	88	PC/R-1	2070	20	95	39330	.0064587	0	0	0			50602.31
108	CAL	WATER CO	623	46	42	3	PC/R-1	2070	20.1	.95	39526.65	.0064918	0	0	0			50861.26
109							R-1	0	13	1	0	0	0	0	0			0
110	ROSELLINI	ILDO	701	46	34	34	R-2	2958	63.68	1	203747.0	.0334589	980	1	27000			289173.8
111	ROSELLINI	ILDO	701				C-1	2250	38	1	67500	.0110047	990	1	29700			116556.4
112	JOHNSON	RUTH	702	46	34	16	R-2	2958	5	1	14790	.0024288	700	1	21000			40031.20
113	ROSELLINI	ILDO	703	46	34	35	PC/R-1	2070	102.27	1	211698.9	.0347647	0	0	0			272405.9
114	ROSELLINI	ILDO	704	46	34	36	PC/R-1	2070	148.82	1	306584.9	.0503776	0	0	0			394298.2
115	DRAKE	JOHN	705	46	34	38	R-1	2070	237	1	490590	.0805636	0	0	0			621272.1
116	DRAKE	JOHN	705				R-2	2958	4	1	11832	.0019436	0	0	0			15224.96
117	DRAKE	JOHN	706	46	36	7	R-1	2070	222.15	1	721987.5	.1185632	0	0	0			929025.4
118	DRAKE	JOHN	706				R-2	2958	16	.96	45434.88	.0074618	0	0	0			58462.84
119	DRAKE	JOHN	706				R-3	2950	70	1	276500	.0454063	0	0	0			355769.4
120	JOHNSON	ELMER	707	46	34	5	R-2	2958	2.5	1	9975	.0016217	0	0	0			12706.77
121	SCHLAF	IRVIN	708	46	36	10	RS-20	1350	20	.95	22950	.0037688	0	0	0			29531.17
122	SCHLAF	IRVIN	709	46	35	73	RS-20	1350	32	.94	40608	.0666666	0	0	0			52252.79
123	ALLEN	MARVIN	710	46	36	1	NC	2250	1.71	1	3847.5	6.316E-4	383	1	11490			16446.81
124	HIGHELL	FRED	711	46	26	69	RP	2250	14.79	1	33277.5	.0054618	730	1	21900			64720.19
125	STEINSIEK	DONALD	712	46	26	117	R-1	2070	.2	1	414	6.799E-5	8	0	0			532.7191
126	STEINSIEK	DONALD	712	46	26	116	R-1	2070	.2	1	414	6.799E-5	98	1	2940			3472.719
127	WALSVICK	IRVING	714	46	26	118	R-2	2958	.4	1	1183.2	1.943E-4	127	1	3810			5332.496
128	STEINSIEK	DONALD	715	46	26	119	R-2	1950	1.4	1	5530	9.081E-4	8	0	0			7115.789
129	KEMP	MARI AN	716	46	26	103	R-2	2958	1.9	1	5620.2	9.229E-4	141	1	4238			13461.65
130		TOTALS							2611.19		6089473.				927690			9143185.
131																		
132	CAL PARK		800															
133								0	161.95	1	576000	.0945895			0			373798

Transcription of the hand written notes at the bottom of page 2 of the PDF from the:

Southeast Chico Sewer Assessment District
Assessment Spread of August 7, 1981 - $9,143,185.00 Gross Amount Spread

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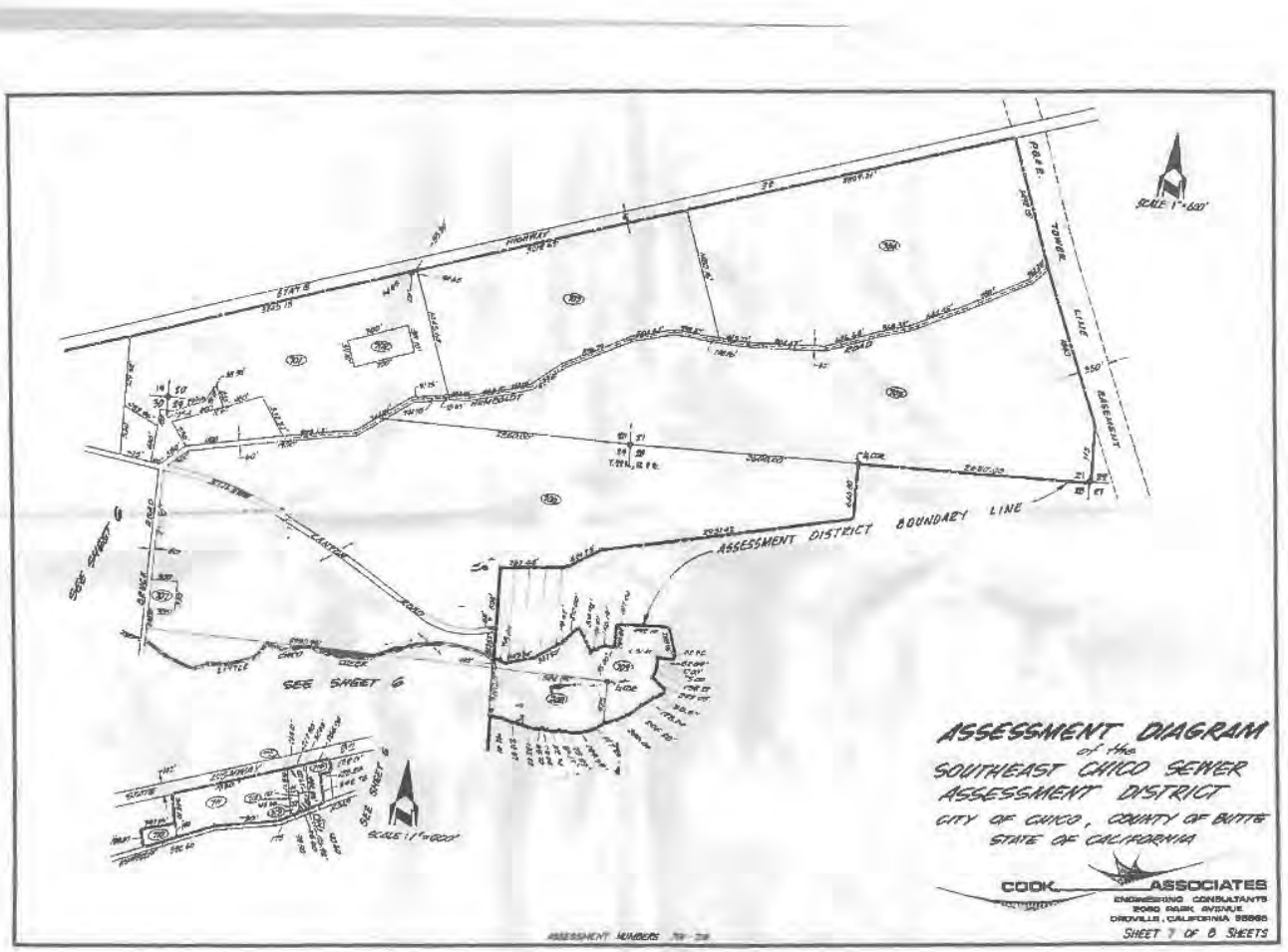
R-1 (5.5 units/acre)(3 p/unit) 80 gal/cap/day + 750 = 2070 gal/acre/day
R-2 (12 units/acre)(2.3 p/unit)(80 gal/cap/day) + 750 = 2958
R-3 (20 units/acre)(2.0 p/unit)(80) + 750 = 3950
C-1 1500 gal/ac/day + 750 gal/ac/day = 2250
C-2 2000 gal/ac/day + 750 = 2750
RP 1500 + 750 = 2250
NC 1500 + 750 = 2250
RS-20 (2.5 units/acre)(3 p/unit)(80) + 750 = 1350
Rural (4 units/acre)(3.1 p/unit)(80) + 750 = 1750
Public 500 + 750 = 1250
M-1 _____ + 750 = 3750 *(portion not legible)*
M-2 3000 + 750 = 3750

[illegible]\RSUSCT\90315\NS Application\Budgets\Assessment Sheet Notes.docx Page 1 of 1 4/26/21


SCALE 1"=600'
ASSESSMENT DISTRICT BOUNDARY LINE
SEE SHEET 6
SEE SHEET 6
SCALE 1"=6000'
ASSESSMENT DIAGRAM
of the
SOUTHEAST CHICO SEWER
ASSESSMENT DISTRICT
CITY OF CHICO, COUNTY OF BUTTE
STATE OF CALIFORNIA
COOK ASSOCIATES
ENGINEERING CONSULTANTS
2080 PARK AVENUE
OROVILLE, CALIFORNIA 95965
SHEET 7 OF 8 SHEETS

Response to Letter 50

George T. Kammerer, Attorney at Law (on behalf of the Drake Revocable Trust of 2001, Virginia Drake, Trustee)

50-1 The comment provides an introduction to comments that follow. The commenter expresses concern that the Draft EIR is inadequate regarding its analysis of wastewater treatment and conveyance capacity as those issues relate to the South East Chico Sewer Assessment District (SECSAD).

The adequacy of SECSAD facilities for wastewater conveyance is addressed in detail in the responses below. Note that the SECSAD wastewater facilities only *convey* wastewater and do not *treat* wastewater.

50-2 The comment provides an account for how the SECSAD facilities were developed using a bond process whereby landowners desiring to develop their properties in southeast Chico shared in the cost of extending wastewater infrastructure to the area approximately 40 years ago. The comment notes that the VESP project is not within the SECSAD and asserts that the project's wastewater treatment and conveyance needs were not taken into account and were not provided as part of the SECSAD design and allocation of SECSAD pipeline capacity.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. However, the comment is correct in that the VESP site was not specifically considered when the SECSAD was formed and planned in the early 1980s. However, the comment incorrectly states that the SECSAD conveyance facilities lack capacity to serve properties outside the SECSAD assessment area in addition to serving existing and planned future development of all properties within the SECSAD assessment area. The commenter offers no substantial evidence to support claims that SECSAD facilities lack capacity to serve a portion of the project site as anticipated by the Draft EIR and reflected in the City's infrastructure planning documents.

The Draft EIR cites two documents to support its claims that existing and planned sewer improvements are sufficient to serve the proposed project as well as other existing and planned development in the area: (1) the City of Chico 2013 Sanitary Sewer Master Plan Update ([SSMPU], prepared by Carollo Engineers), and (2) a subsequent memorandum from Carollo Engineers dated July 16, 2020 (Carollo memo), which includes modeling assumptions for "full buildout" (development) of the Drake properties, as well as portions of the proposed project. As described in more detail under Response to Comment 50-7, below, these two documents prepared by the City's wastewater engineering expert represent substantial evidence that supports statements and conclusions in the Draft EIR regarding wastewater capacity and needed off-site improvements.

50-3 The comment repeats the claim that SECSAD conveyance facilities were sized to accommodate the wastewater needs of development on SECSAD properties. The comment describes existing wastewater conveyance facilities shown on Figure 4.1 of the SSMPU, and notes that an existing 18-inch trunk line to serve future development on land owned by Virginia Drake (Drake) confluences with the Doe Mill trunk line (two lines join near the intersection of E. 20th Street and Concord Avenue). The comment expresses concern that approving the enlarged 15-inch Doe Mill trunk line would adversely impact the ability of the existing 18-inch SECSAD trunk line to convey wastewater from future development on land owned by Drake because the 15-inch line would contribute wastewater from hundreds of residential units that were not anticipated or planned for within the SECSAD.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. However, this comment is correct insofar as it claims that SECSAD facilities were designed with adequate conveyance capacity to accommodate the wastewater needs of development of SECSAD properties. However, the finding that SECSAD facilities were designed with enough capacity to serve SECSAD properties does not necessarily mean that there is enough capacity for only those properties.

As discussed under Response to Comment 50-2, the Draft EIR relies upon the 2013 SSMPU, as updated by subsequent modeling results and recommendations provided in the 2020 Carollo memo, to conclude that existing and planned sewer improvements are sufficient to serve the proposed project as well as other existing and planned development in the area. The 2020 Carollo memo uses updated land use assumptions for the hydraulic modeling of city wastewater conveyance facilities in the SECSAD area and includes conveyance from future development of land owned by Drake in an 18-inch pipeline joining with a 15-inch pipeline that would serve the northern portions of the project site as well as the adjacent Stonegate subdivision site. Based upon this professional engineering modeling and analysis. The Draft EIR concludes these facilities would be adequate to handle wastewater conveyance from new development in this portion of the City.

50-4 The comment asserts that there is a high likelihood of adverse impacts to the SCESD facilities and refers to: *"engineered subdivision plans, previously submitted to the City and reviewed by City staff at length, which are being prepared for resubmittal."* The comment further states that the City Manager acknowledged that that Drake properties are planned at 100% of the capacity provided in the SECSAD Engineer's Report and claims that the City Manager's statement amounts to approximately 600 dwelling units and up to 40,000 square feet of commercial space shown on an attached exhibit.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. However, the commenter references "Eastgate Ranch," a subdivision application from 1999 that was withdrawn or abandoned approximately 20 years ago, prior to commencement of an EIR process of its own (City file number "S 99-09"). Numerous rules and regulations have changed over the past 20 years, including the applicable Chico General Plan. Any future proposal to subdivide or develop the land owned by Drake would have to undergo a renewed entitlement process.

It is generally acknowledged that the wastewater capacity assured to Drake by the City Manager's letter relates to some amount of development, however, the specific quantities mentioned in this comment are not confirmed. The commenter is encouraged to submit development applications to seek a detailed review by City engineering staff to support their assumptions for the development capacity of land owned by Drake.

The Draft EIR relies upon the 2013 SSMPU, as updated by subsequent modeling results and recommendations provided in the 2020 Carollo memo, to conclude that existing and planned sewer improvements are sufficient to serve the proposed project as well as other existing and planned development in the area. The 2020 Carollo memo uses updated land use assumptions for the hydraulic modeling of City wastewater conveyance needs in the SECSAD area and anticipates conveyance from future development of Drake lands as well as from the project site. Based upon the professional engineering modeling and analysis relied on for the Draft EIR, which

concludes the existing and recommended facilities would be adequate to handle wastewater conveyance for this portion of the City, the suggested likelihood of the proposed project resulting in a significant adverse impact upon SECSAD capacity is unfounded.

50-5 The commenter asserts that the Draft EIR should include a district-wide engineering analysis of SECSAD capacity and further states that the Draft EIR contains no meaningful quantitative discussion regarding sewer line sizing to serve the project site and other areas of planned growth.

The Draft EIR relies upon the 2013 SSMPU, as updated by subsequent modeling results and recommendations provided in the 2020 Carollo memo, to conclude that existing and planned sewer improvements are sufficient to serve the proposed project as well as other existing and planned development in the area. The 2013 SSMPU is a city-wide engineering analysis of wastewater collection system capacity, which includes and is more comprehensive than the requested district wide SECSAD engineering analysis. Based upon planned future development, the SSMPU includes several capital improvement projects (new sewer lines) that would be needed to accommodate buildout of the city-wide system.

Using the same city-wide model, the 2020 Carollo memo applied updated assumptions for development in the SECSAD area and recommended that the Doe Mill trunk line be 15 inches in diameter instead of 10 inches in diameter (primarily based on the need for the trunk line to serve the nearby Stonegate project). Therefore, the Draft EIR incorporates by reference a city-wide engineering capacity analysis that yielded specific sewer line size recommendations to serve the project site in addition to other areas of planned growth. The portion of this comment concluding that "Valley's Edge now plans to tap into, use and consume a very large share of SECSAD sewer conveyance capacity," is unfounded and is refuted by the analysis provided in the Draft EIR, as well as the 2013 SSMPU and 2020 Carollo memo.

50-6 The comment states that the density for a nearby development, Meriam Park, was increased above the density originally anticipated for that site when the SECSAD district was formed. The comment also notes that new state law allows "granny flat" ancillary living quarters to be built on lots and tie into sewer and claims that neither of these were analyzed in the Draft EIR.

Approved in 2007, Meriam Park is a master planned project located downstream of the land owned by Drake with regard to wastewater conveyance in SECSAD facilities. Page 4.13-14 of the Meriam Park Draft EIR states *"the SECSAD was designed for 10,462 EDU [estimated dwelling units] within and upstream of the [Meriam Park] Project area. A very conservative estimate using maximum potential buildout under the [Meriam Park] Project assigns 5,000 EDU's. The 5,000 EDU's along with planned and existing development totals 8,869 EDU's and allows for an additional 1,600 EDU's before capacity is filled for the SECSAD."* Therefore, the Meriam Park EIR explained in 2007 that the SECSAD facilities contained sufficient capacity for potential maximum Meriam Park buildout as well as development of the Drake land and other nearby landowners that were assured SECSAD capacity.

Actual buildout of Meriam Park is well underway and is significantly less dense than the conservative development assumptions utilized in the Meriam Park EIR. The Meriam Park EIR considered up to 3,200 dwelling units and approximately 1,185,000 square feet of non-residential development for the project. Actual development is on pace toward an anticipated total of 1,650 dwelling units and 900,000 square feet of non-residential development (see Meriam Park EIR and approved subdivision maps S 08-04, 09-01, S 16-03, S 19-04 and S 20-02, respectively).

Therefore, roughly one-half of the wastewater demands anticipated by the Meriam Park EIR will not be realized by the Meriam Park development. Since actual Meriam Park development will be much lower than what was evaluated in its EIR, there is more remaining capacity in SECSAD facilities than stated in the Meriam Park EIR.

In a systemwide analysis of the City's wastewater conveyance system, the SSMPU accounted for anticipated wastewater flows from 196.8 acres of land designated "SMU Special Mixed Use." Meriam Park is the only site in the city with the SMU Special Mixed Use land use designation, therefore the SSMPU considered buildout of Meriam Park based on information available in 2013.

"Granny flats," "second dwelling units" and "accessory dwelling units" (ADUs), all refer to the same type of ancillary living quarters that may be built on lots and connected to sewer as the comment suggests. The Draft EIR, Chapter 2, Project Description, describes ADUs on page 2-14, and notes that these accessory units would be permitted in compliance with state law. The Draft EIR's treatment of ADUs is justified based on the negligible effect these small "accessory" infill units have on overall development. These types of ancillary units are not new to Chico and have been allowed through a ministerial permitting process since 2003. Even with recent changes in state law to streamline the ADU approval process and commencement of the City's ADU incentive program offering pre-approved building plans, production of ADUs remains low. According to City application logs, a total of 138 ADUs have been approved in Chico over the past three years, or an average of 46 per year. Given that there are approximately 41,000 residential units in the City, this equates to an annual increase of approximately 0.11%. For a project like Valley's Edge this equates to approximately 3.1 ADUs per year.

Further, only approximately 12 of the 138 ADUs approved in the City over the past three years occurred within a subdivision that was developed over the past 10 years. By far, most of the ADUs have occurred in older neighborhoods within the numbered Avenues and Streets, around CSU Chico. In sum, these trends support the conclusion that development of ADUs within the project will be a minor feature that will not change the significance of any of the environmental impacts of the proposed project.

50-7 The comment suggests the SECSAD wastewater capacity attributable to the land owned by Drake is a fungible asset owned by Drake that can be sold on the open market by Drake. This comment also references a letter from the Chico City Manager dated March 26, 2021, and states that Drake's engineer agrees with the memo from the City's consulting engineer, Carollo Engineers, dated July 26, 2020, assuming development of the Drake properties at 100% capacity.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. The commenter's assertions are not pertinent to the CEQA analysis because they are unrelated to the assessment of potential environmental impacts of the project (i.e., whether sufficient wastewater capacity exists in the system to serve the project and/or whether construction of new facilities is required). Moreover, the comment is not correct that SECSAD wastewater capacity attributable to a given property is transferrable to another party separate from transferring the underlying property. In other words, the assured capacity within SECSAD facilities is tied to each of the parcels along the branching network of the system that was installed some 40 years ago. The assured capacity cannot be sold to another property any more readily than the pipe in the ground can be relocated to physically serve another property. Further, Chico Municipal

Code Section 15.36.240 states, in part, that no person may change the use of a sewer connection without first obtaining a connection permit.

The same Carollo memo referred to in the comment is referenced in the project's Draft EIR on page 4.12-11, where the EIR states: "[i]n 2020, the City Public Works Department updated the analysis contained in the SSMPU. The 2020 Sewer Memorandum analyzes revised land use assumptions, particularly in the actively developing southeast portion of the City, and updates recommended pipe sizes associated with the three sewer projects mentioned above (Carollo 2020)."

Also, the Draft EIR states on page 4.12-18: "Existing trunk line capacity for the Doe Mill Trunk replacement, including capital improvements planned and described in the 2013 SSMPU and the memorandum prepared by Carollo Engineers (Carollo 2020) are sufficient to serve the VESP project, as well as all development currently entitled and expected in the vicinity."

These conclusions in the Draft EIR are based on facts and expert analysis contained in the 2020 memo from Carollo with which Drake's engineer concurs, and which refines the system-wide wastewater capacity analysis contained in the adopted 2013 SSMPU, also prepared by Carollo Engineers.

The SSMPU accounts for wastewater flows from the northern portion of the VESP planning area, however, it was identified in 2019 that other development sites in the surrounding area had outdated assumptions. This prompted the City to arrange for Carollo to update the wastewater conveyance capacity analysis for the SECSAD area. The refinements in Carollo's 2020 memo specifically consider approved and planned future growth in the area served by SECSAD facilities. The Carollo memo is the source of the recommendation to upsize the Doe Mill Trunk line from 10 inches to 15 inches to accommodate development of the northern portion of the VESP planning area.

50-8 The comment states that Drake's engineer has numerically quantified the number of units associated with the wastewater capacity documented available for land owned by Drake in Carollo's 2020 memo. This comment also states that this capacity assured to Drake was not analyzed in the Draft EIR.

No review of the numeric quantification of units by Drake's engineer was conducted for the purpose of addressing this comment because, as stated in Response to Comment 50-7, Drake's engineer agrees with Carollo's 2020 memo regarding the wastewater capacity assigned to the Drake land. This, in turn, means that the capacity assured to Drake was analyzed by primary references cited in the Draft EIR (2020 Carollo memo), and Drake's engineer agrees with the modeling inputs used by the City's engineer to verify Drake's assured capacity in SECSAD facilities.

50-9 The comment repeats the claim that the Draft EIR fails to account for capacity assured to land owned by Drake.

As discussed in the responses above, conclusions in the Draft EIR regarding system adequacy for wastewater conveyance were based on the same 2020 memo from Carollo with which Drake's engineer agrees properly accounts for anticipated future development potential of the Drake land, and which builds off analysis in the 2013 SSMPU that accounts for wastewater flows from the northern portion of the VESP site.

50-10 The comment states that land owned by Drake have priority over the project site for hooking into SECSAD facilities, and that the City must reserve adequate capacity within SECSAD facilities to serve Drake's allocation of units.

As discussed under Response to Comment 50-7, above, conclusions in the Draft EIR regarding system adequacy for wastewater conveyance were based on the same 2020 memo from Carollo with which Drake's engineer agrees properly accounts for anticipated future development potential of Drake-owned land, and which builds off the analysis in the SSMPU that accounts for wastewater flows from the northern portion of the VESP site.

Drake has held "priority" access to SECSAD facilities along with other district members for the past 40 years. Existing wastewater conveyance facilities must be serviced, with funding paid by existing residents and active commerce. Existing sewer lines have finite lifespans.

As stated in the March 26, 2021, letter from the City Manager and supported by the 2020 Carollo memo, the assured wastewater conveyance capacity to serve development of land owned by Drake remains available to Drake upon submittal of applications to the City and subsequent development of same.

50-11 The comment asserts that the Draft EIR is inadequate *"until a SECSAD district-wide sewer system wastewater conveyance system capacity and unit allocation reservation study has been conducted and verified as accurate." [emphasis in original]* The comment also asserts that remaining capacity in SECSAD facilities for properties located within the SECSAD must be confirmed before approving a project such as the VESP, which is located outside the district and would utilize SECSAD facilities for a portion of its wastewater conveyance.

As explained under Response to Comment 50-7, above, conclusions in the Draft EIR regarding system adequacy for wastewater conveyance were based on the same 2020 memo from Carollo with which Drake's engineer agrees, and which builds off the comprehensive analysis in the 2013 SSMPU. The refinements in Carollo's 2020 memo specifically consider approved and planned future growth in the area served by SECSAD facilities which were known in 2020 and were not accurately reflected in the 2013 SSMPU. The 2020 Carollo memo thereby reflects an accuracy-verification process similar to the one sought by this comment. As noted above, no "unit allocation reservation" study or other conversion to units is needed, the benefit attributable to land owned by Drake is expressed in terms of sewage flow rates.

50-12 The comment expresses an opinion regarding the importance of the study requested under Comment 50-11, above.

Please see Response to Comment 50-11.

50-13 The comment attempts to place a current market value on the assured capacity for land owned by Drake to use SECSAD facilities and threatens that *"any deprivation of Drake's ability to use and/or sell Drake's sewer units will result in immediate requests for judicial relief against the City and the project proponents."*

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. However, as noted above, Drake's ability to use the wastewater capacity attributable to their land remains intact, as supported by the 2020 Carollo memo with which

Drake's engineer concurs. The wastewater capacity reserved for their land does not represent "pre-paid sewer hookup units" that might be sold to others separate from the underlying lands to which SECSAD capacity is attached. The commenter provides no evidence that the terms of participating in the funding and construction of SECSAD facilities matures to a fungible benefit that can be sold on the open market as suggested by the commenter. To the contrary, Chico Municipal Code section 15.36.240 prevents property owners from selling sewer capacity to others by imposing a requirement that a connection permit shall be required for changes in use to sewer connections.

50-14 The comment makes a general claim that the Draft EIR is inadequate and additional analysis and feasible mitigation is necessary to mitigate the significant impacts identified elsewhere in the letter.

This concluding language references assertions made in prior comments. See Responses to Comments 50-1 through 50-13 that address other comments made by this commenter.

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Comment Letter 51

Law Offices of
Richard L. Harriman
1078 Via Verona Drive
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December 13, 2021

VIA EMAIL TRANSMISSION
[mike.sawley@chicoca.gov]

City of Chico Community
Development Department
411 Main Street, P.O. Box 3420
Chico, CA 95927

Attention: Mike Sawley, Principal Planner

Re: Valley's Edge Specific Plan Draft
Environmental Impact Report
Comments of Northern California
Environmental Defense Center

Dear Mr. Sawley:

Please be informed that the undersigned is submitting the following Comments, regarding the above-referenced Project on behalf of the Northern California Environmental Defense Center, having its principal place of business in Palermo, California.

1. Request for Written Notice of Availability of the Final EIR.

I attended the Scoping Session, signed in on the Sign-in List, and submitted Comments regarding the proposed project, but I was not notified of the availability of the DEIR by mail or email at the address or email address on the letterhead above. PLEASE SEND ME WRITTEN NOTICE OF THE PUBLIC AVAILABILITY OF THE FINAL EIR WHEN IT IS AVAILABLE TO THE PUBLIC AND THE DATE OF ANY PUBLIC HEARINGS INVOLVING THIS MATTER. 51-1

2. The NCEDC joins in all public Comments made regarding the DEIR and/or in opposition to the proposed Project by all other environmental organizations or groups, including, without limitation, the Butte Environmental Council, the Yahi Group of the Motherload Chapter of the Sierra Club of California, Smart Growth Advocates, the California Native Plant Society, 51-2

1

the Altacal Audubon Society, the Planning and Conservation League, AquAlliance, and all other individuals raising objections to the proposed Project.

51-2 Cont.

3. The DEIR for the proposed Special Plan and other Project entitlements fails to provide a stable, finite, and accurate Project Description, due to the failure to disclose, quantify, discuss, and analyze the legal and physical effects of the new state statute adopted by the Legislature as SB 9 and signed into law by the Governor, with respect to the number of Single Family Residential dwellings that may be developed as a matter of right pursuant to this statute. Specifically, neither the City of Chico nor the County of Butte will be allowed to deny the permitting and construction of a total of four (4) dwelling units for every lot and/or parcel which is approved in the Specific Plan and any other zoning, subdivision maps and/or other entitlements that are granted pursuant to the application for the Specific Plan proposed for the Valley's Edge Project. This omission in the DEIR needs to be corrected and included in the Final EIR (FEIR).

51-3

4. As a result of the deficiency in the DEIR referred to in Comment No. 3 above, for the proposed Specific Plan and other land use entitlements sought in for the Project will cause potentially significant adverse effects to the physical environment due to the large increase in the actual number of SFR dwelling units that will be allowed and/or permitted for to the proposed Project, which will result in at least three times more impacts per dwelling unit analyzed in the DEIR, including amount of water required for the Project, adverse environmental impacts to Air Quality, Traffic, Green House Gasses ("GHGs"), and all other adverse environmental impacts identified and analyzed in the DEIR. Also, the Jobs/Housing balance identified and calculated In the DEIR will need to be revised and re-analyzed in the FEIR or, preferably, a Revised DEIR which addresses all of the above-referenced deficiencies in the DEIR and commented on by other Commentators, as a result of the inaccurate and inadequate Project Description set forth hereinabove.

51-4

5. Since the Project Application seeks a Resolution from the City to initiate an Annexation of the proposed Project into the City of Chico, NCEDC notes that one of the Findings that will be required by the Butte County LAFCo for the proposed Project is that the Project be consistent with the City of Chico's General Plan. However, unless the Project Description is changed to disclose the potentially significantly larger number of SFR dwelling units allowed by SB 9, or there are more dwelling units allowed, so that there is substantially greater density per acre in the Project, LAFCo will be unable to approve the City's Application for annexation of the Proposed Project. This inconsistency and defect needs to be addressed and resolved prior to the City's certification of the FEIR and prior to its application to LAFCo for annexation. Otherwise, it would be recommended that the Applicant pursuant development in the County of Butte.

51-5

6. NCEDC's Comments submitted at the Scoping Meeting and after the Scoping Meeting included the issue of requiring all public transportation provided by BCAG and other public providers should be required to by electric busses and/or shuttles, or passenger vans. The City of Santa Barbara has been providing electric shuttle service since 2017 and the

51-6

2

cost of such electric shuttle vehicles was reported as being $388,000. Santa Barbara's use of such vehicles constitutes substantial credible evidence that such a Mitigation Measure or Condition of Approval is both readily available and also economically feasible. Therefore, they should be included as such in the FEIR and Specific Plan documentation.

51-6 Cont.

For the foregoing reasons, NCEDC respectfully recommends to, and requests the City, as the lead agency for this CEQA review process, to prepare a Revised DEIR for circulation and review by the responsible agencies and the public, in order to correct the procedural and substantive defects and inadequacies in the DEIR for the Project and to give the public a meaningful opportunity to review a legally adequate EIR for the Project, pursuant to CEQA Guidelines Section 15201 and other provisions that require the FEIR to be legally complete and adequate.

51-7

Thank you for the opportunity to submit the foregoing comments for inclusion in the record of proceedings.

Very truly yours,

Richard L. Harriman

RICHARD L. HARRIMAN
General Counsel

cc: Butte County LAFCo
Butte County Counsel
Clients
Other Organizations

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Response to Letter 51

Richard L. Harriman, Law Offices of Richard L. Harriman

51-1 The commenter requests the City provide availability of the Final EIR and any public hearings in writing and states he was not notified of the availability of the Draft EIR.

The commenter's second email address and physical address has been added to the City's list of individuals requesting notice. It appears the City sent a notice to the email address provided by the commenter at the scoping meeting, but that is no longer the commenter's preferred email address. The City has added the commenter's preferred email address to the Interested Parties list to ensure the commenter receives future notices for the VESP project.

51-2 The commenter states that the Northern California Environmental Defense Center (NCEDC) joins in all comments submitted by other environmental organizations or groups in opposition to the project.

Please see all other Reponses to Comments made regarding the Draft EIR and/or in opposition to the project, provided in this chapter. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

51-3 The comment asserts that the Draft EIR fails to provide a stable, finite and accurate project description because it does not address the physical effects of a recent state law (SB 9) which allows construction, by right, of a total of four dwelling units on land zoned for residential.

The comment references SB 9, which was signed into law by Governor Newsom on September 16, 2021 and took effect on January 1, 2022. SB 9 allows housing development projects of up to two dwelling units on a single-family zoned parcel (RS and R1 zones in the context of the VESP) to be permitted on a ministerial basis (without discretionary review or hearings), if the project satisfies the SB 9 requirements. The City may apply objective development standards, but only as long as each standard doesn't conflict with the provisions of SB 9. Projects that meet the SB 9 requirements and applicable City standards must be approved by a local agency ministerially and are not subject to CEQA. SB 9 also allows for qualifying "urban lot splits" (ULS) to be approved ministerially upon meeting the bill requirements. Each parcel may not be smaller than forty (40%) percent of the original parcel size and each parcel must be at least 1,200 square feet in size unless permitted by local ordinance. There are several limitations included in the SB 9 legislation, including a 3-year owner-occupancy requirement for ULS projects and the ability for the City to deny an application for ULS or two-unit development if approval of the application would result in a specific adverse impact upon public health and safety or the physical environment.

The applicant has indicated that they intend to include a prohibition on the re-subdivision of lots within the VESP as a matter of the Covenants, Conditions and Restrictions (CC&Rs) that would be recorded on resultant development lots within the VESP. Practically speaking, however, the likelihood of re-subdivision pursuant to SB 9 would be remote in most cases because the great majority of R1 lots would be too small to ULS without having a property line going through the existing structure. This is possible, but it requires the installation of fire walls and other separations that can be impractical to install and/or infeasible to pursue due to cost.

The Notice of Preparation for the project was released on August 14, 2019. Preparation of the Draft EIR commenced in the Fall of 2019, well in advance of this recently adopted legislation. The Draft EIR recognizes that Accessory Dwelling Units (ADUs) ADUs would be permitted in compliance with state law (Draft EIR p. 2-14), which would extend to any new laws enacted by the state.

As of August 1, 2022 the City has received 4 ULS applications and just 1 two-unit SB 9 application. The potential for a new homebuyer purchasing a new home to elect to construct additional units on the lot (assuming the lot is large enough to accommodate new detached units) is speculative given new homes are designed to meet the space needs of future homebuyers. In addition, because the residential home builders will be providing specific home models for purchase, the option for a lot split to accommodate development of multiple units would not be a realistic option for the majority of R1 lots in the project. Furthermore, as discussed in Response to Comment 50-6, the City has encouraged the production of ADUs in conjunction with 2018 changes in state law to streamline ADU approvals, but only a small percentage of homeowners have pursued the option. Moreover, most ADUs have been developed in older neighborhoods where owners tend to possess more or full equity in their property (in the Streets and Avenues), and where properties developed under County jurisdiction have hooked up to City sewer and no longer need an outside area dedicated to an on-site septic system. Still, after an initial influx of 69 ADU applications in 2019[1], ADU applications dropped down to 37 and 32 the following two years and were up to 18 on July 1, 2022. ADUs are proving to be a more-attractive option to homeowners than adding a second unit via SB 9 because ADUs under 750 square feet in size are exempt from development impact fees and provide the most economical permitting (and efficient) option. For these reasons, the Draft EIR did not address the potential for the project residents to construct additional accessory units allowed by right under Government Code, Sections 65852.21 and 66411.7. The Draft EIR provides a stable, finite, and accurate project description, it is not agreed that more than 2,777 units would ultimately be constructed within the project, or that a few infill units above that amount added over time would change any results of the Draft EIR. The analysis does not need to be revised to include an analysis of additional residential units.

51-4 The comment alleges that the Draft EIR is deficient because the environmental effects attributed to an increase in units permitted under SB 9 were not evaluated and the impacts would be greater than what was analyzed in the EIR and requests a revised Draft EIR be prepared.

Please see Response to Comment 51-3. It does not follow that the passage of SB 9 invalidates the Draft EIR's description of development of single-family homes within the VESP project, or its analysis of environmental impacts that would result from development of single-family homes that would result from implementation of the specific plan.

51-5 The comment expresses a concern that because the project does not account for a potentially significantly larger number of single-family units (allowed under SB 9) the project is inconsistent with the City's General Plan; therefore, LAFCo would be unable to approve annexation of the project site and development of the project should be processed under Butte County.

[1] Significant state legislation was passed in 2018 which streamlined ADU standards and approvals. The City has data for ministerial approval of ADUs dating back to 2003; however, that data is omitted here because the numbers are much smaller than the uptick seen after 2018.

Consistency with the City's General Plan is addressed in the Draft EIR in each technical section as well as in Chapter 3, Land Use and Planning. Butte County LAFCo includes policy 2.10.1 Consistency with General Plans and Specific Plans, which requires LAFCo to ensure requests for annexation be consistent with the relevant General Plan and Specific Plans (Draft EIR p. 3-6). Policy 2.10.4 Consistency Found Adequate clarifies that a "proposal shall be deemed consistent if the proposed use is consistent with the applicable General Plan designation and text, the applicable General Plan is legally adequate and internally consistent, and the anticipated types of services to be provided are appropriate to the land use designated for the area." (Draft EIR p. 3- 6). The project site is located in the City's Sphere of Influence (SOI) and identified in the City's 2030 General Plan as a Special Planning Area 5 (SPA-5) or the Doe Mill/Honey Run SPA. The City's General Plan assigned a conceptual mix of residential, commercial, parks and open space uses within this area. The land uses assigned to the project site in the General Plan include Very Low Density Residential, Low Density Residential, Medium Density Residential, Medium-High Density Residential, Neighborhood Commercial, Commercial Mixed-Use, Public Facilities and Services and Open Space (Draft EIR pp. 3-3, 3-4). The project has been designed consistent with the City's Doe Mill/Honey Run SPA which calls for "a recreation oriented, mixed-use development offering a broad range of housing types and densities. The SPA will include a village core, retail along Skyway, a variety of residential densities (including very low, low, medium, and medium-high density), open space areas on the SPA's east side, a community park, neighborhood and pocket parks, public uses (potentially an elementary school site), and preserve areas with creek side corridors. Roadways, trails, and bikeways will be integrated into the natural landscape to connect the residential areas to parks, open space, offices, public facilities, and services." (Draft EIR p. 3-9).

The Draft EIR concluded the proposed project's land uses and development assumptions are generally consistent with the direction provided in the City's General Plan, including the application of a variety of residential, commercial, and open space uses. Therefore, it is anticipated LAFCo would be able to make a finding of consistency with the City's 2030 General Plan.

Please see Response to Comment 51-3 regarding concerns raised regarding SB 9.

51-6 The comment requests that all public transportation provided by the Butte County Association of Governments (BCAG) and other providers be electric and cites to the City of Santa Barbara's use of electric shuttle as evidence this should be a mitigation measure or condition of project approval.

The comment does not indicate what impact the commenter believes would require mitigation or a condition of project approval to require electric buses/shuttles be provided. The comment also fails to state or make any connection between the purposes served by Santa Barbara's use of electric shuttle vehicles and how those or similar purposes could be served by using electric shuttle vehicles in the project. Butte Regional Transit currently provides bus service serving the City and Butte County. However, it is not within the purview of the City to impose mitigation on other entities that it has no control over. In other words, the City cannot compel Butte Regional Transit to convert their fleet of buses and other shuttles to run on electricity. Comment 15-4 notes that the state will require all-electric buses by 2029. To facilitate access to transit, the project includes bus stops at the Village Core and elementary school site, and community park. The project is also designed to encourage and accommodate the use of Neighborhood Electric Vehicles or NEVs on all project roadways and proposes Class II on-street routes that are designed to accommodate both NEV and bicycle use on collector streets. In addition, the project includes approximately 20 to 25 miles of trails. The

project's trail system is designed to connect parks and open space corridors with residential areas, commercial areas and the Village Core. Class I bike and pedestrian trails are intended for year-round use as both transportation and recreational corridors.

51-7 The comment requests the City prepare a revised Draft EIR for recirculation to correct the alleged inadequacies in the document claimed in Comments 51-1 through 51-6.

Under Section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative). The Draft EIR adequately evaluated direct, indirect, and cumulative impacts associated with construction and operation of the project and recirculation is not required. In addition, the City released the Draft EIR for a 45-day public review period consistent with CEQA Guidelines Section 15105 and held a public hearing to take verbal comments on the Draft EIR on November 18, 2021. The City has provided the public with opportunities for public participation, pursuant to Section 15201 of the CEQA Guidelines and Section 1.40.570 of the Chico Municipal Code. No further response is necessary.

Comment Letter 52

ATA
AQUA TERRA AERIS LAW GROUP

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December 13, 2021

City of Chico Community Development Department
Attn: Mike Sawley, Principal Planner
411 Main Street, P.O. Box 3420
Chico, California 95927
mike.sawley@chicoca.gov
530-879-6812
Sent via electronic mail

Re: Valley's Edge Specific Plan Draft Environmental Impact Report

Dear Mr. Sawley,

We submit the following comments on behalf of our client, the Sierra Club Motherlode Chapter, in opposition to the Valley's Edge Specific Plan Draft Environmental Impact Report and project. As noted in this letter and in comments separately submitted by other organizations and members of the public, the proposed Project should be thoroughly revised and reconsidered due to its significant, unanalyzed, undisclosed, and unmitigated impacts to the rare and endangered biological communities in the Project area, among other key issues of concern. Given the unique environmental and cultural significance of the proposed project site, the current state of housing supplies and demands in the region, and the ill-planned low-density design of the proposed project, the City should adopt the No Project Alternative, and deny the proposed Project. 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. 52-1 52-2

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 efforts 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. 52-3

B. Biological Resources

The EIR fails to properly disclose, analyze, and mitigate impacts to biological resources. The Project Area contains rare and unique biological resources with federal, state, and local protections. Critically, the Project Area contains vernal pool habitat, which supports the federally-endangered Butte County meadowfoam ("BCM") and Conservancy fairy shrimp, and the federally-threatened vernal pool fairy shrimp and vernal pool tadpole shrimp. The EIR discounts the unique significance of these populations and proposes inadequate, undeveloped, or nonexistent mitigation measures to attempt to make up for the disturbance and destruction of these habitats. 52-4

i. Butte County Meadowfoam

a. The DEIR Impermissibly Defers Formulation of Mitigation Measure BIO-1

The DEIR recognizes that "Butte County meadowfoam is a federal and state endangered and CRPR 1B.1 species that was identified on the project site during protocol-level rare plant surveys conducted in 2008, 2010, and 2016," that "[w]etlands on the project site, such as vernal pools and swales, provide habitat for Butte County meadowfoam," and that the "proposed project implementation has a potential to directly impact [Butte County meadowfoam]." DEIR at 4.3-18, 4.3-34, 4.3-36. The DEIR elsewhere notes that BCM was "mapped on the project site during protocol-level rare plant surveys conducted in 2010, 2016, and 2018." DEIR at 4.3-49. As a preliminary matter, the City should clarify whether such surveys were conducted in 2008 and/or 2018 in order to ensure the City is not relying upon outdated information. 52-5

The DEIR states that "[i]mplementation of the proposed project has the potential to impact special-status species through permanent conversion of habitat, temporary construction-related impacts, and/or operation and maintenance activities," including BCM. DEIR at 4.3-49. In order to "prevent direct project effects" to BCM, the DEIR relies on establishment of two preserves: "According to the [Valley's Edge Specific Plan], approximately 20 acres of land surrounding the mapped Butte County meadowfoam populations would be set aside as two of the three environmental preserves. The Butte County meadowfoam preserves would be managed by a qualified land trust for resource conservation purposes. No recreational access to these areas would be allowed." DEIR at 4.3-49. However, the DEIR states, "[t]he VESP notes that preserves would need to be established to protect Butte County meadowfoam, however, the plan sets no clear parameters for the meadowfoam preserves, including timing for establishment or management or monitoring requirements." DEIR at 4.3-50. 52-6

In an attempt to rectify the glaring inadequacies of preserve establishment, management, and monitoring as described in the Valley's Edge Specific Plan ("VESP"), the City sets forth Mitigation Measure BIO-1 as the sole mitigation measure relied upon to "reduce potential impacts" to BCM and its "habitat to less than significant." DEIR at 4.3-54. BIO-1 consists of two paragraphs comprised of a vague directive to create the preserves at some later, unspecified date: "The developer shall prepare a Habitat Mitigation and Monitoring Plan, record easements, and complete other requirements, as necessary, to establish the two Butte County Meadowfoam preserves and the other preserve on the VESP project site in compliance with all applicable state and federal resource agency permits. The preserves shall be separated from any development by 52-7

a minimum of 250 feet unless site-specific hydrological analysis . . . demonstrates that a reduced separation would still prevent direct or indirect effects to Butte County meadowfoam within the preserve. The VESP Habitat Mitigation and Monitoring Plan shall include at a minimum: management techniques to be used on the preserves; monitoring methods and frequencies to detect changes in Butte County Meadowfoam and allow for adaptive management; and a funding strategy to ensure that prescribed monitoring and management would be implemented in perpetuity to ensure efficacy of the preserves. Management methods shall include controls on introduction and spread of invasive plant species, and requirements for fencing to control public access and pet entry into preserves. No development shall be approved by the City within 500 feet of the avoidance area until the preserves are established." DEIR at 4.3-54.

52-7 Cont.

BIO-1 as drafted constitutes an impermissible deferral of mitigation measures. "Formulation of mitigation measures should not be deferred until some future time." Guidelines § 15126.4(a)(1)(b). "An EIR is inadequate if 'the success or failure of mitigation efforts may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR.'" *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92, quoting *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670. "Numerous cases illustrate that reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decision making; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment." *Id.* at 92.

52-8

BIO-1 constitutes precisely the type of deferral of mitigation measures that is prohibited by CEQA. The City relies exclusively on BIO-1 to mitigate direct impacts of the Project on BCM, but fails to provide decisionmakers or the public with any specifics regarding how the preserves will be established, managed, or monitored in such a way that significant impacts will, in fact, be avoided. First, BIO-1 itself does not provide a specific acreage requirement for the preserves, leaving the actual acreage of the "approximately 20 acre" preserves to be determined at a later date. DEIR at 4.3-54. The directive that the Habitat Mitigation and Monitoring Plan ("Mitigation Plan") include "management techniques to be used on the preserves" is so vague as to constitute no mandate at all, offering no specific criteria regarding what such techniques will entail and how they will be effective in achieving the goal of managing the preserves such that BCM will not suffer significant impacts. The requirement that the Mitigation Plan include "monitoring methods and frequencies to detect changes in Butte County Meadowfoam and allow for adaptive management" is similarly deficient in providing any substantive detail that would allow for meaningful analysis, public comment, or informed agency decisionmaking. What monitoring method will be used? At what frequency? What evidence will be relied upon to ensure it will be effective in "detect[ing] changes in Butte County Meadowfoam?" If changes are detected indicating BCM populations are in decline or otherwise adversely affected, what mitigation or "adaptive management" will then be required? On what studies or evidence will the methodology be based?

52-9

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52-11

The required "funding strategy" that will purportedly "ensure that prescribed monitoring and management would be implemented in perpetuity to ensure efficacy of the preserves" is exceedingly ambiguous and constitutes no more than a plan to make a plan, and lacks any

52-12

specific performance standards to ensure it will be effective despite being relied upon to "ensure efficacy of the preserves." DEIR at 4.3-54. Finally, the referenced "[m]anagement methods" that "shall include controls on the introduction and spread of invasive plant species" is equally deficient. What will the controls be? How will their efficacy be determined? What will be done if the controls are found to be insufficient and invasive plant species propagate in spite of such controls?

52-12 Cont.

All of these questions go unanswered for decisionmakers and the public. The Mitigation Plan should be drafted during the DEIR stage, when the document is subject to public review and comment and the agency is required to respond. Given the DEIR does not require the developer to submit the Mitigation Plan to the City Council for approval, the developer has carte blanche to create a Mitigation Plan it deems sufficient. Regardless, even if the Mitigation Plan was required to obtain City Council approval, the actual terms of the mitigation measure are insulated from further environmental review, depriving the public of the opportunity to meaningful review mitigation relied upon to reduce impacts to an endangered species to less than significant. BIO-1 must be revised and recirculated to address such deficiencies and comply with CEQA's mandates. To "set out a handful of cursorily described mitigation measures for future consideration" that "are nonexclusive, undefined, untested and of unknown efficacy" violates CEQA because mitigation measures are not developed in "an open process that also involves other interested agencies and the public." *Communities for a Better Environment, supra,* 184 Cal.App.4th at 93. In *San Joaquin Raptor*, the Court rejected a similar mitigation measure for improper deferral of its development. There, the EIR required "a management plan" to be prepared 'by a qualified biologist to 'maintain the integrity and mosaic of the vernal pool habitat.'" *San Joaquin Raptor, supra*, 149 Cal.App.4th at 669. The court held that the "mitigation measure was deficient because it merely included a 'generalized goal of maintaining the integrity of the vernal pool habitats,' placing the onus of mitigation to the future plan and leaving the public 'in the dark about what land management steps will be taken, or what specific criteria or performance standard will be met." *Communities for a Better Environment, supra,* 184 Cal.App.4th at 93, quoting *San Joaquin Raptor, supra,* 149 Cal.App.4th at 670. Similarly here, BIO-1 simply includes a generalized goal of establishing, maintaining, and monitoring the two BCM preserves, and "plac[es] the onus of mitigation to the future plan." *Id.*

52-13

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Deferred development of the "specific details of a mitigation measure" under CEQA is permissible in the following narrow circumstance: "when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will [be] considered, analyzed, and potentially incorporated in the mitigation measure." Guidelines § 15126.4(a)(1)(B). In short, "for kinds of impacts which mitigation is known to be feasible, the EIR may give the lead agency a choice of which measure to adopt, so long as the measures are coupled with specific and mandatory performance standards to ensure that the measures, as implemented, will be effective." *Communities for a Better Environment v. City of Richmond,* 184 Cal.App.4th at 94.

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Deferred development of the specific details of BIO-1 is impermissible because (1) it is not impractical or infeasible to develop the Mitigation Plan now; and (2) the City has not adopted

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any specific and mandatory performance standards to ensure that the measures, as implemented, will be effective. Accordingly, BIO-1 must be revised and recirculated prior to the final EIR stage with specific and mandatory performance standards such that the public will not be left "in the dark about what land management steps will be taken, or what specific criteria or performance standard will be met." *San Joaquin Raptor, supra*, 149 Cal.App.4th at 670.

52-17 Cont.

b. The DEIR Lacks Sufficient Information or Analysis to Support the Conclusion That Effects to Butte County Meadowfoam Will Be Less Than Significant

Even if BIO-1 were not fundamentally deficient as a mitigation measure, the DEIR lacks sufficient information or analysis to support the conclusion that effects to BCM will be less than significant with implementation of BIO-1.

The DEIR acknowledges that "A total of 0.004 acre of [Butte County meadowfoam] were observed in the survey area during the protocol-level survey conducted," and that "[t]hese occurrences represent an approximate total of 30 individual plants." Appendix C, Valley's Edge Project 2017 Rare Plant Survey 2014-108, p. 3. However, the DEIR leaves out a key detail: that the Butte County Meadowfoam ("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 floccose ssp. california) (2009).) This information is critical to an understanding of the environmental setting and the project's impacts, as well as the feasibility and adequacy of any mitigation measures or alternatives. The failure to include it stunts the analysis required by the EIR and fails to adequately inform both the City and the public with regard to the impacts of the project.

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The DEIR also fails to discuss the way in which the Project Site correlates to or is affected by the U.S. Fish and Wildlife Service's ("USFWS") 2006 Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon ("Recovery Plan"). While Appendix C, p. 11 notes that there is no USFWS critical habitat present in the biological survey area, the DEIR fails to discuss that there is designated critical habitat for both Butte County meadowfoam and Vernal pool fairy shrimp within approximately 1 mile of the Project Site, both of which are included in the Recovery Plan, and whether any indirect effects from the Project may impact such habitat. Appendix C, Figure 4. The DEIR fails to discuss whether the Project Site is designated as a Zone 1, 2, or 3 core habitat area for BCM and/or Vernal pool fairy shrimp, or is not designated as a core habitat pursuant to the Recovery Plan. Provision of this information in the EIR is essential, as the Recovery Plan recognizes:

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> 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 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. If the Project Area is Zone 1, 2, or 3 core habitat for BCM, the City must disclose this information in the EIR and consider it when assessing the project's effects, and proposing mitigation measures and alternatives.

52-19 Cont.

Further, the DEIR failed to discuss whether the Project Site has prime soil type for BCM recovery. In a 2015 letter to the City of Chico regarding the adjacent Stonegate project, the California Department of Fish and Wildlife noted, "[t]he Draft Butte County Regional Conservation Plan (BPRC) . . . 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 if it is also applicable to the VESP project site.

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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." Guidelines § 15144. 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 1348, 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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Further, the omission from the DEIR of any discussion of the Recovery Plan becomes particularly problematic with regard to the purported requirement in the VESP that "approximately 20 acres of land surrounding the mapped Butte County meadowfoam populations" on the project site to be "set aside as two" environmental preserves. DEIR at 4.3-49. The DEIR relies on the establishment of the preserves pursuant to BIO-1 to mitigate impacts to BCM to less than significant. *Id.* at 4.3-54. However, the DEIR is entirely devoid of *any* evidence or analysis to support the conclusion that two approximately 20-acre preserves are sufficient to avoid impacts to BCM located on the project site. Given the lack of analysis, a preserve size of 20 acres appears to be arbitrary and untethered from any of the habitat requirements of BCM. There is no analysis regarding whether the 20 acre preserves comport or are consistent with the Recovery Plan. Further, given that the DEIR notes that the preserves, according to the VESP, are "*approximately* 20 acres," it is possible that the preserves are smaller than 20-acres each. *Id.* at 4.3-49. The impact of two preserves smaller than 20 acres each on BCM is also not discussed.

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Similarly, Appendix C states "[t]he location of the [Butte County Meadowfoam] population within the [biological survey area] is depicted in Figure 6. This population of [Butte County Meadowfoam] is proposed to be completely avoided with a minimum of 200-250 foot buffer from planned construction activities. Therefore, the Project will have no effect on [Butte

52-23

County Meadowfoam]." C-17. However, the EIR fails to set forth evidence to support the assertion that a 200-250 foot buffer is sufficient to prevent any adverse effects to BCM, including, but not limited to, the Recovery Plan or any other expert opinion or studies. This statement directly contradicts the statement in the main EIR document that "[p]reserve establishment to protect the on-site Butte County meadowfoam would prevent direct project effects, but project construction and operation could potentially cause indirect effects to the Butte County meadowfoam including but not limited to runoff, dust, or introduction of invasive plant species. These are considered potentially significant impacts." EIR 4.3-49 – 50. There is no mitigation measure designed to address this identified potentially significant impact to the BCM. The only mitigation measure that comes remotely close to addressing the issue of indirect dust impacts is found in a document not included in the DEIR, the Butte Regional Conservation Plan, and simply states, "Water will be spread on work sites consistent with the Butte County Air Quality Management District's requirements and as needed to minimize spread of dust to habitat on adjacent lands." BRCP at 6-9. This mitigation measure, if even applicable to the project (applicability is discussed in further detail below) lacks any meaningful detail that would facilitate mitigation of the identified potentially significant impact.

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The failure of the DEIR to meaningfully analyze impacts of the Project to Butte County Meadowfoam renders the DEIR deficient as an informational document. The DEIR must be revised and recirculated in order to cure this failure.

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ii. Conservancy fairy shrimp, Vernal Pool Fairy Shrimp, & Vernal Pool Tadpole Shrimp

The DEIR acknowledges that the project site provides potential habitat for the federally endangered conservancy fairy shrimp and the federally listed vernal pool fairy shrimp and vernal pool tadpole shrimp: "Although vernal pools on the project site provide potential habitat for listed branchiopods (i.e., conservancy fairy shrimp, vernal pool fairy shrimp, and vernal pool tadpole shrimp), none were identified during protocol-level wet and dry season surveys of the proposed site. However, 22 of the 53 total vernal pools surveyed were only surveyed during the dry season. Of these 22 vernal pools, only 9 were determined to provide marginally suitable habitat for listed branchiopods; the remaining 13 were determined to lack sufficient water to support these species' lifecycles. The 9 vernal pools that provide marginal habitat are located within areas proposed as environmental preserves or as regional open space and would not be directly impacted by the project." DEIR at 4.3-50. The DEIR concludes that as a result, "no impacts to listed branchiopods, including conservancy fairy shrimp, vernal pool fairy shrimp, and vernal pool tadpole shrimp, are anticipated," and as such, no mitigation is required for impacts to these species. *Id.*

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The DEIR fails to engage in any discussion of the indirect edge effects to the 9 vernal pools that are "located within areas proposed as environmental preserves or as regional open space" that may occur from the change in the surrounding environment. Vernal pools that were previously located on over a thousand acres of undeveloped land will now be located within either a 20 acre preserve or a "regional open space" that is otherwise surrounded by commercial and residential development. The DEIR should note whether the vernal pools are located within the 20-acre preserve or the regional open space, and the different indirect effects associated with

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each. Absent from the DEIR is any analysis regarding impacts to the 9 vernal pools resulting from being completely surrounded by development, including impacts to hydrology and impacts from noise and other human activity in the area. This analysis should be included in the DEIR.

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Further, the DEIR does not explicitly state the fate of the remaining 44 surveyed vernal pools, nor does it discuss the fact that while "Gallaway biologists mapped 81 vernal pools on the project site," only 53 "total vernal pools [were] surveyed." *Id.* at 4.3-7, 4.3-50. The DEIR should provide the public and decisionmakers with detailed information and analysis as to why the remainder of the mapped vernal pools were not surveyed, beyond the extremely general statement that "[m]ost vernal pools on the project site exhibit flashy, or short ponding durations and therefore provide poor to marginal habitat for these species," particularly given that the federally listed branchiopods have a very short lifespan. *Id.* at 4.3-19.

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The DEIR notes that "a total of 17.43 acres of aquatic resources have been mapped and delineated within the project site," including "0.997 acres of vernal pools, 3.212 acres of vernal swales, 0.211 acre of seasonal wetlands, 0.615 acre of wet meadows, 1.212 acres of seasonal swales, and 11.183 acres of drainages." DEIR at 4.3-61. "Based on the VESP Land use Plan [], permanent development areas *appear to avoid* approximately 5 of the approximately 6.25 acres of wetlands mapped on the project site. Although the VESP directs development away from biological resources where possible, absolute wetland avoidance *may not be feasible*. Impacts to drainages and wetlands (i.e. aquatic resources) as a result of project roadways and development are considered potentially significant impacts." *Id.* (emphasis added).

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First, in order to fulfill its obligation as an informational document, the DEIR should explicitly state: (1) whether permanent development areas actually avoid, rather than "appear to avoid," 5 of the 6.25 acres of wetlands mapped on the project site; (2) whether absolute wetland avoidance is or is not feasible; and (3) whether whether the approximately 1.25 acres of wetlands mapped on the project site that will be not be avoided by development contain potential habitat for conservancy fairy shrimp, vernal pool fairy shrimp, vernal pool tadpole shrimp, and Butte County meadowfoam.

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Second, the analysis provided in DEIR is insufficient to support a finding of no significant effects to these listed species. As with Butte County meadowfoam, there is no discussion of the Recovery Plan and how it relates to the project site and the potential habitat of the listed branchiopods located thereon, and how any destruction of potential habitat will affect the ability of the species to recover. As noted above, while Appendix C, p. 11 states that there is no USFWS critical habitat present in the biological survey area, the DEIR fails to discuss that there is designated critical habitat Vernal pool fairy shrimp within approximately 1 mile of the Project Site, and whether any indirect effects from the Project may impact such habitat. Appendix C, Figure 4. The DEIR fails to discuss whether the Project Site is designated as a Zone 1, 2, or 3 core habitat area for Vernal pool fairy shrimp, conservancy fairy shrimp, or Vernal pool tadpole shrimp, or is not designated as a core habitat for any of these species pursuant to the Recovery Plan. Provision of this information in the EIR is essential, and the DEIR should be revised to include this information and recirculated in order to comply with its obligations pursuant to CEQA.

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iii. Other Special-Status Species

The DEIR's analysis regarding impacts to other special-status species is similarly deficient.

a. Western Spadefoot

With regard to the Western Spadefoot, a "CDFW Species of Special Concern with a moderate potential to occur on the project site," for which "[v]ernal pools and other temporary wetlands are considered optimal for breeding," the DEIR notes that while none "were observed during site surveys," "no focused surveys for western spadefoot were conducted and this species is nocturnal, cryptic and unlikely to be detected during general biological surveys." DEIR at 4.3-19, 4.3-50. Regardless, the DEIR states that because the "only portion of the project site that has potential habitat for the western spadefoot [is] designated as an environmental preserve in the VESP," "no impacts to western spadefoot are anticipated." *Id.* This analysis fails to address and analyze the edge effects of surrounding potential habitat with residential and commercial development.

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b. Swainson's Hawk, Bats, Burrowing Owl, and Other Raptors

The "proposed project would permanently convert roughly 570 acres of marginal, potential foraging habitat for Swainson's hawk, burrowing owl, bats, and other raptors." DEIR at 4.3-66. The analysis and mitigation measures for these species set forth in the DEIR is insufficient to (1) determine whether the project will significantly impact these species; and (2) mitigate any impacts to less than significant. While the DEIR focuses mitigation measures primarily on identification and relocation of species located within construction zones, absent is any analysis of the impacts to the species from 570 acres of habitat loss. This impact is potentially significant, may require mitigation beyond simply relocation of species identified in construction zones, and should be discussed in the DEIR. The cursory analysis provided in the cumulative impacts section regarding "maximum allowable removal thresholds" for these species' habitat types under the BRCP, which may or may not eventually apply to the project, is insufficient to satisfy CEQA's informational disclosure requirements. *Id.* at 4.3-66.

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The Swainson's hawk is a state threatened species. *Id.* at 4.3-27. The DEIR states that "Swainson's hawk has not been documented on the project site; however, no focused surveys for this species have been conducted." Despite failing to conduct a focused survey, and failing to provide an explanation as to why a survey was deemed unnecessary despite the conversion of "roughly 570 acres of . . . habitat for Swainson's hawk," the DEIR concludes that there is "a low potential for Swainson's Hawk presence on the project site." *Id.* The DEIR goes on to state that "[a]lthough large trees on the project site provide marginal potential nesting habitat for Swainson's hawk, this species was not detected during prior site surveys," and concludes that impacts to the Swainson's hawk are "anticipated to be less than significant." *Id.* at 4.3-51. First, this statement contradicts the previous DEIR statement that no surveys have been conducted, and should be clarified. Second, the DEIR's statements that "there are no recent nesting occurrences within 10 miles of the project site," and "[n]est records in the region are generally limited to the valley where agricultural lands for foraging are abundant" are extremely general and fail to

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provide the reader with any details or specifics to support the DEIR's finding of less than significant impacts. *Id.*

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Mitigation Measure BIO-4 for the Swainson's Hawk both proposes to improperly defer key elements to a later date, and lacks enforceability. For example, it lacks provisions for continued monitoring by a qualified biologist, making enforcement difficult. DEIR at 4.3-56. Without continued monitoring, the City will be unable to know "if the nest becomes inactive (e.g., the young have fully fledged)," and work can continue. *Id.* BIO-4 also improperly defers mitigation to a later date. The DEIR states that if an "active Swainson's hawk nest is identified within 0.25 miles of the project site, an exclusion buffer shall be established in consultation with the biologist and [CDFW]." *Id.* Yet the DEIR does not specify the minimum buffer size, leaving the reader to wonder whether it is 0.25 miles, or some other distance. 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, LLC v. Cal. Air Resources Board* (2013) 218 Cal.App.4th 681, 738.

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The Western Red Bat "is a CDFW Species of Special Concern with a moderate potential to occur on the project site." DEIR at 4.3-29. Like the Swainson's hawk, the City found it unnecessary to conduct "focused surveys for bats [] within the project site," and failed to provide an explanation as to why. *Id.* In fact, the DEIR failed to perform a "formal roost assessment or focused surveys" for *any* bats on the project site, including the "Pallid Bat, Western Red Bat, and other roosting bats." *Id.* at 4.3-51. The DEIR notes that "construction-related activities," "tree removal," and "permanent development" could "reduce roosting habitat" and "fragment foraging and roosting habitat for bats. These are considered potentially significant impacts." *Id.* at 4.3-52. However, the DEIR fails to provide an analysis as to the impacts of habitat fragmentation and reduction on bats in the project area.

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Mitigation Measure BIO-5 is insufficient to address these potentially significant impacts, and impermissibly defers development of key elements to a later date in violation of CEQA. BIO-5 states that "[i]f a bat roosting or maternity colony cannot be completely avoided, a qualified biologist shall prepare a bat mitigation and monitoring plan for CDFW review and approval. Potential measures to be included in the plan are restrictions of timing of activities, placement of exclusion barriers when bats are foraging away from the roost, and replacement of roosting structures." *Id.* at 4.3-56. This constitutes impermissible deferral of development of mitigation measures. "An EIR is inadequate if 'the success or failure of mitigation efforts may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR.'" *Communities for a Better Environment, supra,* 184 Cal.App.4th at 92, quoting *San Joaquin Raptor Rescue Center, supra,* 149 Cal.App.4th at 670. There is no reason that the requisite monitoring and mitigation plan cannot be developed and subject to review and analysis in the DEIR.

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The Burrowing Owl is "a CDFW Species of Special Concern with a high potential to occur on the project site." DEIR at 4.3-20. In order to avoid potentially significant impacts to the burrowing owl, the DEIR relies on mitigation measure BIO-3. However, BIO-3 lacks provisions

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for continued monitoring by a biologist, making enforcement of the measure difficult. BIO-3 provides, "[o]nce the breeding season is over and young have fledged, passive relocation of active burrows may proceed as described [] above." *Id.* at 4.3-55. However, without continued monitoring, the City will be unable to know if "young have fledged," and work can continue. Including continued biological monitoring provisions in BIO-3 could alleviate this problem.

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c. Loggerhead Shrike, Yellow Warbler, and Other Nesting Birds

Loggerhead Shrike and Yellow warbler are both "CDFW Species of Special Concern with a moderate potential to occur on the project site," and have "been recently documented near the project site." DEIR at 4.3-27, 4.3-51. The DEIR notes that potential impacts to these species, and other native or migratory birds, "would be related to nest failure or abandonment due to disturbance during construction. These are considered potentially significant impacts . . . ." *Id.* To mitigate these impacts, the DEIR relies on mitigation measure BIO-2. As with the mitigation measures discussed above, BIO-2 lacks Mitigation Measure impermissibly defers development of key elements to a later date in violation of CEQA: "If any active nests are observed during surveys, a qualified biologist shall establish a suitable avoidance buffer from the active nest" "typically rang[ing] from 50 to 300 feet" and determined "based on factors such as the species of bird, topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule." *Id.* at 4.3-54. Given the City knows at least two species this measure refers to and the type of construction planned, it should have, at the least, a minimum avoidance 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*, supra, 281 Cal.App.4th at 738. This mitigation measure also impermissibly defers formulation of the mitigation measure with regard to "[l]imits of construction to avoid active nests," which "shall be established in the field with flagging, fencing, or other appropriate barriers." *Id.* There is no reason that the manner in which limits of construction will be established in the field cannot be decided upon now. Further, BIO-2 lacks continued monitoring by a qualified biologist, making enforcement difficult. DEIR at 4.3-56. Without continued monitoring, the City will be unable to know when "the chicks have fledged and the nests are no longer active," and work can continue. *Id.* Finally, BIO-2(d) impermissibly defers formulation of the mitigation measure with regard to identification of an active nest in or adjacent to the construction zone after construction has started. Where this occurs, "work in the vicinity of the nest shall be halted until the qualified biologist can provide appropriate avoidance and minimization measures to ensure that the nest is not disturbed by construction. Appropriate measures may include a no-disturbance buffer until the birds have fledged and/or full-time monitoring by a qualified biologist during construction activities conducted in close proximity to the nest." *Id.* This constitutes impermissible deferral of development of mitigation measures. "An EIR is inadequate if 'the success or failure of mitigation efforts may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR.'" *Communities for a Better Environment, supra,* 184 Cal.App.4th at 92, quoting *San Joaquin Raptor Rescue Center, supra,* 149 Cal.App.4th at 670. There is no reason that the requisite avoidance and minimization measures cannot be developed and subject to review and analysis in the DEIR.

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d. Western Pond Turtle

Western Pond Turtles "are a SSC with a low potential to be present on the project site . . . . There is one CNDDB occurrence of western pond turtle within close proximity of Comanche Creek, located approximately 0.9 mile southwest of the project site." DEIR at 4.3-29. "Within the off-site utilities area, the habitat assessment noted the potential for western pond turtle to be present in Comanche Creek . . . ." *Id.* at 4.3-33. Further, "The wetland fringes [of Comanche Creek] are suitable areas for western pond turtles to find refuge and food." *Id.* at 4.3-52. "[B]ecause there is a potential the [Western pond] turtles could be present this is considered a potentially significant impact." *Id.* To mitigate this potentially significant impact, the DEIR relies on mitigation measure BIO-6, which requires that if "western pond turtles are identified in an area where they could be impacted by construction activities, [] a biologist trained in relocating western pond turtles shall relocate the turtles outside of the work area or create a species protection buffer (determined by the biologist) until turtles have left the work area. If a nest is found, a species protection buffer (determined by the biologist] shall be established and avoided until the young have hatched or the eggs proven non-viable, as determined by the biologist." *Id.* at 4.3-57. Again, this mitigation measure impermissibly defers development of key elements to a later date in violation of CEQA. Given the City knows the species this measure refers to and the type of construction planned, it should have, at the least, a requirement to either relocate the turtles or create a species protection buffer where turtles are found. 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*, supra, 281 Cal.App.4th at 738. Further, the mitigation measure lacks provisions for continued monitoring by a qualified biologist, making enforcement difficult. DEIR at 4.3-56. Without continued monitoring, the City will be unable to know if "turtles have left the work area," or "the young have hatched or the eggs are proven non-viable," and work can continue.

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e. Elderberry Shrubs

The DEIR notes that "[w]ithin the off-site utilities area, the habitat assessment noted several valley elderberry shrubs which provide habitat for the valley elderberry longhorn beetle (VELB), were recorded immediately adjacent to the utility corridor." DEIR at 4.3-33. The VELB is a federally threatened species. *Id.* at 4.3-29. "The beetle is found only in association with its host plant, elderberry." *Id.* The DEIR further states that "[f]ive elderberry shrubs were identified adjacent to segments B and C of the proposed off-site utilities corridor . . . . All of the shrubs have large multiple stems and occur in riparian habitat and appear to have exit holes . . . . due to the proximity of the shrubs to the proposed utility corridor there is the potential construction activities could indirectly impact the plant. This is considered a potentially significant impact." *Id.* at 4.3-52.

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To mitigate this potentially significant impact, the DEIR relies on mitigation measure BIO-7. BIO-7 suffers from the same inadequacies as the mitigation measures discussed above. BIO-7 instructs that the "following avoidance and minimization measures shall be implemented" prior to and during construction: "Activities that may damage or kill an elderberry shrub *may* need an avoidance area of at least 6 meters [] from the dripline, depending on the type of activity." *Id.* at 4.3-57 (emphasis added). This mitigation measure essentially constitutes a

suggestion, not a mandate, and does not include any specific performance criteria to ensure its efficacy. It defers determination of whether to implement an avoidance area to seemingly anyone, as it does not require the opinion of a qualified biologist. BIO-7(d) requires that a biologist "monitor the work area at appropriate intervals to assure that all avoidance and minimization measures are implemented. The amount and duration of the monitoring shall depend on the construction specifics and, if required, the biologist shall consult with the U.S. Fish and Wildlife Service." *Id.* The measure fails to define what constitutes an "appropriate interval," and despite the fact that the City knows what the construction activities of the project are, it defers formulation of a mitigation monitoring plan for a different day, insulated from CEQA review. *Id.* BIO-7(d) states that "[t]o the extent feasible, all activities that could occur within 50 meters [] of an elderberry shrub" be conducted outside of March – July. *Id.* A mitigation measure suggesting something be done "to the extent feasible," with no specific performance criteria or ability to determine efficacy of the measure, is tantamount to no mitigation at all.

52-44 Cont.

iv. Use of the Butte Regional Conservation Plan as Alternative Mitigation for Biological Resources

The DEIR states, "The Butte County Association of Governments is preparing the Butte Regional Conservation Plan (BRCP). The final BRCP documents were submitted to the USFWS, National Marine Fisheries Service (NMFS), and CDFW for final review on June 28, 2019. If approved, the BRCP would provide streamlined state and federal endangered species act and wetlands permitting for covered activities for a term of 50 years." DEIR at 4.3-42. The DEIR goes on to note, "The proposed project site is designated within an Urban Permit Area (UPA) in the BRCP and could be a covered activity under the BRCP . . . . Any party seeking coverage under the BRCP for permanent development projects would need to comply with relevant conditions of the BRCP for covered species and natural communities . . . . To see full descriptions of the following mitigation measures, see pages 6-2 through 6-10 of the BRCP (Butte County 2019)." *Id.* What follows is a truncated synopsis of nineteen "mitigation measures," each approximately 1-2 sentences, that are apparently being relied upon to mitigate the significant impacts of the Project in the event the BRCP is adopted prior to project development and future project developers opt to seek coverage under the BRCP. *Id.* at 4.3-43 – 45. In the "Mitigation Measures" portion of the Biological Resources section, the DEIR goes on to state,

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> "If future project developers proceed to implement the proposed project as a 'permanent development project' as defined by and covered under the BRCP, once it is adopted, they would be required to comply with the Butte Regional Conservation Plan AMM 1 through 19 [] for the two covered species present onsite [] and four covered species with a moderate potential to occur on the project site []. In addition to these AMMs that would avoid and reduce project impacts to species and species habitat, the BRCP would establish a range of biological goals and objectives that must be achieved by the BRCP Permittees over the proposed 50-year permit term. By payment of fees into an adopted BRCP program, the proposed project would contribute to regional scale habitat preservation, restoration, and creation that would mitigate for impacts to biological

> resources identified in this EIR. Participation in the BRCP, if it is adopted, would satisfy mitigation requirements under CEQA for species covered under the BRCP.
>
> If future project developers opt not to seek coverage under the BRCP, or if the BRCP is not adopted prior to development, then the following mitigation measures would be implemented to avoid and/or substantially lessen impacts to special-status plant and wildlife species. With the implementation of the BRCP AMM measures or mitigation measures listed below, the proposed project would reduce potential impacts to special-status species and their habitat to less than significant."

52-45 Cont.

Id. at 4.3-53 – 54. The manner in which the DEIR sets forth alternative mitigation measures for biological resources violates CEQA for a number of reasons.

First and foremost, despite the fact that the Butte Regional Conservation Plan AAM 1 through 19 are relied upon, in the alternative, to mitigate impacts to biological resources to less than significant, the DEIR *does not include* the BRCP in either the main document or any of the appendices. This omission renders the DEIR fundamentally deficient as an informational document. CEQA requires that an EIR should "be organized and written in a manner that will make [it] meaningful and useful to decision-makers and to the public." Pub. Res. Code § 21003(b). Where an EIR fails "to include relevant information [and] precludes informed decisionmaking and informed public participation," it "thwart[s] the statutory goals of the EIR process" and constitutes an abuse of discretion. *Kings Cty. Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 712. Here, the EIR's cursory synopsis of nineteen potentially applicable mitigation measures, with no accompanying analysis whatsoever and without even including the full language of the mitigation measures themselves, let alone the BRCP in its entirety, constitutes a blatant violation of CEQA's informational disclosure requirements. In order to understand mitigation measures proposed to avoid significant impacts to threatened and endangered species, the reader is referred to a document that is entirely separate and apart from the DEIR. Further, because any meaningful analysis of the BRCP is omitted from the DEIR, the extent to which the BRCP has addressed the Project's potentially significant effects and reduced them to less than significant is unclear. To the extent the DEIR intends to rely on the BRCP to mitigate project impacts to biological resources to less than significant, the DEIR must be revised to include the full language of such mitigation measures, accompanied by the requisite environmental assessment of the efficacy of such measures, supported by substantial evidence.

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Further, and as discussed in detail above, "[a]n EIR is inadequate if 'the success or failure of mitigation efforts may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR.'" *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92, quoting *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670. "Numerous cases illustrate that reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decision making; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment." *Id.* at 92. The BRCP has yet to be approved and finalized, and the mitigation measures contained therein and relied upon in the DEIR to mitigate significant effects to less than significant are not even included in the DEIR, much less subject to

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analysis and review. Accordingly, reliance on BRCP mitigation measures constitutes a violation of CEQA. The DEIR must be revised and recirculated to reflect inclusion of BRCP mitigation measures in their entirety, along with the requisite accompanying analysis of their efficacy.

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Likewise, the statement that the BRCP will "establish a range of biological goals and objectives that must be achieved by the BRCP Permittees over the proposed 50-year permit term," and that "by payment of fees into an adopted BRCP program, the proposed project would contribute to regional scale habitat preservation, restoration, and creation that would mitigate for impacts to biological resources identified in this EIR" constitutes impermissible deferral of mitigation measures in violation of CEQA. Again, this constitutes a plan to make a plan and lacks "specific and mandatory performance standards to ensure that the measures, as implemented, will be effective." *Communities for a Better Environment v. City of Richmond*, 184 Cal.App.4th at 94. To "set out a handful of cursorily described mitigation measures for future consideration" that "are nonexclusive, undefined, untested and of unknown efficacy" violates CEQA because mitigation measures are not developed in "an open process that also involves other interested agencies and the public." *Communities for a Better Environment, supra*, 184 Cal.App.4th at 93.

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v. *The DEIR Lacks Sufficient Information, Analysis, and Mitigation to Support the Conclusion That Effects to Oak Trees Will Be Less Than Significant*

The DEIR acknowledges that the "proposed project would involve oak tree removal to support permanent development." DEIR at 4.3-58. "Based on the VESP, an estimated 200 acres of blue oak foothill pine woodland may be converted to permanent development to accommodate the project." *Id.* The DEIR finds that the "removal of trees is considered a potentially significant impact," but will be reduced to less than significant via the implementation of mitigation measure BIO-9, which requires the developer to "implement the below measures *in addition to those required for compliance with the goals and policies of . . . the Oak Woodland Mitigation and Management Plan, and AMM 11 of the BRCP* []." *Id.* at 4.3-60 (emphasis added).

As with reliance upon the BRCP to mitigate impacts to biological resources, the DEIR relies *entirely* on the VESP Oak Woodland Mitigation and Management Plan ("Oak Mitigation Plan") to mitigate impacts from the removal of trees to less than significant, but *does not include* the Oak Mitigation Plan in either the DEIR main document or any of its appendices. This omission renders the DEIR fundamentally deficient as an informational document. CEQA requires that an EIR should "be organized and written in a manner that will make [it] meaningful and useful to decision-makers and to the public." Pub. Res. Code § 21003(b). Where an EIR fails "to include relevant information [and] precludes informed decisionmaking and informed public participation," it "thwart[s] the statutory goals of the EIR process" and constitutes an abuse of discretion. *Kings Cty. Farm Bureau, supra*, 221 Cal.App.3d at 712. Here, the EIR offers "example[s]" of the sole mitigation measure employed to reduce impacts from the removal of trees to less than significant, but omits inclusion of the measure from the text of the DEIR, and fails to provide substantive analysis of such "examples" or the efficacy of the mitigation. *Id.* at 4.3-58. CEQA requires more than a cursory discussion of examples of mitigation measures in an EIR – the purpose of an EIR is to facilitate informed decisionmaking, and that purpose is fundamentally undermined by the type of discussion, or lack thereof, offered here. The DEIR

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notes that the Oak Mitigation Plan "requires specific procedures to be followed to protect avoided trees if roots are cut down as part of the construction process," but fails to describe or analyze for the reader what those procedures actually are. *Id.*

This truncated synopsis of mitigation relied upon to reduce project impacts to less than significant, with no accompanying analysis and without including the full language of the mitigation measures themselves, constitutes a blatant violation of CEQA's informational disclosure requirements. In order to understand the mitigation measure, the reader is referred to a document that is entirely separate and apart from the DEIR. Further, because any meaningful analysis of the Oak Mitigation Plan is omitted from the DEIR, the extent to which the Oak Mitigation Plan has addressed the Project's potentially significant effects and reduced them to less than significant is unclear. To the extent the DEIR intends to rely on the Oak Mitigation Plan to mitigate project impacts to protected trees to less than significant, the DEIR must be revised to include the full language of such mitigation measures, accompanied by the requisite environmental assessment of the efficacy of such measures, supported by substantial evidence.

Further, the DEIR states that the project developers "shall appropriately mitigate for trees removed and/or damaged by the project in accordance with the [Oak Mitigation Plan] (such as planting onsite, off site, or paying an in-lieu fee)." As with BIO-1, this constitutes an impermissible deferral of development of mitigation measures, as it fails to set specific performance criteria to ensure that the measures, as implemented, will be effective. Will planting onsite be required? In what circumstances? At what ratio? When will planting off site be permitted? When is it appropriate to pay an in-lieu fee rather than plant onsite or off site? What are the effects associated with choosing one type of mitigation over the other? Will monitoring be required to ensure the mitigation is effective? All these questions are left unanswered, in violation of CEQA. *See, e.g.*, Guidelines § 15126.4(a)(1)(b); *Communities for a Better Environment, supra,* 184 Cal.App.4th at 92; *San Joaquin Raptor Rescue Center, supra,* 149 Cal.App.4th at 670. To the extent these questions may be answered in the Oak Mitigation Plan, this is insufficient for the purposes of CEQA. Required mitigation measures must be discussed in the CEQA document itself.

Regardless, the Oak Mitigation Plan does not answer these questions. It states, "Mitigation to oak resources in the Plan Area shall be addressed with the following replacement *options*," and goes on to list either on-site planting, off-site planting, or payment of an in-lieu fee, with no requirements or specifics as to when which type of mitigation is required. Oak Mitigation Plan at E-7. For example, with regard to the on-site planting option, "If any replacement trees die or fail within the first three years of their planting, then the applicant can either pay an in-lieu fee as established by a fee schedule adopted by the City Council, inquire with the Homeowner Association (HOA) to see if any regeneration tree credits are available, or provide a replanted tree in place of the dead or failed tree.Off-site. (*Sic.*) If it is not feasible or desirable to plant replacement trees on site, payment of an in-lieu fee as established by a fee schedule adopted by the City Council shall be required." *Id.* There is no analysis regarding when it is appropriate to require which type of mitigation – the type of mitigation depends not on the most efficacious way to mitigation significant impacts, but rather what is "desirable." This constitutes deferral of mitigation measures and a failure to set specific performance criteria to ensure the measures will be effective, in clear violation of CEQA. Further, a mitigation measure

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that requires payment of in-lieu fee where onsite tree replacement is not feasible has been held to be inadequate to avoid significant impacts. *Save the Agoura Cornell Knoll v. City of Agoura Hills* (2020) 46 Cal.App.5th 665. 52-52 Cont.

The DEIR fails to adequately analyze or mitigate significant project impacts from removal of trees. It must be revised and recirculated to address the above deficiencies. 52-53

C. The Project Would Have Significant Unmitigated Effects to Groundwater.

The DEIR fails to align its analysis with its own stated threshold of significance. The DEIR states that an impact to groundwater resources would be significant if it would "[s]ubstantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin." (DEIR 4.9-25.) The DEIR then admits that groundwater levels in the affected basin are decreasing, that the proposed project would add demand to the basin, and thereby increase the rate of groundwater depletion. The Vina Subbasin is designated by DWR as a "high priority" basin and under the Sustainable Groundwater Management Act. Remarkably, "the proposed project would represent an approximately 7% increase in water demand in Cal Water's Chico District service area." (DEIR 4.9-31.) Nevertheless, the DEIR inappropriately injects new vague considerations in its conclusion that "Because the Vina subbasin is not in a state of critical overdraft, continued annual groundwater declines of less than 1.0 feet per year would not be substantial or unreasonable. Therefore, the potential of the proposed project to substantially decrease groundwater supplies in a manner that would interfere with the sustainable management of the groundwater basin would be less than significant." (DEIR 4.9-32.) The DEIR's conclusion that this impact would not be "unreasonable" is vague, subjective, wrong, and not a factor included in its threshold of significance. Similarly, the threshold of significance does not limit significant effects to basins in a state of "critical overdraft," yet the DEIR adds this as a reason it concludes effects would be insignificant, inappropriately adding more factors and misconstruing the threshold of significance. Moreover, the DEIR offers no support for its proposition that adding to the rate of groundwater decrease would not interfere with sustainable groundwater management. The DEIR admits that the basin is a high priority, and that its rate of drawdown is faster than its rate of recharge. While offering no additional recharge, water supply, or conservation efforts, how can this incremental added demand do anything *but* interfere with the sustainable management of a groundwater basin that already suffers from unsustainable demand? The DIER's conclusions are improper as a matter of law, and unsupported by fact or reason. 52-54 52-55 52-56

The DEIR fails to assess loss of recharge for perched and seasonal groundwater. The DEIR acknowledges that "trees located along certain slope breaks are indicative of seasonal groundwater flows, and also indicates that perched groundwater may occur on the project site" (4.9-31) but the DEIR wholly disregards these site features in its assessment of recharge loss (4.9-30). This impact should be assessed. 52-57

The Water Supply Assessment relies on unsupported projections that demand will increase in near-term future years, but will decrease on a longer horizon. (Table 5.) This kicking the can down the road clearly serves to minimize project effects. Instead, the DEIR must now 52-58

reconcile the growing demands with diminishing supplies, which its analysis fails to do. The Water Supply Assessment further skews its findings by looking at groundwater decreases over averaged periods of 2005-2013 and 2014-2018. By segmenting and then averaging these periods, the DEIR ignores entirely the significant adverse effects that specifically occurred during the 2013-2015 drought; effects that would only be exacerbated by the proposed project, which the DEIR completely fails to analyze or disclose.

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Finally, public comments on the draft Butte Subbasin Groundwater Sustainability Plan, incorporated fully here by reference, plainly demonstrate the severity of groundwater mismanagement in this subbasin, and provide a clearer picture of the baseline and future conditions that will be affected by the proposed project. Given the past and ongoing depletion of groundwater supplies, and the ongoing inadequacies in the GSP proceedings, the only responsible and defensible course of action here is approval of the no project alternative.

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D. The No Project Alternative, or another Feasible Alternative, Must be Adopted if the Project is to Proceed.

Owing to the numerous significant and unavoidable impacts of the proposed project, the City should certainly adopt the no project alternative. (*See, Las Lomas Land Co., LLC v. City of Los Angeles* (2009) 177 Cal. App. 4th 837, 848-852.) Under any alternative, the massive environmental losses clearly contemplated by the project would not be in the public interest, and cannot support the required findings for a statement of overriding considerations. As such, the no project alternative is the best alternative presented by the DEIR.

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If any iteration of the project is to be approved, CEQA requires that the City pursue only an increased density and increased open space alternative. CEQA requires agencies to adopt all feasible alternatives and mitigation measures that would reduce a project's significant environmental impacts. Pub Res Code, § 21002–21002.1, 21004; 14 Cal Code Regs §§ 15002(a), (h), 15021(a), 15096(g)(2). Here, the DEIR itself asserts that Alterative 4 would prevent significant and avoidable damage to the environment and protect biological resources by increasing the acreage of open space and shifting the residential land uses to other areas within the project site. Alternative 4 was also determined to be the environmentally superior alternative because it reduces the potential for impacts in seven out of fourteen of the resource areas evaluated. Public comments on the DEIR, however, propose additional alternatives that are feasible and would be superior even to Alternative 4, and as such should be adopted.

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The Draft EIR found that Alternative 4 would essentially achieve all the project objectives. *See*, 14 Cal Code Regs §15126.6(a). Under Alternative 4, the commercial development remains the same—2,777 residential units and the total amount of commercial space would remain at 447,155 sf. This Alternative would provide the same amount of residential and non-residential uses as the proposed project and would therefore achieve those project objectives to the same extent. Housing diversity would be the same as the proposed project since it is assumed that Alternative 4 would include the same number of senior housing units. However, Alternative 4 would do this while also increasing the open space area to preserve and protect resources to a

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greater extent than the proposed project. The additional Alternatives submitted in public comment concurrently herewith will similarly meet project objectives.

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Alternative 4 would retain the same level of commercial development, and is not infeasible because it would not require extravagant economic, environmental, social, technological, or legal measures to be accomplished. Pub Res C §21061.1; 14 Cal Code Regs §15364. Therefore, Alternative 4 should be adopted because it will feasibly avoid or substantially lessen the project's significant environmental effects while at the same time attain most of the basic project objectives.

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The DEIR acknowledges that Alternative 4 is also feasible because it does not require excessive steps to be accomplished. The term "feasible" is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." Pub Res C §21061.1. The Guidelines add the term "legal" to the list of factors to take into account. 14 Cal Code Regs §15364. Under Alternative 4 the wastewater generation from residential uses in Alternative 4 would generally be similar to the proposed project and would not necessitate expansion of new facilities or exceed treatment capacity. Alternative 4 would be served by PG&E for electric and natural gas service, which is required by the CPUC to update existing systems to meet any additional demand, would comply with applicable solid waste diversion, reduction, and recycling mandates, and would not exceed capacity at the Neal Road Recycling and Waste Facility. Additional mitigation measures are not necessary. Again, the DEIR analysis of Alternative 4 should be applied equally to the similar but additional alternatives submitted herewith in public comments, that would feasibly reduce or avoid the project's adverse effects to a larger degree.

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Finally, as discussed below, a feasible alternative would help to protect on-site features in the southern open areas, preserve sensitive habitat, provide additional safeguards for natural drainages, allow for increased wildlife movement, and protect wetlands and other aquatic features.

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Biological Resources Impacts

An increased open space and higher density alternative would reduce and avoid significant impacts to biological resources by moving the 65 residential units from the southeastern area of the site to the other planning areas within the Specific Plan. The elimination of all Very Low Density Residential (VLDR) uses in the southeastern portion of the plan will increase the open space buffer along Skyway and Honey Run Road, which would result in a better-defined urban edge to the central portion of the plan area. This is in part because there would be less vegetation and tree removal required within the area. The protection of additional oak woodlands as open space would help further reduce impacts to sensitive species and habitat within the area. The elimination of the VLDR uses will also prevent resources in those areas from being impacted by construction and operation. The amount of ground disturbance would be less compared to the proposed project as there would be no construction on the slopes of the Equestrian Ridge area which would require less grading activity and prevent potential soil erosion impacts. There would be no construction associated with the road connection to Honey Run Road included in the proposed project.

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Traffic Impacts

An increased open space and higher density alternative would reduce significant impacts by decreasing traffic. The roadway connection from Honey Run Road to the Equestrian Ridge area as well as proposed roadways along the creek in the southern portion of the site would no longer be required. This would reduce the need for creek crossings in sensitive areas, reducing impacts to wetlands and riparian habitat. This Alternative would, in turn, result in a reduction in mobile GHG emissions, as compared to the proposed project, due to less travel distance required for residents to visit commercial areas and the rest of the City. 52-67

Density Impacts

By increasing the residential density in the North area, an increased open space and higher density alternative reduces the overall environmental impacts. EIRs often include an alternative involving increased project density or intensity. *See, e.g., Tracy First v City of Tracy* (2009) 177 Cal.App.4th 912; *Sequoyah Hills Homeowners Ass'n v City of Oakland* (1993) 23 Cal.App.4th 704. Alternatives that increase the density of a residential development project usually do so because it may reduce the pressure to develop on other, more environmentally sensitive sites. *Village Laguna of Laguna Beach, Inc. v Board of Supervisors* (1982) 134 Cal.App.3d 1022 (holding that an EIR that discussed a reasonable range of alternative densities for a major development was not defective because it failed to consider other reasonable intermediate density alternatives in addition to those that were studied); *see also City of Maywood v Los Angeles Unified Sch. Dist.* (2012) 208 Cal.App.4th 362, 417 (school district's decision to exclude reduced project alternatives was supported by state school siting policies relating to density of students per acre). Alternative 4 reduces significant impacts in the southern portion of the plan by increasing the residential density from 4.1 units/acre to 4.7 units/acre in the north. This will result in a reduction in the overall development footprint. Such an alternative would also result in a reduction in impacts to existing views of the site as compared to the proposed project and would help to reduce impacts to important visual resources such as mature trees and rock outcroppings. 52-68

In conclusion, if the project is to proceed, which it should not, an increased open space and higher density alternative must be adopted because it will avoid or substantially lessen the project's significant environmental effects better than the proposed project while at the same time feasibly attaining most of the basic project objectives. 52-69

Respectfully,

Jason R. Flanders
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AQUA TERRA AERIS LAW GROUP

AQUALLIANCE
DEFENDING NORTHERN CALIFORNIA WATERS

CSPA

california water impact network

October 31, 2021

Butte County Department of Water & Resource Conservation
308 Nelson Ave
Oroville, CA, 95965
info@buttebasingroundwater.org

RE: Comments on the draft Butte Subbasin Groundwater Sustainability Plan

Dear Butte County Water Department:

AquAlliance, the California Sportfishing Protection Alliance, and the California Water Impact Network (hereinafter AquAlliance) submit the following comments and questions on the draft Butte Subbasin Groundwater Sustainability Plan ("Butte GSP" or "Plan"). There are serious weaknesses in the Plan that require ***significant*** changes to the document, without which the public and policymakers are truly left in the dark and dangerous consequences are obfuscated.

The information and analysis provided in Section A discuss the future changes described in the draft Butte GSP for the Butte Subbasin groundwater system and the overlying surface waters, as well as the implications of the proposed sustainability objectives and minimum thresholds. The draft Plan presents a rosy scenario, suggesting that future precipitation, evapotranspiration, and surface water supplies will adjust to the 2070 Central Tendency climate change scenario provided by DWR and keep groundwater levels stable. However, elsewhere in the Plan is material that indicates the proposed GSP management of the subbasin under the 2070 Central Tendency scenario will cause detrimental changes to both surface waters and groundwater. The 2070 scenario sustainable management of the subbasin assumes that annual average groundwater pumping will increase 29% to possibly 48%, while allowing declines in groundwater level of as much as twice the historical low. The groundwater storage will be sustained by increases in seepage from overlying streams and a reduction in groundwater accretion to the streams. Additional losses to the groundwater system may also occur through increased subsurface outflow along the western subbasin boundary.

Section B demonstrates the serious deficiencies in definitions of and plans to resolve conflicts. This failure will lead to escalating costs to residents, farms, and businesses to protect access to groundwater by deepening wells or drilling a replacement, plus likely legal expenses. Adam Keats and Chelsea Tu discussed this at length in 2016: "[i]f a medium or highpriority [sic] groundwater basin becomes a multi-use basin that includes imported water rights, overlying

rights, and interconnected instream rights, the relationship between those rights, and the priority given to each of the rights-holders, remains unresolved by the Act. The responsibility for identifying and addressing the foreseeable legal and use conflicts between imported water, overlying use, and/or in-stream use where groundwater interconnects with surface water is thus left to the GSAs, or ultimately, the courts."[1]

Section C provides historic information on some of the destructive planning and practices that have transpired in the Sacramento Valley that have caused groundwater basins to become private assets, as opposed to public commons elsewhere in California. It is a tragedy in the making to have local government, the cities of Biggs and Gridley, and the counties of Butte and Glenn promote a Plan that accepts groundwater levels that drop up to 100 percent of the historic range and the failure of 7 percent of the domestic and very deep aquifer supply wells.

A. Sustainability objective and threshold for undesirable results

1. The Draft Butte GSP breaks the groundwater monitoring network into four parts: Primary Aquifer, Very Deep Aquifer, Interconnected Surface Water, and Groundwater Quality. Wells in the Primary Aquifer have screen depth less than 700 feet below ground surface (bgs). The Very Deep wells are screened greater than 700 feet bgs (pages 4-13 and 4-14, pdf pages 210 and 211). The summary discussion of the monitoring network is given in Section 4.3.1 (pdf pages 210 through 230). Table 4-1 lists the Primary Aquifer monitoring wells (pdf page 215 and 216), Table 4-2 lists the Very Deep Aquifer wells (pdf page 220), Table 4-3 lists the Interconnected Surface Water wells (pdf page 230), and Table 3-3 lists Water Quality wells (pdf page 189).

   Section 4.3.1.1 (pdf page 211) describes the Primary Aquifer MTs as:

   > *Minimum thresholds (MTs) for primary aquifer groundwater level representative monitoring wells were calculated using a process designed to be protective of domestic wells while also allowing for conjunctive use and groundwater extraction by agriculture.*
   >
   > *The MT for each well in the primary aquifer was calculated based on the following process and criteria:*
   >
   > *1. Determine the shallower of:*
   >
   > *a. The shallowest 7th percentile of nearby domestic wells.*
   >
   > *b. The range of measured groundwater levels or 20 feet (whichever is greater) below the observed historic low.*
   >
   > *2. If the resulting value is shallower than the observed historic low, set the MT as 10 feet deeper than the observed historic low.*

   Section 4.3.1.6 (pdf page 216) describes the Very Deep Aquifer MTs as (underlines added):

[1] Keats, Adam et al., 2016. *Not All Water Stored Underground is Groundwater: Aquifer Privatization and California's 2014 Groundwater Sustainable Management Act*. p. 98.

Setting minimum thresholds using this methodology is protective of the Beneficial Uses of the very deep groundwater aquifer, including agricultural, municipal, and domestic uses, because the minimum threshold is calculated to be at a level that allows for adequate flexibility to compensate for drought periods (e.g. 2015) while protecting up to 93% of supply wells greater than 700 feet deep (the minimum depth of the very deep aquifer representative monitoring network), thereby avoiding undesirable results.

2. A technical report in the Appendix 4A, dated June 11, 2021, discusses the MT criteria differently and gives hydrographs for almost all the monitoring wells (Appendices pdf pages 1045 and 1046). The MT criteria are said to be:

To protect the beneficial use by domestic wells, groundwater levels need to remain higher than the bottom depth of domestic wells. After reviewing the hydrographs, the Butte Advisory Board (BAB) suggested that the effects of declining groundwater levels would become significant and unreasonable when groundwater levels dropped below the depth of more than 7% of domestic wells. Consequently, the BAB determined that MT exceedances at more than 7% of domestic wells would constitute an undesirable result. This is described as an MT calculation method to determine the shallowest 7th percentile of domestic well depths, and results in an MT that would protect 93% of the domestic wells. [emphasis added]

To protect the health of vegetation in GDEs, shallow monitoring wells will be installed in GDEs that are used to monitor GDEs. This allows MTs outside of GDEs to be set without regard to the GDE criteria, so the MTs in this set of hydrographs do NOT consider the GDE criteria.

To protect the conjunctive use of groundwater for agricultural production, groundwater levels must be able to fluctuate, lowering during droughts, when groundwater pumping increases to augment reduced surface water availability, and increasing during years when surface water is available for recharge. For agricultural conjunctive use, the effects of declining groundwater levels are expected to be significant and unreasonable when groundwater levels drop below the lowest historical groundwater elevation by more than 100 percent of the historical range in groundwater levels or by 20 feet, whichever is greater. Consequently, MT exceedances occurring at the greater of these levels would constitute an undesirable result. [emphasis added]

Depending on the depths of domestic wells, the need for lower ground water levels during droughts could cause some domestic wells to go dry if the MTs are set based on the conjunctive use beneficial use alone. Conversely, setting MTs based solely on domestic well depths may impact the ability of agricultural beneficial users to pump groundwater during droughts. Local stakeholders must agree on a balance between these two beneficial uses. [emphasis added]

Considering the MT exceedances described above, in the primary and very deep monitoring networks the MT of each well was calculated based on the shallowest of the following criteria: [emphasis added]

1. *Shallowest 7th percentile of domestic well depths to protect at least 93% of the domestic wells in DWR's well completion database, and*

2. *100% of historical range or 20 feet, whichever is greater, to protect conjunctive use of groundwater.* [emphasis added]

3. *If the shallowest value from the two criteria above is shallower than the deepest observed groundwater level, the MT is set 10 feet deeper than the deepest observed groundwater level.* [emphasis added]

By selecting the shallowest value, these criteria are protective of the beneficial use most vulnerable to undesirable results. Undesirable Results (UR) Detection = 25% fall below the minimum threshold for 24 consecutive months (i.e., 11 of 41 wells in primary aquifer representative monitoring network, 3 of 10 wells in very deep aquifer representative monitoring wells)) [emphasis added]

The use of the term *shallowest* in selection of the MTs raises the question of the GSPs meaning of *shallowest*. The modification of criteria number 2 in the GSP main text from the Appendix 4A text with the addition of *below the observed historic low* seems to create a conflict with MT criteria number 3 and brings into question what *shallowest* means. AquAlliance interprets *shallowest* to mean the *shallowest depth*, i.e., the least distance between the ground surface and the water level. But maybe the GSP means *shallowest elevation*, i.e., lowest elevation? How can an MT value set at 100% of the historical range or 20 feet (whichever is greater) below the observed historic low be shallower than the historic low? If 100% of the range is less than 20 feet, the MT uses 20 feet. How can 20 feet below the historical low be shallower than 10 feet below the historic? If the depth for the shallowest 7th percentile of domestic wells is below the observed historical low, then it's not the shallowest of the MT criteria, so criteria number 2 would set the *shallowest* MT. This may make sense if the GSP is referring to an elevation rather than depth. This needs immediate clarification. The hydrographs in Appendix 4A don't add much clarity to how the MTs are established.

3. There is another issue in the determination of the MT. The hydrographs in Appendix 4A for the Primary Aquifer wells give at the base of the graph the MT calculation method used to set the value along with the MO and MT values. Tables 3-1 and 4-1 in the main GSP list the Primary Aquifer MT values (pdf pages 181, and 215-216, respectively). For several of the Primary Aquifer monitoring wells, 16 of 41, the MT values in the Appendix 4A hydrographs differ from the values in Tables 3-1 and 4-1. Specifically, the MT calculation method listed in the Appendix 4A hydrographs as -20 feet deep than historical low was changed for these 16 monitoring wells to 100% historical range (below the historical low value). Overall, 20 of the MTs for the Primary Aquifer monitoring wells are set at 100% historical range below the lowest historical level. The MT values in Tables 3-1 and 4-1 in the main GSP text are all equal to or greater than those given in the Appendix 4A hydrographs. When you plot the values in Tables 3-1 or 4-1 on the Appendix 4A hydrographs, they are at a deeper depth than the -20-foot value. An example of one hydrograph 18N01E15D002M is attached as page 2 of AquAlliance Exhibit A. I have no understanding as to why these changes were made and the Draft GSP doesn't appear to explain it either. I've attached a table that lists the Butte GPS Primary Aquifer well characteristics and the different MTs (columns G and H) along with the MT calculation method (columns P and Q) for the main text and Appendix 4A. See page 1 of AquAlliance Exhibit A.

4. The MT calculation method for the Very Deep Aquifer monitoring wells given in the Appendix 4A hydrographs are at the 100% historical range ***below*** the lowest historical groundwater level

(Appendix pdf pages 1096 to 1105). The MTs for the Very Deep Aquifer wells are described in the Draft GSP main text (pdf page 216) as:

> *Setting minimum thresholds using this methodology is protective of the Beneficial Uses of the very deep groundwater aquifer, including agricultural, municipal, and domestic uses, because the minimum threshold is calculated to be at a level that allows for adequate flexibility to compensate for drought periods (e.g. 2015) while protecting up to 93% of supply wells greater than 700 feet deep (the minimum depth of the very deep aquifer representative monitoring network), thereby avoiding undesirable results.*

5. The MT calculation method for the Interconnected Surface Water monitoring wells given in the Appendix 4A hydrographs as *-10 feet deeper than the historical low* (Appendix pdf pages 1108 to 1119). The MTs for the Interconnected Surface Water wells are described in the Draft GSP main text (pdf page 225) as:

> *Minimum thresholds for depletion of interconnected surface waters were set at 10 feet below the measured historical low for each of the representative monitoring wells. The minimum threshold was established to prevent undesirable results while taking into consideration key water bodies (including the Sacramento River, Feather River, Butte Creek, Little Dry Creek, Dry Creek, and Angel Slough) and groundwater dependent ecosystems (GDEs).*
>
> *The minimum threshold was selected such that levels would be protective of the beneficial use of interconnected surface water and of shallower groundwater near streams and rivers, including those of shallower domestic users and potential groundwater dependent ecosystems. The additional 10 feet in depth below the measured historical low (during which no undesirable results were observed) is intended to provide an appropriate margin of operational flexibility during GSP implementation. While information and understanding of interconnected surface waters is limited, groundwater levels that exceed the minimum threshold in the future for an extended period of time could impact beneficial uses of interconnected surface waters by reducing the volume and changing the timing of surface water availability, and potentially impacting the beneficial uses of groundwater by dewatering domestic wells and limiting groundwater supplies to groundwater dependent ecosystems. As additional data are collected during GSP implementation, minimum thresholds may change and the threshold calculations revised to reflect a better understanding of this complex interaction and the Subbasin's unique conditions.*

Setting the MTs groundwater levels for Interconnected Surface Water at a value greater than the lowest historical depth may result in undesirable results to stream flows and Groundwater Dependent Ecosystems (GDEs) because a decline of 10 feet could result in stream flows being lower than the minimum instream flows necessary to protect aquatic habitats and groundwater levels dropping beyond the acceptable rooting deep of GDEs vegetation. Rooting depths of GDEs can be found at The Nature Conservancy's Groundwater Resources Hub[2]. Note that 170

[2] https://groundwaterresourcehub.org/sgma-tools/gde-rooting-depths-database-for-gdes/

of the 230 entries, 74%, for California phreatophytes in The Nature Conservancy's database have maximum rooting depth at or less than 10 feet. The loss in stream flows predicted by the simulations for the Draft GSP show that surface water flows will be reduced (see discussions on the Water Budgets). The GSP Interconnected Surface Water monitoring network and the MOs and MTs should be set based on the requirements that sustain the existing GDEs by maintaining shallow groundwater at depths less than the maximum rooting depth for the overlying vegetation, and also to maintains surface water flow necessary to protect overlying aquatic habitats.

As noted in the excerpts above, this Plan offers experimentation cloaked as science through the abuse of the already stressed hydrologic system and all flora and fauna species, including humans, living in the region. The Butte GSP must not offer, let alone approve, Minimum Thresholds that are below ***any*** historic low. Proposing declines of up to 100% or 20 feet, whichever is greater, demonstrates an intention to hammer the basin and figure out the problems later. Well failure must not be an accepted result, so some water players may have "flexibility" during droughts or to conduct conjunctive use exercises. The public and the environment are not willing participants in this special interest Plan.

6. For Water Quality MTs the values are set at this time only for salinity using electrical conductivity (EC). The minimum threshold for EC in Water Quality monitoring wells was set as the higher of 900 µs/cm or the measured historical high, whichever is greater (pdf pages 221 to 223). For other water quality constituents, the Draft GSP says that it will wait 5-years and then:

> *The GSAs will also consider setting minimum thresholds for other constituents as part of the 5-year update. The established minimum thresholds will take into consideration:*
>
> - *Maximum Contamination Levels (MCL)*
> - *Local conditions (historical measurements).*
> - *Agricultural requirements (Irrigated Lands Regulatory Program [ILRP], Central Valley Salinity Alternatives for Long-Term Sustainability [CV-SALTS])*

Water quality standard already exist for the Butte Subbasin in the Central Valley Regional Water Quality Control Board's (CVRWQCB) Water Quality Control Plan (Basin Plan) for the Sacramento River Basin and the San Joaquin River Basin.[3] The Water Quality MOs and MTs for the Butte Subbasin should follow the requirements of the CVVRWQCB's Sacramento River Basin Plan. In addition, the GSP should maintain the subbasin's water quality so that it meets all required health protective drinking water standards at levels below the Maximum Contaminant Levels (MCLs) for public water systems, and below the public health goals (PHGs).[4,5]

7. The hydrographs in Appendix 4A for the Primary Aquifer and Very Deep Aquifer monitoring wells all list a *Model Adjustment Value*. This value is sometimes positive, zero, or negative. See column R on page 1 of AquAlliance Exhibit A. What this adjustment does to the calculation of

[3] https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf
[4] https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/MCLsandPHGs.html
[5] https://www.waterboards.ca.gov/laws_regulations/docs/drinking_water_code_2021.pdf

MO or MT is unclear. The description of the Model Adjustment is given on page 2 of the Appendix 4A report (pdf page 1045) as:

> *Projected future water levels from the model run are a line plot of the monthly values averaged from the daily model results. The projected future water levels have been adjusted on the graphs at wells where the historical measurements were offset from the model results. This is an accepted modeling practice and it is noted on the hydrographs when such an adjustment has been made.*

The hydrographs don't provide much clarity on how the adjustment changes these values. Clarification is need on what this adjustment does to the MO and MT values.

8. The MO values listed in the Appendix 4A hydrographs are the same as in Tables 3-1 and 4-1. The hydrographs also show the simulated groundwater levels for future conditions using the 2070 climate change simulation results. The MO values essentially align with the simulation groundwater curve. The description of the hydrographs is given on page 2 of the report in Appendix 4A (pdf page 1045) as:

> *Hydrographs for the future conditions with 2070 climate change and the historical measured groundwater levels were plotted on one chart for each of the monitoring well locations (i.e., the chart includes the 2000 through 2018 historical run and 2019 through 2068 projected future run). The charts show simulated groundwater elevations on the left vertical axis and groundwater depths below ground surface (bgs) on the right vertical axis. Ground surface elevation is also plotted along with the elevation and depth bgs of the draft MT and MO. The charts are organized by monitoring network beginning with the primary aquifer, followed by the very deep aquifer and the interconnected surface water networks, and included as attachments to this TM.*

9. There are several issues related to how the MTs are set. For the Primary Aquifer, why are the MTs being set below the historical lowest groundwater level when the Draft GSP says that the subbasin will be managed to maintain the current MOs? The future 2070 simulation assumed that the past 50-years of water use would be repeated during the next 50 years. The simulation groundwater levels shown in the Appendix 4A hydrographs don't suggest that there will be deep declines in groundwater in the next 50 years. Does the Draft GSP assume that there will be more conjunctive use in the future than in the past, such that the groundwater will decline below the depths calculated in the 2070 future simulation? Why didn't the 2070 simulation include these projected increases in conjunctive use? Why almost double the historical lowest depth of groundwater decline for the MT? As discussed below, the results on the water balance suggests that the MTs in the Draft GSP are set based on a planned significant increase in average annual groundwater production during the next 50 years. The Draft GSP does mention increased groundwater production during drought years, but also states that groundwater storage will recover during non-drought years (pdf page 231 and 232). The Draft GSP seems to state that although there will be an average decrease in the future in groundwater storage of 2,000 AFY, the management actions will address this imbalance and provide *an average annual benefit to groundwater storage of at least this volume*. **Again, why is an MT that's almost twice the historical low needed to maintain groundwater sustainability?**

10. In the discussion of the Interim Milestones, the main GSP text states on page 4-15 (pdf page 212) for the Primary Aquifer and on page 4-21 (pdf page 218) for the Very Deep Aquifer that:

> *For the Butte Subbasin, since groundwater levels are already at or near MOs, it is reasonable to set the interim milestones equal to the MOs to provide numerical metrics for GSAs to track maintenance of the Subbasin's sustainability goal relative to the overall sustainability goal, ensuring that the basin remains sustainable.*

The Draft GSP reasoning for setting of the Interim Milestones at the MO values seems to say that the subbasin is already sustainable. If that were the case, then why does a GSP need to be prepared? DWR seems to believe that groundwater levels are declining such that the Butte Subbasin was given a Medium SGMA priority. The results of the 50-year Current and 2070 climate change simulations suggest that there has been a decline in groundwater storage since 1971 with an overall decline since WY 1998 (pdf page 173; also see modified Figure 2-42 on page 3 of AquAlliance Exhibit A). The setting of the Interim Milestone at the MOs suggests that there is no need to raise groundwater levels or add to the volume of groundwater in storage.

The future 2070 simulation groundwater levels shown in the Appendix 4A hydrographs also suggest that there will be no sustainability issues in the future. However, the information provided in the Draft GSP Water Balance calculations suggests that there may be problems with the sustainability of the subarea in the future. The cumulative loss in groundwater storage on January 1, 2015, the SGMA Benchmark date, calculated by the Current water budget simulation is approximately 150,000 AF. See modified Figure 2-42 on page 3 of AquAlliance Exhibit A. If the cumulative change in groundwater storage simulated for the next 50 years is subtracted from the January 2015 cumulative loss, the total loss in storage in 2070 will be approximately 450,000 AF. This is more than double the cumulative storage loss estimated at the start of SGMA. Perhaps, this is why the GSP has set the MTs at 100% below the historical range, which is almost twice the maximum historical depth. Twice the loss in cumulative storage will likely cause a decline in groundwater levels that is almost twice the historical maximum.

11. The Draft GSP provides several water budgets, or water balances, scenarios for both surface water and groundwater. There appear to be three baseline water balance calculations, and three 50-years-in-the-future water balance calculations. The Draft GSP selects the future 2070 Central Tendency (2070CT) climate change scenario for comparison to the Current conditions.

The three baseline water budgets include two called "Historical" (19 water years from 2000 to 2018), and one "Current" (50 years from 1971 to 2018 plus 2004 and 2005 to fill in to make 50 years). The three future water balance scenarios are described as (pdf pages 23 to 26):

> *Three projected water budget scenarios were developed across a range of future conditions that may occur: these scenarios include one in which no climate change occurs, one with adjustments to precipitation, evapotranspiration, and surface water supplies based on the 2030 Central Tendency climate change datasets provided by DWR to support GSP development, and one with adjustments to precipitation,*

evapotranspiration, and surface water supplies based on the 2070 Central Tendency climate change datasets provided by DWR to support GSP development.

One of the Historical water budgets is given in Appendix 4C as two tables, Table C-1 for surface water, and Table C-2 for groundwater. See pages 4 and 5 of AquAlliance Exhibit A. There doesn't seem to be a clear explanation of the development of these two Appendix tables, but there are several water balance reports in the Appendices, so maybe these tables can be derived from those reports. The second Historical water budget is given as part of the main GSP text in Section 2 (pdf pages 149 to 161). Table 2-7 for surface water and Table 2-8 for groundwater (pdf pages 156 and 157) have a column called Historical. See column B pages 6 and 7 of AquAlliance Exhibit A. I've attached a file that has several modifications to those two tables that calculate the annual differences between the three baseline scenarios and the 2070 future scenarios. See pages 8 with 9, 16 with 17, and 18 with19 of AquAlliance Exhibit A for the three baseline to 2070 scenario water balance differences.

The third baseline water budget is called "Current" in column C of Tables 2-7 and 2-8. This is a water budgets based on the past from 1971 to 2018 with two additional average years 2004 and 2005 added to make a 50-year average. The past 50-years of annual water budget is then used to estimate the annual water balances for 50 years into the future using three different assumptions. The Draft GSP apparently selects the 2070 future scenario for comparison to the Current water budget for evaluation future groundwater pumping impacts. The GSP selects the 50-year Current scenario because it has *[a]n advantage of evaluating the current conditions water budget over a representative 50-year period is that the results provide a baseline for evaluation of the projected water budgets* (p. 2-55, pdf page 147).

12. The Historical water budget for Appendix 4C Tables C-1 and C-2 had to be calculated because the tables only list the annual values for each component, but don't give any overall statistics. The attached two Appendix 4C water budgets and two tables that give the summary statistics for surface water and groundwater. See pages 4, 5, 10 and 11 of AquAlliance Exhibit A. In addition, modified Tables 2-7 and 2-8 are included that calculate the average annual differences between the two Historical water budgets for each water budget components. See pages 12 and 13 of AquAlliance Exhibit A.

13. The Draft GSP gives in Figure 2-42 (pdf page 173) graphs of the cumulative change in groundwater storage for the past "Current" 50-years and the three future 50-year scenarios. I've included this graph with some modifications in the attached water budget pdf document. See page 3 of AquAlliance Exhibit A. The Draft GSP in Table 5-1 (pdf page 232) provides a comparison of the Current to the future 2070 water balances for selected parameters for 2019 to 2068. It is unclear why the future years start in 2019 when the 50 years for the Current water budget added two years after 2018 to end in 2020. Regardless, the values in Table 5-1 appear to be derived from values in Tables 2-7 and 2-8. See page 14 of AquAlliance Exhibit A.

    Also attached is a modification of Table 5-1 that includes the original Current to 2070 year water balances along with two additional Historical baselines for comparison. See page 15 of AquAlliance Exhibit A. One modification compares Table 2-8 Historical to future 2070 water balances and the other Appendix 4C Table C-2 Historical to the future 2070. The comparisons

for the two Historical baseline water budgets show significant differences from the "Current" scenario. Both the Historical baselines comparisons show an increase in overall groundwater storage of approximately 7,800 AFY rather than the decrease as calculated with the Current baseline.

This increase in groundwater storage seems to come from a significant *net* reduction in surface water flows caused by an increase in total surface water seepage to groundwater, and a significant decrease in discharge of groundwater to surface water (accretion). Even with the Current baseline water budget, the *Net Stream Gains from Groundwater (Accretion)* parameter decreases in the future, just not as much as the difference from the two Historical baselines. There is also significant decrease in *Surface Water Outflows* with both Historical baselines. The *Surface Water Inflows* parameter for the Appendix 4C Historical water budget also differs significantly from the Current and Table 2-8 Historical baselines.

If the Historical water budgets that the subbasin is presently experiencing (since 2000) are used as the baseline for estimating the results of the 2070 future climate change conditions, then the difference calculations show that the flows in the subbasin's streams and rivers will be significantly reduced. At the same time the subbasin will have an increase in groundwater pumping along with a gain in groundwater storage. This contradiction for the Historical baselines needs to be explained because it might indicate a problem with the assumptions about the water budgets and the future scenarios.

The use of the past 50-year Current scenario as the input for the hypothetical future scenarios is reasonable. Repeat the past with the climate changes applied to see what happens. However, the starting point for going forward in an evaluation of the subbasin's groundwater sustainability should be at today's conditions, not the average of the past 50 years. From the graphs of groundwater storage in Figure 2-42 (pdf page 173; page 3 of AquAlliance Exhibit A) it's clear that during the past 20 years the subbasin has seen a downward trend in groundwater storage. The volume of storage at the SGMA benchmark date of January 1, 2015 was near -150,000 AF lower than in 1971, and lower than any time prior to the start of SGMA. The additional decline in groundwater storage from the 2070 climate change scenario should be started at the -150,000 AF value of the SGMA Benchmark date, not the zero of 1971. The authors of the Draft GSP may know this, and that's maybe why many of the groundwater monitoring well MTs are set at 100% of the historical range below the historical low. The GSP authors want to allow for an additional 200,000 to 300,000 acre feet of loss in groundwater storage predicted by the 2070 climate change scenario, for a total of 400,000 to 450,000 AF since the 1971, without triggering an *undesirable result*. The Draft GSP doesn't actually say that it's planning to have this amount of groundwater storage loss, but the water balance calculations suggest that it is likely.

14. The water budgets given in Tables 2-7 and 2-8 suggest that groundwater production in the Butte Subbasin will be significantly increase during the next 50 years. The groundwater pumping annual average given in Table 2-7 or Table 2-8 for the Draft GSP preferred scenarios, 50-year Current baseline and 2070 climate change future, show an increase in the annual production of 47,700 AFY, a 29.3% increase over the Current baseline (columns G and H on page 9 of AquAlliance Exhibit A), from 162,800 AFY to 210,500 AFY (columns C and F). If the Historical baselines are used the groundwater production increases to 48% above the baseline,

with an approximately 68,300 AFY increase. See pages 17 and 19 of AquAlliance Exhibit A. This increase in groundwater production is apparently recharged by losses in the stream and rivers. The water budgets have two components that deal with stream flow and groundwater interaction, the *Stream Gains from Groundwater* as an inflow, and the stream *Seepage* as an outflow. See pages 8, 16 and 18 of AquAlliance Exhibit A.

The Draft GSP Table 5-1 lists a parameter called *Net Steam Gains from Groundwater* for the Current baseline and the 2070 Climate Change water budgets. See page 14 of AquAlliance Exhibit A. Both parameter values show that for these two scenarios the net gain for the streams is negative and that the loss increases in the future under the 2070 climate change scenario. The streamflow loss under the Draft GSP preferred 50-year Current vs 2070 Climate change is 42,800 AFY, approximately 3% of the Current baseline loss. This is stream flow loss of 2.14 million acre-feet (AF) over the next 50 year.

If the Historical baselines are evaluated for net stream accretion, the stream losses significantly increase from gains ranging from 40,600 AFY to 212,116 AFY during the Historical period to losses during the next 50 years of 148,500 AFY. A decrease in stream flow ranging from 189,100 AFY with the Table 2-7 Historical water budget values, up to 360,616 AFY with the Appendix 4A Table C-1 Historical values. See page 15 of AquAlliance Exhibit A, columns B, C and D. This is an approximate 13% to 25% decrease in annual stream flow during the next 50 years (column E), or a 9.45 million AF to 18.03 million AF over the next 50 years.

If the ratio of the future changes in stream flow for the three baselines are compared to the increase in groundwater pumping with the 2070 scenario, the ratio ranges from approximately negative 89% to a negative 528%. See column D on page 15 of AquAlliance Exhibit A. In other words, the increase in future pumping results in a decrease in annual average stream flow volume that's slightly less than the increase in the volume of groundwater pumping, but it may be more than 5 times greater. I've attached another table that compares selected groundwater water balance components. See page 20 of AquAlliance Exhibit A. If the total annual average groundwater pumping for the Historical periods are compared to the net change in stream accretion, the ratio goes from a positive value for stream accretion that ranges from approximately 29% to 149% (the streams are gaining flow during the Historical periods). For the 50-year Current and future 2070 climate change scenarios, the net stream accretion is negative, ranging from approximately minus 65% to 71%. In other words, groundwater pumping under these two scenarios is apparently recharged by a reduction in stream flow, with stream flows decreasing in the future due to climate change.

15. All three baselines water budgets show a future loss in stream flow with the increase in groundwater production during the next 50 years under the 2070 climate change scenario. See page 15 of AquAlliance Exhibit A. This loss in stream flow isn't being directly measured. Instead, the Draft GSP proposes to use groundwater levels to monitor, and presumably measure, changes in Interconnected Surface Waters.

    - Under the Draft GSP preferred scenario comparison, the past 50-year Current vs the future 50-years of 2070 climate change, an increase in groundwater production of 47,700 AFY is almost balanced by a loss of 42,800 AFY from the streams (column D).

- If the most recent 19-years in Table 2-7 Historical water budget is used, then the groundwater production increases 68,300 AFY over baseline with net stream flow changing from a gain of 40,600 AFY to a loss of 148,500, a net change of negative 189,100 AFY (column D).

- For the Appendix 4C Table C-1 Historical water budget, an increase in groundwater production of 68,289 AFY is balanced by a change in net stream flow from a gain of 212,116 AFY to a loss of 148,500 a net change of negative 360,616 AFY (column D).

These changes in net stream flow show that the assumption in the Draft GSP that monitoring the changes in the levels of shallow will ensure that the flow in the interconnected streams and rivers are maintained and sustainable is flawed. The significant losses in *Net Stream Gains from Groundwater* from the baseline condition are expected to occur over the next 50 years with the 2070 Climate change water budget even though the groundwater levels measured in the Interconnected Surface Water monitoring well are predicted to remain consistent with the MO groundwater levels. The hydrograph for the Interconnected Surface Water monitoring wells in Appendix 4A (Appendices pdf pages 1107 to 1119) show the groundwater levels under the 2070 climate change scenario varying about the MO values. This predicted shallow groundwater level stability occurs even though 29% to 48% more groundwater is being produced, and flow in the interconnected stream flow declines from 42,800 AFY to as much as 360,000 AFY.

The reason that the shallow groundwater levels in the Interconnected Surface Water monitoring wells are remaining relatively consistent is because the streams are losing flow. The shallow groundwater levels won't decline until the interconnected streams are dry and can't supply any more recharge. Unless the actual flows in the interconnected streams are being measured, as they apparently can be, the decline in flow and the associated impacts to habitat won't be recognized until it is too late. See pages 6 and 7 of AquAlliance Exhibit A for list of stream inflows water budgets.

The Draft GSP lists four existing surface water gauge site in Table 3-4 (pdf page 193) and plots the locations on Figure 3-5 (pdf page 195). Unfortunately, these four stream flow gauges are insufficient in number to measure changes in stream flow across the Butte Subarea and aren't located to capture the upstream and downstream change in the six interconnected streams shown on Figure 2-28 (pdf page 142). See page 21 of AquAlliance Exhibit A. Additional stream gauges are needed to document that the subbasin is being sustainably managed to prevent undesirable results to surface waters.

The Draft GPS does propose to install additional shallow groundwater monitoring wells in the areas of the Groundwater Dependent Ecosystems (GDEs) shown on Figure 3-6 (pdf page 197) See page 22 of AquAlliance Exhibit A. Here the shallow groundwater level measurements can aid in monitoring the sustainability of the GDEs because the depth to groundwater directly affects the water available for vegetation. However, using groundwater levels to measure and monitoring the sustainability of the GDE habitat for stream aquatic species would be inappropriate for the reasons stated above for instream flow monitoring. That is, groundwater

levels can't measure surface water flows, which need to be maintained to maintain aquatic habitat sustainability.

It should be noted, that the Draft GSP proposed MTs for interconnected surface water at a depth that's 10 feet below the historical lowest level probably isn't appropriate for maintaining GDEs because a sustained decline in groundwater depth of 10 feet below the lowest historical level may result loss of the vegetation (see maximum rooting depths dataset available at The Nature Conservancy's Groundwater Resources Hub[1].

16. The Draft GSP water budget for groundwater lists an outflow component called Western Boundary Net Outflows (see Table 2-8; see page 7 of AquAlliance Exhibit A). The Draft GSP describes the Western Boundary as:

> *The western boundary is a combination of the Butte-Glenn County line along the Sacramento River, the Sacramento River through portions of Glenn and Colusa Counties and the jurisdictional boundary of Reclamation District No. 1004 (RD1004).* (pdf page 77)

The net outflow for the Western Boundary is described as:

> *Western Boundary Net Outflows – Sacramento River gains from groundwater and subsurface outflows to the Colusa and Corning Subbasins along the shared boundary along the river. The split between these outflows is uncertain at this time and will be addressed through future refinements to the BBGM and through coordination and collaboration with neighboring subbasins as part of GSP implementation.* (pdf page 155)

Groundwater flows across the Western Boundary are considered interbasin flows and are described as:

> *Interbasin flows are dependent on conditions in adjacent basins. It is recommended that GSAs refine estimates of subsurface groundwater flows from and to neighboring basins through coordination with GSAs in neighboring basins during or following GSP development and through review of modeling tools that cover the Sacramento Valley region, including the C2VSim and SVSim integrated hydrologic model applications developed by DWR.* (pdf page 176)

The water budgets for the three baselines when compared to the next 50 years with the 2070 climate changes shows that the outflows at the Western Boundary increase significantly over the Historical conditions. See page 20 of AquAlliance Exhibit A. The outflows for the Historical water budgets range from an average low of 10,911 AFY for the Appendix 4A Table C-2 to 182,400 AFY for Historical Table 2-8. Under the 2070 climate change future, the outflow increases to 292,800 AFY, an increase of 61% to as much as 2600%, depending on the Historical water budget. See pages 17 and 19 of AquAlliance Exhibit A. The Western Boundary outflows decline slightly in the future from the past 50-year Current outflows, which are 304,400 AFY. An approximate 4% decline. See page 9 of AquAlliance Exhibit A. The wide variation in the

value of the Western Boundary outflow with the different water budgets shows that there is a need to improve the estimate.

The Plan also believes that … *interaction with the Sacramento River is subject substantially [sic] greater uncertainty than other streams, due to the river representing the western boundary of the BBGM model domain. It is recommended that this uncertainty be addressed through future refinements to the BBGM (Section 6.1.2.3)* (pdf page 145). With this level of uncertainty about the outflow on the Western Boundary, caution must guide present and future activity.

The Plan attempts to start from today when the last twenty years have shown serious declines, but when combined with the prior 30 years, it makes the starting point look less dire. In a deep hole NOW. See page 3 of AquAlliance Exhibit A.

17. The Draft GSP discusses several projects that may help Disadvantaged Communities in the Plan Area (pdf pages 252, and 284 through 289). The City of Biggs and City of Gridley were specifically identified as having disadvantaged communities. Unfortunately, the GSP doesn't appear to have any analysis of these disadvantaged communities. In the Appendix Section 5.A.2., under the section titled *Analysis of Disadvantaged Communities in the Plan Area*, the Draft GSP (Appendix pdf p. 1125) just says:

    > *Currently in development – to be included with final GSP.*

    The descriptions of GPS projects often refer to Disadvantaged Communities using the language that is similar to:

    > *This project can be designed to benefit disadvantaged communities, …. Required permitting activities will be determined as the project is developed further.*

    The lack of analysis for disadvantaged communities prevents any meaningful review of a critical public need. The Draft GPS in effect provides no protection or benefits for disadvantaged communities.

18. The projects and management actions to achieve sustainability goals are given in Chapter 5. The 25 projects and actions are divided into three categories, *ongoing, planned, and as needed*, see Table 5-2 for brief descriptions of projects (pdf pages 234 through 237). Details of these projects and the cost and benefits are only given for those that are *ongoing* and *planned,* 7 out of the 25 projects. The remaining *as needed* projects are described in less detail with no cost and benefit analysis provided. Table 5-4 lists the benefits and costs for the three *ongoing* project that will be completed prior to year 2042 and lists a combined total gross average annual benefit at full implementation of 8,939 AFY. Table 5-5 lists four *planned* projects that will be *available if continued monitoring indicates that they are needed to meet the sustainability goal by 2042, or to maintain other water management objectives.* Costs for all four *planned* projects are listed in Table 5-5, but benefits are only listed for two of the *planned* projects. The combined total gross average annual benefit for the two *planned* at full implementation is 9,947 AFY. The combined total benefit of the *ongoing* and *planned* projects is therefore 18,889 AFY. No specific costs or

benefits are given for the *as needed* projects. Table 5-3 does identify the general category of expected benefit for six general types of projects/management action.

19. The GSP implementation schedule for tasks and studies, along with general timelines are given in Tables 6-1 for GSP Implementation in years 2022 through 2042, and Table 6-2 for GSP Studies Implementation for years 2022 to 2027 (pdf page 317). Many of the projects and studies in Tables 6-1 and 6-2 have a footnote that states that: *Implementation and scale of these projects is dependent on funding availability*. The two footnoted funding dependent projects listed in Table 6-1 are the two *planned* projects in Table 5-2 that have cost benefits listed in Table 5-3. The apparent lack of current funding at this time for these two *planned* projects suggests that the be 9,947 AFY of benefit shouldn't be assumed at this time.

20. The water budget calculations in the Draft GSP for Butte Subbasin suggest that the assumptions being made regarding loss of surface water flows during a groundwater substitution transfer are flawed. The change from any of the baseline water budgets in the *Net Steam Gains from Groundwater (Accretion)* (see Table 5-1 for the Current baseline change, pdf page 232; see p. 14 of AquAlliance Exhibit A) that occurs with the increase in groundwater production during the next 50-year with the 2070 climate change scenario is much greater than the DWR/BOR assumed *stream depletion factor* of 13 percent[6] The ratio of the change in net stream accretion to the change in groundwater ranges from approximately negative 90% to as much as negative 528%. See page 15 of AquAlliance Exhibit A.

    The groundwater budget in Draft GSP Table 2-8 shows that with the future increase in groundwater pumping under the 2070 climate change scenario, there is an increase in seepage from surface waters to the groundwater ranging from 7,800 AFY to 86,000 AFY with the Current or Historical baseline, respectively. See pages 9 and 17 of AquAlliance Exhibit A. In other words, more surface water will infiltrate into the groundwater basin to the detriment of the streams.

    The groundwater budget in Draft GSP Table 2-8 also shows that with the future increase in groundwater pumping the discharge of groundwater to streams, the *Stream Gains from Groundwater (Accretion)* during the next 50 years will decrease from 218,500 AFY and 154,800 AFY, the Historical and Current baselines, down to 123,500 AFY under the 2070 climate change scenario. See pages 9 and 17 of AquAlliance Exhibit A.

    The combined loss of stream flow, or net change, over the next 50 years with climate change from the increased seepage and reduced accretion ranges from -42,800 AFY up to -189,100 AFY, from the Table 2-8 Current or Historical baselines, respectively. See p. 15 of AquAlliance Exhibit A. This loss of stream flow occurs while groundwater pumping is increasing from 47,700 AFY to 68,300 AFY, Current or Historical baselines, respectively. This suggests that the amount of stream flow lost when groundwater pumping is increased ranges from 90 percent to 277 percent (-42,800 / 47,700 = -0.897; -189,100 / 68,300 = -2.768). This shows that the overall percentage of groundwater being pumped that will be recharged from the streams in the Butte

[6] https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/State-Water-Project/Management/Water-Transfers/Files/Draft_WTWhitePaper_20191203.pdf

Subbasin, i.e., stream depletion, with any future pumping increase is significantly greater than the DWR/BOR assumed 13% stream flow loss from a groundwater substitution transfer. **In fact, with the Historical baseline, the loss exceeds the volume of groundwater being pumped, suggesting that the subbasin maybe at a *tipping point* where the impacts from future pumping increases are amplified, causing significantly more harm than just taking 100 percent of the groundwater recharge from surface waters.**

21. The trigger for an undesirable result from lowering of groundwater levels occurs whenever the groundwater levels in 25% of the monitoring wells exceed the MT value continuously for 24 months (Section 4.2.1.2, pdf pages 202 and 203). There are 41 Primary Aquifer and 10 Very Deep Aquifer monitoring wells across the 265,500 acres of the Butte Subbasin (Bulletin 118). The Draft GSP doesn't appear to provide the areas monitored by each of these wells. If it is assumed that they are uniformly distributed, then each of the Primary Aquifer wells monitors an area of approximately 6,476 acres and the Very Deep Aquifer wells an area of 26,550 acres. The requirement that 25% of the monitoring wells continuously exceed their MTs for 24 months before an undesirable result is declared means that the Primary Aquifer MT for the area of exceedance is at least 71,232 acres, or 111 square miles (11 of 41 wells) and at least 79,650 acres in the Very Deep Aquifer, or 124 square miles (3 of 10 wells). Both minimum exceedance areas are greater than 25% of the total subbasin area (66,375 acres). In addition, the undesirable result *all or none* requirement with MT exceedance for a continuous 24 months in 25% of the monitoring wells appears to have no limitations on the maximum decline in groundwater that might occur in an area monitored by less than 25% of the wells. ***In other words, the Draft GSP has no limit to the maximum depth of groundwater drawn down when it occurs in less than 25% of the wells, or when the groundwater depths in the wells exceed their respective MT for a duration that's less than 24 continuous months.*** An uncontrolled maximum depth to groundwater in exceedance of the MTs can apparently continue indefinitely if depression remains smaller than an area covered by 25% of the wells or the groundwater level rises above the MT in at least one of 11 monitoring wells during a 24-month period. The GSP minimum threshold standard needs to be amended to provide a maximum allowable depth to groundwater at any time in a well to protect domestic wells, interconnected surface waters, and GDEs from periodic dewatering that might occur from a deep groundwater depression.

B. Conflict Resolution

State and federal agencies have long viewed the Northern Sacramento Valley as a source of "surplus" water that will one day serve the accelerating water market through conjunctive-use and water banking (more in Section C). Sadly, the Butte GSP reflects the willingness of the Groundwater Sustainability Agencies[7] to participate in a destruction model, emulating the demise of the Owens and San Joaquin valleys. As discussed in Section A, the Plan as proposed will degrade the groundwater basin and harm groundwater users who are not involved in conjunctive use or water banking but are reliant on the same groundwater basin.

[7] Biggs-West Gridley Water District, Butte Water District, City of Biggs, City of Gridley, Colusa Groundwater Authority, County of Butte, County of Glenn, Reclamation District No. 1004, Reclamation District No. 2106, Richvale Irrigation District, Western Canal Water District.

It is easy to see that newly formed GSAs have layers of potential conflict. Questions regarding authority, streamlined legal and regulatory timelines, a lack of existing precedents, and the need to represent agency and constituent interests have the potential to exacerbate regional conflicts under SGMA. In some cases, where authoritative interpretations of legal authority and truly sustainable limits have not been established yet, litigation may be necessary and warranted.

The public and SGMA governing bodies and committees have been excluded from inter-basin discussions. Moreover, when participants in the Vina Stakeholder Advisory Committee asked staff if discrepancies in inter-basin flow volumes/direction that are estimated in the various GSA Basin Settings had been deliberated within the Inter-Basin Coordinating Committee, they answered that they are too busy, but would examine the issue after the GSPs are submitted in 2022.

The drama surrounding the nascent Tuscan Water District and highly questionable Minimum Objectives and Minimum Thresholds in this and other plans are examples of "issues" that have already emerged. Achieving sustainability requires local agencies, stakeholders, and water users to make many difficult and potentially contentious decisions. These decisions are prone to conflict, particularly when pumping restrictions are viewed as infringing on property rights or when fees are charged to support local management.

The Butte GSP is not complete without a detailed process and funding to resolve conflicts that arise both within and external to the GSA boundaries.

C. Water Transfers and Conjunctive Use

Page 2-9 (pdf p. 64). Key Butte County General Plan Water Resources Element policies include: "W-P3.2 Groundwater transfers and substitution programs shall be regulated to protect the sustainability of the County's economy, communities and ecosystem, pursuant to Chapter 33 of the Butte County Code." For the Butte GSP to assume that Butte County's General Plan, Chapter 33, or other ordinances will in any way protect the population and environment of Butte County from any transfers belies historic facts and current proposals by DWR funded think tanks:

- Water transfers are not protective of the public or the environment. Transfers implement the dreams of the California's Department of Water Resources, the U.S. Bureau of Reclamation, and State Water Project and Central Valley Project water sellers who have demonstrated over decades that their interests are not the same as the public's interest. Once the state recognized that they were considerably short on water after former Governor and President Ronald Reagan protected North Coast rivers with Wild and Scenic status, it began trolling for other water sources.
    - Some of the Butte GSA entities in Butte County sold surface water from Oroville Reservoir to the 1994 Drought Water Bank.[8] This led to an increase in

[8] Thomas, Gregory, 2001. Designing Successful Groundwater Banking Programs in the Central Valley: Lessons From Experience. "The Butte County/Basin districts that increased groundwater pumping during the 1991 State Drought Water Bank included: Western Canal Water District, the Joint Water Districts Board (Richvale Irrigation District, Biggs-West Gridley Water District, Butte Water District, and Sutter Extension Water District) Ramirez Water District, Cordua Irrigation District, Hallwood Irrigation Company, and Browns Valley Irrigation District." p. 30.

groundwater withdrawals used for irrigating rice, called groundwater substitution transfers. Until the time of the water transfers, groundwater levels had sustained the normal demands of domestic and agricultural users in the region. The 1994 extractions, however, caused the water levels to suddenly fall in shallow domestic wells, water quality to deteriorate in the wells serving the town of Durham, irrigation wells to fail on several orchards, and one farm to enter bankruptcy because it didn't recover from the loss of its crop. Harmed farmers and residents were told to "Go hire an attorney."

- State and federal water agencies kept exploring how to manipulate groundwater systems during the 1990s to set up conjunctive use programs. CalFed was one such effort. "Potential projects at Stony Creek, Butte Basin, and the Cache-Putah Basin (Conaway Ranch) were eliminated because these aquifers are generally full. *Using these aquifers conjunctively would require initial extraction followed by active or passive recharge*. These may prove to be attractive projects in the future if potential third-party impacts are addressed adequately."[9] **(emphasis added)**
- Additional CalFed material recognized that conjunctive use will require an extra 100 feet of aquifer drawdown and "may be an issue." [10]
- Glenn Colusa ID received close to $3,000,000 of public money to study the Stony Creek Fan Conjunctive Water Management Program and Regional Integration of the Lower Tuscan Groundwater formation project.
- Glenn Colusa ID, Western Canal WD, and Richvale ID actively planned to implement conjunctive use schemes: "Ultimately the project evaluated the effects of exercising both the northern Sacramento Valley's deep aquifer system, which is presently relatively undeveloped, and the shallower, regional aquifer, which is more heavily pumped for both domestic and agricultural needs."[11]

- Think tanks are already encouraging the California Legislature to override local ordinances. "Once GSAs establish sustainability plans that address undesirable impacts of pumping, it should be possible to ease the coarser restrictions on this practice found in most county ordinances—which effectively preclude trades if they entail water leaving the county. If counties with restrictive groundwater export ordinances fail to amend their laws to conform to SGMA, *the legislature should consider preempting local laws that discriminate against out-of-county uses or place undue burdens on groundwater and groundwater-substitution transfers* that would not jeopardize sustainable groundwater management of the source aquifer."[12] (emphasis added)

Sustainability is not found in the Butte GSP, let alone equitable sustainability for all residents, farms, businesses, and the environment. The Butte GSA and Colusa GSA are dominated by

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"Participants in the 1994 State Drought Water Bank were Richvale Irrigation District, Western Canal Water District, Browns Valley Irrigation District, Cordua Irrigation District, and Ramirez Water District." p. 30.

[9] CalFed Bay Delta Program, 1999. *Conjunctive Use Assessment*. p. 6.

[10] CalFed Bay Delta Program. Groundwater Storage Attribute Matrices, Appendix B. p. B-5.

[11] Glenn Colusa ID, et al, 2012. *Feasibility Investigation of Re-Operation of Shasta and Oroville Reservoirs in Conjunction with Sacramento Valley Groundwater Systems to Augment Water Supply and Environmental Flows in the Sacramento and Feather Rivers*. p. ii.

[12] Ayres, Andrew, et al., 2021. *Improving California's Water Market: How Water Trading and Banking Can Support Groundwater Management*. p. 34.

large, non-residential landowners, many of whom have sought to play in the lucrative water market already to the detriment of their neighbors, streams, rivers, and species. Sadly, SGMA opened this door further: "Non-residential landowners and future banking partners may find it in their common interest to interpret the legislative intent (74)[13] and lax definitions of safe yield and overdraft provided in the Act (75)[14] based on the opinion in *Los Angeles v. San Fernando*, which encourages drawing down basins to create additional storage space and prevent water "wasting."(76)[15] Thus, in addition to exports, it is foreseeable that a future GSA will encourage drawdown of the aquifer to satisfy massive crop thirst as the drought continues, which will then create extra storage space for imported waters to "recharge" the Basin. As a result of future water exchanges and banking, local residents will bear the additional cost of digging deeper wells just to maintain their straws in the aquifer, and will increasingly compete with each other over a diminishing percolated supply while banked supplies increase."

D. Conclusion

By its own admission, the Butte GSP is bent on pursuing long-held plans to expand conjunctive use through groundwater manipulation, artificial recharge, and potential dam reoperation that will harm the people and environment of the GSA and surrounding region. The draft Plan will not lead to sustainability as required by SGMA, but will allow major groundwater fluctuations, significant well losses, and cost burdens on harmed groundwater dependent farms, homes, and businesses. This was predicted in 2016: "This potential conflict will become acute in the likely scenario where artificial recharge inhibits natural recharge so that it is difficult, if not impossible, to determine the relative quantity of each. Given explicit provisions in the Act and statewide policy favoring storing surface water underground it is not difficult to envision a privately-controlled GSA systematically drawing down percolated groundwater to create storage space in the basin, and then replenishing the basin with imported water, with little consideration of the ability for overlying users to access the basin or the long-term health of the surrounding ecosystem." [16]

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[13] Keats, Adam et al., 2016. *Not All Water Stored Underground is Groundwater: Aquifer Privatization and California's 2014 Groundwater Sustainable Management Act*. Footnote: *2014 Act, § 10720.1(g) (It is the intent of the Legislature "[t]o increase groundwater storage and remove impediments to recharge.").* p. 106.

[14] *Id. Footnote: 2014 ACT, § 10721(v) ("Sustainable yield" is defined as "the maximum quantity of water, calculated over a base period representative of long-term conditions in the basin and including any temporary surplus, that can be withdrawn annually from a groundwater supply without causing an undesirable result."); 2014 ACT, § 10735(a) ("Condition of long-term overdraft" means the condition of a groundwater basin where the average annual amount of water extracted for a long-term period, generally 10 years or more, exceeds the long term average annual supply of water to the basin, plus any temporary surplus. Overdraft during a period of drought is not sufficient to establish a condition of long-term overdraft if extractions and recharge are managed as necessary to ensure that reductions in groundwater levels or storage during a period of drought are offset by increases in groundwater levels or storage during other periods.").*

[15] *Id. Los Angeles v. San Fernando 14 Cal. 3d 199, 280 (1975) ("We agree with plaintiff that if a ground basin's lack of storage space will cause a limitation of extractions to safe yield to result in a probable waste of water, the amount of water which if withdrawn would create the storage space necessary to avoid the waste and not adversely affect the basin's safe yield is a temporary surplus available for appropriation to beneficial use. Accordingly, overdraft occurs only if extractions from the basin exceed its safe yield plus any such temporary surplus.").*

[16] *Id.* pp. 98-99.

Due to the inequity of the Plan for all dependent residents, farms, and the environment, the deficient presentation of the consequences in the text (see Section A above), and the unacceptable impacts to both ground and surface waters, it should be rejected by the Butte Subbasin Board.

Lastly, we submit additional comments and questions below in Attachment One.

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ATTACHMENT ONE

AquAlliance submits these additional facts and questions to seek clarification from the GSA regarding how future subbasin management actions will affect subbasin sustainability.

1. Table 2-7 gives the Historical, Current, and future Surface Water budgets, and Table 2-8 gives the same time periods for the groundwater budgets.
2. The surface water budgets shows that a decrease of approximately 4,300 to 4,600 AFY in surface water inflows is expected during the next 50 years with the 2070 climate change scenario, about quarter percent decrease, depending on the baseline, 2000-2018 Historical, or the 50-year 1971 to present Current.
3. The surface water budget shows that even though inflows decrease, precipitation will increase 35,400 to 60,300 AFY, an approximate 7 percent to 12 percent.

    - Question: Why is there a small decrease in surface water inflows with a much larger increase in precipitation?
    - Question: How does the increase in precipitation affect the availability of water for agricultural irrigation?

4. The surface water budget shows that total annual evapotranspiration (ET) is expected to increase from 40,100 to 46,700 AFY during the next 50 years, an approximate 5 percent to 6 percent increase.
5. Most of the increase comes from increased agricultural ET, 38,800 to 59,600 AFY.
6. The surface water and groundwater budgets show that the pumping of groundwater is expected to increase during the next 50 years by 47,700 AFY to 68,300 AFY, an increase of approximately 29 percent to 48 percent.

    - Question: Is the plan for managing the future groundwater sustainability of the Butte Subbasin to increase the average annual pumping of groundwater from 29 percent to possibly up to 48 percent to provide the water needed for an additional average annual ET of 5 percent to 6 percent?
    - Question: Is the increase in ET during the next 50 years due to a change in climate conditions, an increase the agricultural area under irrigation, a change in the type of crops, a change in irrigation efficiency, or a combination of all of these?
    - Question: How much does each of these potential changes contribute to the increase in ET and the increase in need for groundwater pumping?
    - Question: Will the monitoring proposed in the GSP track and quantify how much ET changes, tabulate these changes by the cause or source; when and where can public review the ET change monitoring data?

7. The groundwater budget in Table 2-8 shows that with the future increase in groundwater pumping under the 2070 climate change scenario, there is a decrease in stream accretion, or the stream gains from groundwater, ranging from 31,300 AFY to 95,000 AFY from the Current or Historical baseline, respectively. In other words, the subbasin will retain more groundwater to the detriment of the streams.

8. The groundwater budget in Table 2-8 shows that with the future increase in groundwater pumping under the 2070 climate change scenario, there is an increase in seepage from surface waters to the groundwater ranging from 7,800 AFY to 86,000 AFY from the Current or Historical baseline, respectively. In other words, more surface water will infiltrate into the groundwater basin to the detriment of the streams.
9. The groundwater budget in Table 2-8 shows that with the future increase in groundwater pumping under the 2070 climate change scenario, the change in stream accretion and seepage during the next 50 years will cause a net decrease in stream flow ranging from 42,000 AFY up to 189,100 AFY, from the Current or Historical baseline, respectively. This loss of stream flow is apparently caused, in part, by an increase in groundwater pumping of 47,700 AFY to 68,300 AFY, Current or Historical baseline, respectively.
10. Figure 2-28 in the Draft GSP (pdf page 142) shows the gaining and losing reaches of the streams in the Butte Subbasin based on the groundwater model for the Historical years 2000-2018.

    - Question: What percentage of the increase in net stream flow loss is due to increased groundwater pumping?
    - Question: What other factors are causing the future reduction in stream flow and what percentage do they contribute to the total loss?
    - Question: In particular, why is the ratio of the loss in stream flow to the increased groundwater pumping using the 2000-2018 Historical baseline at 277 percent (-189,100 AFY / 68,300 AFY = -2.77), while the ratio with the 50-year Current baseline, is only 88 percent (-42,000 AFY / 47,700 AFY = -0.88)?
    - Questions: What does the fact that the stream flow losses in the future relative to the most recent years, the Historical baseline, are much greater than the volume of additional groundwater being pumped say about the sustainability of the subbasin? How sensitive is the sustainability of the Butte subbasin to increases in groundwater pumping? Is the subbasin at a *tipping point* in its sustainability where every acre-foot increase in groundwater pumping causes a much larger loss in surface waters?
    - Questions: Where will the stream flow losses calculated for the 2070 climate change scenario occur? These changes should be shown on a figure such as Figures 2-27 and 2-28 (pdf pages 141 and 142).
    - Questions: What does the fact that the stream flow losses in the future relative to the most recent years, the Historical baseline, are much greater than the volume of additional groundwater being pumped say about the validity of DWR/BOR's recommended standard of a *13 percent stream depletion factor* for groundwater substitution transfers? Should the *stream depletion factor* for groundwater substitution transfers in the Butte Subbasin be equal to or greater than 100 percent of the volume of groundwater pumped for the transfer? Can the Butte Groundwater Subbasin achieve sustainability if groundwater substitution transfers are allowed using the 13 percent *stream depletion factor*; if yes, why? How will the losses to stream flow caused by a groundwater substitution transfer be accounted for and mitigated under the GSP management actions?

11. The groundwater budget in Table 2-8 shows that with the future increase in groundwater pumping under the 2070 climate change scenario, the net of the outflows at the Western

Boundary will decrease an average of 11,600 AFY relative to the 50-year Current water budget, but increase to 110,400 AFY relative to the most recent 2000-2018 Historical water budget, reaching an annual average outflow of 292,800 AFY throughout the next 50 years. This increase in groundwater outflow from the Historical conditions is significantly greater than the predicted annual increase in groundwater storage loss of 800 AFY given in Draft GSP Table 5-1 (pdf page 232) with the 2070 climate change scenario.

- Question: What does the increase in future Western Boundary outflows relative to the most recent time, the Historical water budget, say about the real effects that future groundwater pumping in the subbasins west of the boundary, e.g., the Colusa Subbasin, will have on the future sustainability of the Butte Subbasin?
- Question: Does the increase in future Western Boundary outflows contribute to the amplified surface water loss in the Butte Subbasin that occurs with the future increase in groundwater pumping?
- Question: What is/are the cause(s) of this approximate 60% increase over the Historical baseline in outflow at the Western Boundary (110,400 AFY / 182,200 AFY = 0.605), and what management actions can the Butte Subbasin GSAs take to prevent this increase?
- Question: If the cause(s) of the increase in outflow at the Western Boundary is/are due part to management of the groundwater basins to the west, what management actions should those western subbasin GSAs take to prevent the increase outflow?
- Question: Does the fact that the groundwater outflow at the Western Boundary is much greater than the loss in groundwater storage caused by future 2070 climate change indicate that the GSPs in all of the groundwater subbasins along the Butte Subbasin Western Boundary should have specific management actions to reduce the outflow from the Butte Subbasin?

12. The management objectives (MOs) for the Butte Subbasin are set at the groundwater levels during the most recent 5 years. Simulation results shown in hydrographs for each monitoring well in Appendix 4A for the groundwater levels in the future under the 2070 central tendency climate change scenario at the wells in the Primary Aquifer, Very Deep Aquifer and Interconnected Surface Water monitoring networks show that levels remain near the MOs for the next 50 years. The graphs in Figure 2-42 of the cumulative change in groundwater storage for Current and future conditions for the next 50 years show a decrease in groundwater storage relative to the Current baseline, with the greatest occurring during dry water years after the 30th simulation year (WY 2000). Even with these decreases in groundwater storage, the model predicted groundwater levels are expected to remain stable. Apparently, the GSP isn't proposing any specific management actions to maintain the MOs groundwater levels.

    - Questions: Is the assumption that the MOs will remain at the level of the most recent 5 years consistent with the large decrease in groundwater storage under the 2070 climate change scenario reasonable? Are the losses in groundwater storage after the 30th simulation year being cancelled out by the conditions in the earlier simulation years? Is it reasonable to carry the storage conditions in these early years forward for 20 years, when determining the

subbasin's sustainability? Doesn't the continued decline in groundwater storage occurring in the last 20 years of the 2070 climate change speak to the subbasin not being sustainable?

13. Minimum thresholds for primary aquifer are said to be ….*designed to be protective of domestic wells while also allowing for conjunctive use and groundwater extraction by agriculture.* The Draft GSP states that the minimum thresholds (MTs) for the Butte Subbasin for the Primary and Very Deep aquifers are set using two-step process (Section 4.2.1, pdf page 211) that requires:
    1. *Determine the shallower of:*
        a. *The shallowest 7th percentile of nearby domestic wells.*
        b. *The range of measured groundwater levels or 20 feet (whichever is greater) below the observed historic low.*
    2. *If the resulting value is shallower than the observed historic low, set the MT as 10 feet deeper than the observed historic low.*

    The MT values calculated using this two-step process are shown graphically in the hydrographs in Appendix 4A along with the MOs discussed above in Comment No. 12. Several of the Primary Aquifer and all of the Very Deep Aquifer hydrographs list another method for calculating the MT that sets the threshold at *[t]he lowest historical groundwater elevation minus 100 percent of the historical range in the groundwater elevation, or 20 feet, whichever is greater* (page 4 in Appendix 4A, pdf page 1047). Figure 4-1 in the Draft GSP (pdf page 213) shows the Primary Aquifer monitoring wells locations along with the MT value and the methodology for calculating the MT. Table 4-1 in the Draft GPS (pdf pages 215 and 216) lists the Primary Aquifer monitoring wells with the MTs and MO values. Figure 4-1 shows that MTs at up to 20 of the 41 Primary Aquifer monitoring wells, 49 percent, are set at 100 percent the historical range below the lowest historical elevation. The GSP selection of an MT at 100 percent below the historical lowest groundwater elevation in effect sets the threshold for subbasin groundwater sustainability at a depth that's close to twice the lowest historical value, depending on the shallowest historical measured depth to groundwater.

    - Questions: How will allowing the depth of groundwater of nearly double the historical lowest value when combined with the decline in groundwater storage (see above Comment No. 12) maintain the MO groundwater levels and achieve long-term subbasin sustainability? Are the conjunctive use conditions being planned for the future quantified in the Draft GSP water budget or elsewhere; if yes, where?
    - Questions: Are the anticipated conjunctive uses planned in the future greater than in the past; if yes, by how much? Is the additional groundwater pumping predicted for the future caused by the planned increases in conjunctive use? If yes, how much of an increase in pumping is due to the planned increase in conjunctive use?
    - Question: What percentage of the benefits from increasing conjunctive use are cancelled out by the decrease in stream flows that occur with the future increases in groundwater pumping (see above Comment Nos. 7 through 10)?

14. The MTs for two of the Primary Aquifer monitoring wells are said to be based on the *Shallowest 7th Percentile of Domestic Well Depth* with depth listed at 73 feet and 56 feet, Figure 4-1 (pdf page 213). The Draft GSP doesn't appear to provide any specific information on the number of domestic wells in the Butte Subbasin, the depths or the frequency percentiles associated with

their depths. Figure 4-1 shows several the Primary Aquifer monitoring well MTs exceed 56 feet and 76 feet. The Draft GSP also states that the MTs for the Very Deep Aquifer monitoring wells will *protect[ing] up to 93% of supply wells greater than 700 feet deep* (Section 4.3.2.6, pdf page 216). Figure 4-3 (pdf page 2127) shows that all of the MTs for the Very Deep Aquifer monitoring wells are calculated using the 100 percent of the historical range below the historical lowest groundwater elevation.

- Questions: What are the statistics for the domestic wells in the Butte Subbasin, the numbers, and the range of depths for each percentile? What are the numbers of domestic wells that will be dewatered around each Primary Aquifer monitoring wells when groundwater declines to the MT depths? What are the statistics for the Very Deep Aquifer supply wells in the Butte Subbasin, the numbers, and the range of depths for each percentile? What are the GSP management actions for remedying the dewatering of up to 7 percent of the domestic and very deep aquifer supply wells? Will any management actions to remedy dewatering of wells be implemented if the duration of the dewatering is less than 24 continuous months? What is the source of funding for remedial management actions for any dewatered well?

15. The trigger for an undesirable result for lowering of groundwater levels occurs whenever the groundwater levels in 25% of the monitoring wells exceed the MT value continuously for 24 months (Section 4.2.1.2, pdf pages 202 and 203). There are 41 Primary Aquifer and 10 Very Deep Aquifer monitoring wells across the 265,500 acres of the Butte Subbasin (Bulletin 118). The Draft GSP doesn't appear to provide the areas monitored by each of these wells. If it is assumed that they are uniformly distributed, then each of the Primary Aquifer wells monitors an area of approximately 6,476 acres and the Very Deep Aquifer wells an area of 26,550 acres. The requirement that 25% of the monitoring wells continuously exceed their MTs for 24 months before an undesirable result is declared means that for the Primary Aquifer MT the area of exceedance of least 71,236 acres, or 111 square miles, (11 of 41 wells) and at least 79,650 acres in the Very Deep Aquifer, or 124 square miles (3 of 10 wells). Both of these minimum exceedance areas are greater than 25% of the total subbasin area, 66,375 acres. In addition, the undesirable result *all or none* requirement with MT exceedance for a continuous 24 months in 25% of the monitoring wells, appears to have no limitations on the maximum decline in groundwater that might occur in an area monitored by less than 25% of the wells. In other words, the Draft GSP has no limit to the maximum depth that groundwater can be drawn down too, when it occurs in less than 25% of the wells, or when the groundwater depth in the wells exceed their respective MT for a duration that's less than 24 continuous months. An uncontrolled maximum depth to groundwater in exceedance of the MTs can apparently continue indefinitely if depression remains smaller than an area covered by 25% of the wells or the groundwater level rises above the MT in at least one of 11 monitoring wells during a 24-month period.

- Questions: How does the requirement that 25% of the monitoring wells exceed their respective MTs for 24 continuous months with the lack of a maximum for the decline in groundwater depth ensure that the GSP and its management actions will achieve long-term subbasin sustainability? Could the occurrence of groundwater level declines greater than the MOs and MT in areas smaller than 25% of the wells cause undesirable results, such as drying up domestic wells? Could this concentrated groundwater level decline dewater more than the number of wells in the 7th percentile? How many domestic wells could be dewatered in areas

covered by less than 25% of the wells in Primary Aquifer? What management actions does the GSP require if a deep groundwater depression occurs in the Primary Aquifer that has an area less than 25% of the monitoring wells?

16. The MTs for Interconnected Surface Water monitoring wells are set *at 10 feet below the measured historical low for each of the representative monitoring wells. The additional 10 feet in depth below the measured historical low (during which no undesirable results were observed) is intended to provide an appropriate margin of operational flexibility during GSP implementation* (Section 4.3.6.1, pdf page 225). *Selected RMS wells had either a total depth of less than 150 feet bgs, or a top screen above 100 feet bgs and a bottom screen above 200 feet bgs* (pdf page 226). The decision to allow shallow groundwater levels near surface water bodies to decline 10 feet below the lowest measured historical depth doesn't appear to be based on the required rooting depth for the overlying vegetation or the potential losses in stream flow or stream habitat (see above Comments Nos. 7 through 10). The Draft GSP appears to be saying that *no undesirable results were observed* when the groundwater depth declined 10 feet below the historical low, but how can a groundwater decline be observed below the lowest measured historical depth? Table 4-3 lists the characteristics of the Interconnected Surface Water monitoring wells (pdf page 230). This table gives the total depth for 8 of the 12 monitoring wells, one being 465 feet deep, but leaves the other depths blank. The table provides no information on the top or bottom screen depths, so requirement that wells deeper than 150 feet total depth have screens above 100 feet can't be verified. A comparison of the MT depths for Interconnected Surface Water monitoring wells shown in Figure 4-5 (pdf page 227) with the MTs depths for adjacent Primary Aquifers monitoring wells shown in Figure 4-1 (pdf page 213) finds that 7 of the 12 MTs (58 percent) in the adjacent Primary Aquifer monitoring wells are deeper.

- Question: Why are the MTs for Interconnected Surface Water not set based on the maximum rooting depths of the overlying Groundwater Dependent Ecosystems, and/or the minimum instream flows for habitat protection?
- Question: Why is *operational flexibility* the main reason for setting the Interconnected Surface Water monitoring well MTs?
- Question: Was the fact that losses are predicted in *net stream gains from groundwater* during the next 50 years (see above Comments Nos. 7 through 10) considered when setting the Interconnected Surface Water monitoring well MTs at greater than the measured historical low?
- Question: What facts and issues were considered in determining that the predicted decrease in future stream flows was less important than the margin of operational flexibility?
- Question: How do the GSP management actions that occur when undesirable results happen at the Interconnected Surface Waters monitoring wells differ from actions taken when undesirable results occur at the adjacent, and sometime the same well, Primary Aquifer monitoring wells?
- Question: If 7 out of 12 Interconnected Surface Water monitoring wells with MTs that are shallower than an adjacent well and sometime within the same well, what effect will MTs for the Primary Aquifer monitoring wells have on determining that an undesirable result has occurred and the subsequent management actions to be taken?

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Response to Letter 52

Jason R. Flanders and Austin J. Sutta, Aqua Terra Aeris Law Group

52-1 The comment states the letter was prepared on behalf of the Sierra Clube Motherlode Chapter and notes opposition to the project. The comment asserts the project should be revised due to its "significant, unanalyzed, undisclosed, and unmitigated impacts to the rare and endangered biological communities in the project area."

The commenter's opinion that the proposed project should be revised is noted and forwarded to the decision makers for their consideration.

52-2 The comment supports adoption of the No Project (No Development) Alternative and denial of the proposed project due to the low-density design of the project.

The commenter's opinion that the project should be denied and the No Project Alternative adopted is noted and forwarded to the decision makers for their consideration.

52-3 The comment provides an overview of the purpose of an EIR as an informational document and the lead agency's responsibility to make a good-faith effort at full disclosure of the environmental effects a project may have on the environment. The comment also claims the Draft EIR does not meet this requirement and should be revised and recirculated.

The responses provided to this letter address all of the concerns regarding the adequacy of the Draft EIR raised by the commenter. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

52-4 The comment asserts that the Draft EIR does not properly disclose, analyze and mitigate biological impacts of the project. The comment states that the project site contains vernal pools and associated biota, including Conservancy fairy shrimp, vernal pool tadpole shrimp, and vernal pool fairy shrimp, and asserts that the identified mitigation is insufficient. More specific comments by the same commenter provide more details on these introductory comments, as responded to below.

Section 4.3, Biological Resources, of the Draft EIR analyzes the impacts of the project on the biological resources that occur on the project site, and off-site resources that could also be affected by project activities. Please see Responses to Comments 52-5 through 52-53 for responses to specific comments on biological resources. Also, it should be noted that, as stated on page 4.3-50 of the Draft EIR, conservancy fairy shrimp, vernal pool tadpole shrimp, and vernal pool fairy shrimp were not found to occur on the project site during protocol-level surveys of vernal pool branchiopod species.

52-5 The comment notes a discrepancy in the Draft EIR describing the dates of BCM surveys and suggests that 2008 would be outdated information.

Please refer to Master Response 2 which responds to this comment and clarifies that Butte County Meadowfoam (BNM) surveys occurred at the site between 2006 and 2018. In terms of "relying upon outdated" BCM survey data, compiling many years of occurrences is helpful to gain an

understanding of the variability of plant locations within vernal pool areas year over year. The Draft EIR relies upon all the BCM survey data available for the project.

52-6 The comment summarizes and excerpts language from the Draft EIR.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

52-7 The comment excerpts language from mitigation measure BIO-1 in the Draft EIR.

No specific issue with the excerpted text is provided, and this comment serves to support later comments. Please see Response to Comment 52-8, below, and Master Response 2 regarding mitigation measure BIO-1. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

52-8 The comment asserts that mitigation measure BIO-1 as provided in the Draft EIR constitutes improper deferral of mitigation.

The comment draws an unfair comparison by relating the strategy for avoiding BCM described in mitigation measure BIO-1 to an unrelated project. Mitigation measure BIO-1 contains a straightforward strategy and performance measures for avoiding BCM on the project site: before development in the area, provide a 250-foot buffer around the BCM wetland features, protect the resources with fencing, legal easements and land use controls, and preserve the resources with a perpetually funded operations plan that includes invasive weed control, surveying protocols and adaptive management. This gives the public and decision makers a clear picture of what the specific plan and mitigation require in terms of avoiding BCM.

Importantly, as noted in the Draft EIR on page 4.3-34, the project must also obtain permits and authorizations from state and federal agencies for stream crossings and wetland impacts, and those permitting processes will involve Endangered Species Act consultations (clearances) from the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW). As explained below, these are very detailed processes that are worked out between the resource agencies and project biologists, and the City's role is limited. Therefore, mitigation measure BIO-1 affords *proper* deference to these subsequent permitting processes by describing the basic elements of the proposed avoidance strategy (establishing a wetland preserve around the resource) and leaving the precise details for the subject-matter experts at resource agencies to specify.

Based on experience with prior projects such as Meriam Park, compliance with resource agency permits as required under mitigation measure BIO-1 would result in implementation of measures that are reasonably expected to complete the fine-grain details that will ensure an effective meadowfoam avoidance strategy is executed at the project site. In its 2007 Biological Opinion for the Meriam Park project (Service file number 1-1-06-F-0273), the USFWS required: (1) preparation of a monitoring and maintenance plan that established a monitoring schedule and maintenance plan to protect the preserve, including fencing and signs; (2) notifications to the Service prior to construction; (3) Service vetting of biological monitors; (4) bi-lingual worker environmental awareness training by a Service-approved biologist; (5) biological monitoring; (6) a stormwater pollution protection plan (SWPPP); (7) high-visibility construction fencing around environmentally

sensitive areas, with signage; (8) demarcation of vehicle/equipment access routes, (9) a Service-approved conservation easement on all preserve areas, to be held by a third party; (10) a Service-approved endowment fund to finance preserve maintenance, management, and monitoring with the revenue generated on the principal amount sufficient to cover the costs of activities including but not limited to alien plant species control, maintenance of fencing, habitat monitoring and remediation of indirect effects in perpetuity; (11) final versions of a Habitat Mitigation and Monitoring Plan and an Operations and Management Plan for the on-site preserves; (12) details for the on-site preserve plans such as establishing controls for runoff and maintenance of existing hydrology for the aquatic habitat, establishing a preserve manager, producing monitoring reports, listing prohibited activities (with nine examples, including trash deposits, storm water discharge, and use of pesticides, rodenticides and herbicides); (13) erection of permanent fencing around the preserves; (14) use of weed-free straw instead of typical hay bales for erosion control; (15) a prohibition of using erosion control fabric with monofilament netting; and (16) certain reporting requirements to ensure diligent execution of all the above.

Subsequently, a final Habitat Mitigation and Monitoring Plan and a final Operations and Management Plan for the on-site preserves at Meriam Park was accepted by the USFWS. The documents each comprise hundreds of pages and expand upon the requirements listed above from the Biological Opinion. A similar process is anticipated for the Valley's Edge project due to the need for permits from the Army Corps of Engineers for stream crossings within the project and the presence of BCM vernal pool habitats on the site. Therefore, it is reasonably expected that compliance with resource agency permits as required under mitigation measure BIO-1 would result in implementation of measures that include the specific details needed to ensure an effective meadowfoam avoidance strategy is executed at the project site.

Although it is premature to draft all the management criteria for the proposed BCM preserves, additional performance standards have been identified regarding the anticipated elements needed to ensure a successful BCM wetland preserve at the site. The text of mitigation measure BIO-1 has been revised and is included in Chapter 3, Changes to the Draft EIR. These revisions add detail and performance criteria to the measure such that its potential for effectively mitigating indirect effects from the project can be analyzed. Because no meadowfoam habitat restoration or creation activities are anticipated (the strategy is to simply avoid the resources), the Draft EIR revisions also clarify that the plan needed under mitigation measure BIO-1 is simply an "Operations Management Plan" as opposed to a "Habitat Mitigation and Monitoring Plan."

Since Mitigation measure BIO-1, as revised, does the following: (1) commits the City to mitigation; (2) includes the specific performance standard of no-net loss of meadowfoam as measured by 5-year rolling average through annual surveys; and (3) identifies the specific mitigation measure of creating preserves on the VESP site as a feasible achievement of the performance standards, a deferral of the specific details of the management plan is appropriate. Further, it is reasonably expected that compliance with resource agency permits as required under mitigation measure BIO-1 would result in implementation of measures that include the specific details needed to ensure an effective meadowfoam avoidance strategy is executed at the project site.

52-9 This comment continues to assert deferral of mitigation associated with mitigation measure BIO-1. Specifically, this comment objects to the measure not identifying a specific acreage requirement.

As noted in the Response to Comment 52-8 and mitigation measure BIO-1, final determinations concerning BCM preserve establishment and management will be made by the USFWS and CDFW during the respective permitting processes. It is appropriate for the City's mitigation measure to identify the specific measure to mitigate the impact (require meadowfoam preserves on the project site), describe the avoidance strategy (i.e., provide a 250-ft buffer with fencing, weed control, adaptive management, and include a trigger to ensure avoidance), set performance standards (no net loss of meadowfoam extent averaged over a five-year period), and to leave the exact details of the implementation of the mitigation measure for the resource agencies to specify based on future studies. For the subject preserve, the focus is on ensuring the BCM populations are preserved and identifying minimum distances from surrounding development, rather than identifying an arbitrary amount of land to be preserved. The USFWS, through its detailed review process involving the project biologist, may require different acreages or shapes for the preserves than reflected in the draft specific plan, based on specific factors relevant to the resources. Refer to revisions made to mitigation measure BIO-1 in Chapter 3, Changes to the Draft EIR. These revisions add detail and performance criteria to the measure such that its potential for effectively mitigating indirect effects from the project can be analyzed.

52-10 This comment continues to assert deferral of mitigation associated with mitigation measure BIO-1. Specifically, this comment objects to the measure not specifying what types of management techniques would be used.

As noted in the Response to Comment 52-8, and in the Draft EIR on page 2-41, implementation of the proposed VESP would require authorizations from the USFWS and CDFW, which are the most appropriate agencies to determine the specific types of management techniques to be used in wetland preserves containing endangered species. Alternatively, for example, the City could specify several known management techniques for wetland preserves, such as requiring annual cattle grazing and prohibiting any changes in topography. However, the USFWS may determine that the preserve should be mowed every other year instead of grazed annually, or that some specific grading is needed to restore habitat. The USFWS and CDFW regulate and study wetland preserves over time and are best qualified to make those judgements. The City's CEQA document intends to complement USFWS and CDFW permitting processes.

Mitigation measure BIO-1 contains a straightforward strategy for avoiding BCM on the project site: before development in the area, provide a 250-foot buffer around the BCM wetland features, protect the resources with fencing, legal easements and land use controls, and preserve the resources with a perpetually funded operations plan that includes invasive weed control, surveying protocols and adaptive management. This gives the public and decision makers a clear picture of what the specific plan and mitigation require in terms of avoiding BCM.

Although it is premature to draft all the management criteria for the proposed BCM preserves, additional performance standards have been identified regarding the anticipated elements needed to ensure a successful BCM wetland preserve at the site. Please see revisions made to mitigation measure BIO-1 in Chapter 3, Changes to the Draft EIR. These revisions add detail and performance criteria to the measure such that its potential for effectively mitigating indirect effects from the project can be analyzed.

Because mitigation measure BIO-1, as revised, does the following: (1) commits the City to mitigation; (2) adopts the specific performance standard of no-net loss of meadowfoam as measured by 5-year rolling average through annual surveys; and (3) identifies the specific mitigation measure of creating preserves on the VESP site as a feasible achievement of the performance standards, a deferral of the specific details of the management plan is appropriate. Further, it is reasonably expected that compliance with resource agency permits as required under mitigation measure BIO-1 would result in implementation of measures that include the specific details needed to ensure an effective meadowfoam avoidance strategy is executed at the project site.

52-11 This comment asserts that the Draft EIR lacks detail on the monitoring methods that would be used to detect changes in BCM populations.

As noted in the Response to Comment 52-8 and mitigation measure BIO-1, final determinations concerning BCM preserve establishment and management will be made by the USFWS and/or CDFW. It is appropriate for the City's mitigation measure to describe the avoidance strategy (i.e., provide a 250-ft buffer with fencing, weed control, adaptive management, and include a trigger to ensure avoidance) and to leave the precise details for the subject-matter experts at USFWS to specify. The Draft EIR is clear in requiring a specific measure to mitigate the potential impact – a portion of the site would be set aside to preserve existing BCM populations, and the preserve area would be protected with legal easements, physical fencing, and ongoing management. The specific survey methodology and frequency used to document trends of BCM in the preserve are not necessary for informed decision making about moving forward with the avoidance strategy described in the VESP and bolstered by mitigation measure BIO-1. It is sufficient to know that avoidance is feasible and that a detailed plan would be prepared by a qualified biologist, subject to review and approval by the resource agencies.

However, some additional specificity has been identified and added to the mitigation to address some of the concerns raised by this commenter, such as surveying for BCM at least once annually and specifying a performance standard of no net loss of meadowfoam extent averaged over a five-year period. Please see revisions made to mitigation measure BIO-1 in Chapter 3, Changes to the Draft EIR. These revisions provide additional detail on what would be monitored on the preserves, the monitoring frequency (minimum of annual), and use of reference sites to determine changes in BCM populations within the preserves. The detailed plan would be subject to approval by USFWS or CDFW prior to issuance of grading permits by the City.

52-12 The comment asserts a lack of detail provided for the funding of the preserve management and monitoring. The comment also requests additional details for controls on introduction and spread of invasive plant species and how the controls will be monitored for effectiveness.

As noted in the Response to Comment 52-8, and in the Draft EIR on page 2-41, implementation of the proposed VESP would require authorization from the USFWS, which is best suited to determine the preferred funding mechanism for maintenance and the proper controls against invasive species in the BCM preserves. The USFWS and CDFW regulate and study wetland preserves and are best qualified to make judgements about appropriate funding mechanisms and measures to control invasive species for the preserve. For instance, the City could prescribe funding by the homeowners association for the preserve and annual grazing, then the USFWS could specify different funding and/or invasive species controls based on prior experiences and factors specifically weighed against biological considerations.

It is appropriate for the City's mitigation measure to describe the avoidance strategy (i.e., provide a 250-ft buffer with fencing, weed control, adaptive management, and include a trigger to ensure avoidance) and to leave the precise details for the subject-matter experts at USFWS to specify. The Draft EIR is clear in requiring a specific measure to mitigate the potential impact – a portion of the site would be set aside to preserve existing BCM populations, and the preserve area would be protected with legal easements, physical fencing, and ongoing management. The specific funding mechanism (e.g., homeowner's association, private endowment, etc.) is not necessary for informed decision making about moving forward with the avoidance strategy described in the VESP and bolstered by mitigation measure BIO-1. It is sufficient to know that avoidance of the resource is feasible and that a detailed plan would be prepared by a qualified biologist, subject to review and approval by the resource agencies.

Although the acceptable funding mechanism for preserve management would ultimately be determined by the resource agencies, mitigation measure BIO-1 has been revised to require that the VESP Operations Management Plan must include "a funding strategy such as a non-wasting endowment or property assessment to ensure that prescribed monitoring and management would be implemented in perpetuity to ensure efficacy of the preserves." Refer to Chapter 3, Changes to the Draft EIR for the revised text.

Mitigation measure BIO-1, as revised, does the following: (1) commits the City to mitigation; (2) adopts the specific performance standard of no-net loss of meadowfoam as measured by 5-year rolling average through annual surveys; and (3) identifies the specific mitigation measure of creating preserves on the VESP site as a feasible achievement of the performance standards; thus, a deferral of the specific details of the management plan is appropriate. Further, it is reasonably expected that compliance with resource agency permits as required under mitigation measure BIO-1 would result in implementation of measures that include the specific details needed to ensure an effective meadowfoam avoidance strategy is executed at the project site.

52-13 The comment suggests that the habitat mitigation and monitoring plan should be drafted and available during the review of the Draft EIR so that the public has a chance to provide input.

As noted in the Response to Comment 52-8 and mitigation measure BIO-1, final determinations concerning BCM preserve establishment and management would be made by the USFWS and/or CDFW. It is appropriate and sufficient for the City's mitigation measure to describe the avoidance strategy (i.e., provide a 250-ft buffer with fencing, weed control, adaptive management, and include a trigger to ensure avoidance), and to leave the precise details of the habitat mitigation and monitoring plan for the resource agencies to specify. The Draft EIR is clear in requiring a specific measure to mitigate the potential impact – a portion of the site would be set aside to preserve existing BCM populations, and the preserve area would be protected with legal easements, physical fencing, and ongoing management. A draft of the operations management plan is not necessary for informed decision making about moving forward with the avoidance strategy described in the VESP and bolstered by mitigation measure BIO-1. It is sufficient to know that avoidance of the resource is feasible and that a detailed management plan would be prepared by a qualified biologist, subject to review and approval by the resource agencies.

Although preparation of the operations management plan is premature at this time, some additional specificity has been identified and added to the mitigation measure to address some of the concern raised by this comment. Please see revisions made to mitigation measure BIO-1 in Chapter 3, Changes to the Draft EIR. These revisions add detail and performance criteria to the measure such that its potential for effectively mitigating indirect effects from the project can be analyzed, thus more-clearly meeting the requirements of CEQA. Because no meadowfoam habitat restoration or creation activities are anticipated (the strategy is to simply avoid the resources), the Draft EIR revisions also clarify that the future plan needed under mitigation measure BIO-1 is simply an "Operations Management Plan" as opposed to a "Habitat Mitigation and Monitoring Plan."

Since mitigation measure BIO-1, as revised, does the following: (1) commits the City to mitigation; (2) adopts the specific performance standard of no-net loss of meadowfoam as measured by 5-year rolling average through annual surveys; and (3) identifies the specific mitigation measure of creating preserves on the VESP site as a feasible achievement of the performance standards, a deferral of the specific details of the management plan is appropriate. Further, it is reasonably expected that compliance with resource agency permits as required under mitigation measure BIO-1 would result in implementation of measures that include the specific details needed to ensure an effective meadowfoam avoidance strategy is executed at the project site.

52-14 The comment states that because the habitat mitigation and monitoring plan isn't required at this time the developer has carte blanche to create one that it deems sufficient. The comment also states that even if the habitat mitigation plan were submitted to the City Council for approval, the actual terms of the mitigation would not be available for public review and consideration.

The operations management plan would only fulfill the requirements of mitigation measure BIO-1 if it is accepted by the USFWS or City after consulting with CDFW regarding its adequacy. Also, the plan must include certain elements, as described in the measure (e.g., a fenced buffer around the meadowfoam preserves). Therefore, the developer would not have complete freedom to determine the contents of the plan, it would be subject to review by the appropriate federal and/or state agencies with the relevant expertise and responsibilities under the Endangered Species Act, and the plan must include certain elements as specified by the mitigation measure.

In terms of public participation and informed decision making, there is little or no role for the public to play in reviewing or commenting on the fine-grain details of a meadowfoam avoidance plan, it is sufficient to know that such a plan would be prepared by a rare plant expert and subject to approval by the USFWS or CDFW. The Draft EIR is clear that a portion of the VESP site would be set aside as Primary Open Space to preserve existing BCM populations, and mitigation measure BIO-1 would reinforce protection of the preserve area with legal easements, physical fencing, and ongoing management as approved by the agencies. It is premature at the EIR stage and infeasible for the City to dictate the exact manner in which the preserve area should be managed prior to the resource agency permitting processes. To do so would create undue pressure upon the resource agencies to adopt the same management criteria already approved by the City and could result in conflicts between the EIR's mitigation measure and eventual agency permitting requirements. For these same reasons, portraying a detailed management plan in the City's EIR would either misguidedly usurp the resource agency's ambit under the Endangered Species Act or mislead the public by including details that are subject to being overridden during subsequent agency permitting processes. These alternative outcomes would not achieve the public participation ends sought by this comment.

52-15 The comment states that mitigation measure BIO-1 must be revised and recirculated and refers to case law regarding deferral of mitigation.

This comment again attempts to associate the BCM avoidance strategy described in mitigation measure BIO-1 with a mitigation measure for an unrelated project. Mitigation measure BIO-1 sets forth a clear strategy for avoiding BCM on the project site, as discussed above under Responses to Comment 52-10, 52-12 and 52-13.

These criteria for preserve establishment give the public and decision makers a clear picture of what the specific plan and mitigation require in terms of avoiding meadowfoam. The performance standards of providing a minimum 250-foot buffer unless otherwise approved and establishing the preserves prior to development within 500 feet, in conjunction with constructing physical barriers (fencing) and recording legal protections (easements) would avoid project impacts to BCM. Monitoring to detect changes in BCM populations over time and instituting adaptive management techniques are included to demonstrate efficacy of the measure and provide a means for correcting deficiencies that may be identified in the future.

Please see Master Response 2, Response to Comment 52-8 and revisions made to mitigation measure BIO-1 in Chapter 3, Changes to the Draft EIR. The revisions to mitigation measure BIO-1 provide additional detail and performance criteria to the measure such that its effectiveness for mitigating potential indirect effects from the project can be confirmed, or steps can be taken to remedy a lack of performance (adaptive management). Due to the complexities involved with interpreting rare plant survey data and deciding which steps are most appropriate to remedy a potential lack of meadowfoam performance, the City must rely upon expertise at USFWS and/or CDFW regarding these specific judgements. Based on prior experience (Meriam Park) it is reasonably expected that compliance with resource agency permits as required under mitigation measure BIO-1 would result in implementation of measures that include the specific details needed to ensure an effective meadowfoam avoidance strategy and ongoing management regime is executed at the project site.

With the additions to mitigation measure BIO-1, see Chapter 3, the City: has included all the details that can feasibly be identified at this stage, has committed to the mitigation, uses a specific performance standard of no-net loss of meadowfoam as measured by 5-year rolling average through annual surveys, and identifies the specific mitigation measure of creating preserves on the VESP site as a feasible achievement of the performance standards. With these factors in place, a deferral of the specific details of the management plan is appropriate.

52-16 The comment continues to assert inappropriate deferral of mitigation associated with mitigation measure BIO-1. Specifically, the comment quotes the CEQA Guidelines and a court decision (*Communities for a Better Environment v. City of Richmond*) regarding when deferred development of the details of a mitigation measure is permissible.

This comment provides context for subsequent comments, which are addressed in the responses below. Please see Responses to Comments 52-10, 52-12 and 52-13 regarding the specifics of mitigation measure BIO-1, as revised. Further, it is reasonably expected that compliance with resource agency permits as required under mitigation measure BIO-1 would result in

implementation of measures that include the specific details needed to ensure an effective meadowfoam avoidance strategy is executed at the project site.

52-17 The comment continues to assert inappropriate deferral of mitigation associated with mitigation measure BIO-1. Specifically, the comment argues that the mitigation measure is not adequate because (1) it is not impractical or infeasible to develop the Mitigation Plan now, and (2) the City has not adopted any specific and mandatory performance standards to ensure that the measures, as implemented, will be effective.

For reasons described in Master Response 2 and Responses to Comments 52-8, 52-9, 52-10, 52- 12, 52-14 and 52-15, it is not feasible for the City to prepare an Operations Management Plan for the meadowfoam preserves at this stage, prior to resource agency permitting processes.

With the additions made to amplify mitigation measure BIO-1, see Chapter 3, the City: has included all the details that can feasibly be included at this stage, has committed to the mitigation, uses a specific performance standard of no-net loss of meadowfoam as measured by 5-year rolling average through annual surveys, and identifies the specific mitigation measure of creating preserves on the VESP site as a feasible achievement of the performance standards. Further, it is reasonably expected that compliance with resource agency permits as required under mitigation measure BIO-1 would result in implementation of measures that include the specific details needed to ensure an effective meadowfoam avoidance strategy is executed at the project site. With these factors in place, a deferral of the specific details of the management plan is appropriate. Please see revisions made to mitigation measure BIO-1 in Chapter 3, Changes to the Draft EIR. These revisions add detail and performance criteria to the measure. With these revisions, the EIR provides the lead agency with specific and mandatory performance standards to ensure that the measures, as implemented, will be effective.

52-18 The comment cites a study regarding the genetic structure of BCM populations and asserts that the Draft EIR is deficient because it omits the results of that study. Specifically, that study shows that BCM populations in Chico are genetically distinct from those north and south of the City.

Although this information was not included in the Draft EIR, its omission does not make the analysis deficient. All BCM on the project site would be preserved; therefore, the genetic resources of these populations would be preserved. The comment does not indicate any way in which this additional information would change the analysis or affect the conclusions reached in the Draft EIR. Although the study cited could perhaps support dividing BCM into two separate species in the future, BCM is currently recognized by regulation as one species. The information contained in this comment is forwarded on to decision makers for their consideration.

52-19 The comment states that the Draft EIR did not refer to how the project relates to the USFWS 2006 Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon. The comment further states that the EIR should include this information, as well as provide the distance to the nearest Critical Habitat area for BCM and vernal pool fairy shrimp. Finally, the comment states that the Draft EIR should describe whether the project site is designated as a Zone 1, 2, or 3 core habitat area for BCM or vernal pool fairy shrimp.

As the comment states, the project site is not within or adjacent to designated Critical Habitat, and thus does not analyze project effects to those designated areas. Although the project site is in and near the Doe Mill Core Recovery Area (a Zone 1 area), the Core Recovery Area classification should not be confused with a designation of "critical habitat," which has regulatory implications. Recovery Plan core areas are established for planning purposes for the USFWS and 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. Although the project proposes to avoid and protect all known occurrences of BCM in preserves, the Draft EIR finds impacts to the species potentially significant due to the potential for indirect effects. This level of review and the specific mitigation proposed as part of mitigation measure BIO-1 reflect the narrow occurrence of this species and the importance of preserving existing occurrences, consistent with the Recovery Plan.

52-20 The comment requests that the Draft EIR include a description of whether the project site has "prime soil type for BCM recovery", citing a CDFW comment letter on the adjacent Stonegate project as having provided that soil information for that project.

The information referenced in the comment is sourced from the Butte Regional Conservation Plan (BRCP). The BRCP mapping does not show the project site as being "suitable habitat" (BRCP Figure A.21-1). The importance or utility of any soil map or habitat-based analysis of the project site is much lower than the multiple years of protocol-level surveys for BCM which have been conducted on the project site and which are the basis of the impact analysis and mitigation in the Draft EIR.

52-21 The comment states that the omission of information highlighted in comments 52-18 through 52- 20 is a violation of CEQA because it deprives the public and decision makers necessary information to fully evaluate and consider the project's true impacts on BCM.

Please see Responses to Comments 52-18, 52-19, and 52-20, explaining the accuracy of the project's environmental effects. This comment fails to account for the fact that BCM on the project site would be avoided by the project design bolstered by mitigation measure BIO-1, reducing the need for the public and decision makers to review exhaustive information about the nuanced biological characteristics of the endangered species and habitat being avoided. Also see Master Response 2.

52-22 The comment suggests the lack of any discussion regarding the BCM Recovery Plan in the Draft EIR is concerning along with an asserted lack of evidence that the proposed preserves are adequate to mitigate potential impacts to BCM. The comment further asserts that inclusion of two 20-acre preserve areas appears arbitrary.

Please see Master Response 2 that addresses BCM preserve size. The approximate acreage for the proposed meadowfoam preserves is derived by providing a 250-foot buffer around the aquatic features that support BCM. Such buffers have been used for establishing previous buffers around BCM habitat (e.g., Meriam Park and Stonegate), unless site-specific hydrological studies show that a lesser separation would be equally effective (e.g., roadway widening projects on State Route 32 and Bruce Road).

52-23 The comment cites Appendix C of the Draft EIR, Valley's Edge Project Biological Resource Assessment, and claims that no substantial evidence supports the assertion that a 200 to 250-foot buffer is sufficient to prevent adverse effects to BCM. The comment also claims that no mitigation measure is designed to address indirect impacts to meadowfoam, such as runoff, dust or invasive plant species.

Please see Master Response 2 which addresses BCM preserve sizes, and Response to Comment 52-8 which describes the reasonable expectations of subsequent permitting processes involving the USFWS to address specific details for properly implementing mitigation measure BIO- 1. The Valley's Edge Project Biological Resource Assessment (Appendix C of the Draft EIR) was prepared by biological resource experts from Gallaway Enterprises, Inc., and its contents comprise substantial evidence insofar as the document presents facts, reasonable assumptions predicated upon facts, or expert opinion supported by facts. Gallaway Consulting is also the firm which obtained approvals from the USFWS for the Meriam Park project, as described in the Response to Comment 52-8. In this case, the Valley's Edge Biological Resource Assessment documents that Gallaway biologists conducted protocol-level botanical surveys for BCM at the site in 2006, 2007, 2008, 2010, 2012, 2013, 2015, 2016 and 2017, in addition to several years of aquatic resource mapping as reflected in the hundreds of pages of wetland surveying data. BCM plants were found in the same general area over the years, as shown on Figure 4.3-4 (see Chapter 3, Changes to the Draft EIR). Thus, the statement from Gallaway Consulting that the minimum 200 to 250-foot buffer from planned construction activities is adequate for the project to have no effect on BCM constitutes expert opinion supported by factual knowledge about the hydrology of the project site, the species and where it occurs on site, and the permitting requirements for projects involving BCM preserves adjacent to future development. The statement by the project biologist referenced in this comment constitutes substantial evidence.

52-24 The comment asserts that mitigation measure BIO-1 does not specifically address the issue of indirect effects from runoff, dust or introduction of invasive plant species.

Please see Master Response 2 which addresses BCM preserve sizes, and Response to Comment 52-8 which describes the reasonable expectations of subsequent permitting processes involving the USFWS to address specific details for properly implementing mitigation measure BIO- 1, including but not limited to specific dust control requirements. Also, see dust control measures that are routinely confirmed at the building/grading plan stage and implemented at all construction sites in the Draft EIR on pages 4.2-31, 4.2-32, and SWPPP requirements on page 4.9-28 which also include dust control measures.

52-25 The comment argues that the asserted omissions outlined in comments 52-18 through 52-24 render the Draft EIR insufficient and that it must be recirculated.

Please see Responses to Comments 52-18 through 52-24. This comment fails to account for the fact that BCM on the project site would be avoided by the project design (establishing Primary Open Space around the resources), bolstered by mitigation measure BIO-1 (setting the framework for known elements of the avoidance strategy), and finally fleshed out by resource agency permits that would address the detailed list of concerns described in Response to Comment 52-8. Also see Master Response 2.

52-26 The comment excerpts text from the Draft EIR related to vernal pool branchiopod species.

No specific issue with the excerpted text is provided. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

52-27 The comment asserts that the Draft EIR does not evaluate indirect effects to avoided vernal pools from adjacent or nearby development activities.

The Draft EIR discusses indirect effects to vernal pool branchiopods on page 4.3-50, and more generally to wetlands and other aquatic resources on pages 4.3-61 and 4.3-62, including the vernal pools that would be surrounded by development. Other discussions of indirect effects to aquatic resources are provided in Section 4.9 Hydrology, Water Quality, Drainage such as on page 4.9-29. Finally, see Response to Comment 52-8 which describes the reasonable expectations of subsequent permitting processes involving the USFWS to address specific details regarding indirect effects to vernal pools and other wetlands that would also be considered by pursuant to mitigation measure BIO-10.

52-28 The comment questions the survey coverage of vernal pool branchiopod sampling described in the Draft EIR.

Of the 132 wetlands delineated on the project site, 67 were determined to be potentially suitable habitat for invertebrates. This determination in the Biological Resources Assessment (Draft EIR Appendix C, Gallaway 2020) was based on a lack of sufficient ponding to support the life cycle of large branchiopods, or flow velocities that would make the presence of branchiopods infeasible. Of the 67 features with potentially suitable habitat, there are 11 features that were not fully sampled because they were planned for avoidance. Since that initial iteration, the preserve design has been revised and now one of these unsampled pools may be directly or indirectly impacted. Of the 56 pools that have been surveyed during both wet and dry season conditions, none have resulted in positive observations of listed vernal pool branchiopods. These survey findings, plus the lack of documented occurrences at adjacent properties, support the EIR conclusion that listed vernal pool branchiopods have a low potential to occur within the project site.

52-29 The comment excerpts text from the Draft EIR related to wetlands and expected project avoidance.

No specific issue with the excerpted text is provided. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

52-30 The comment requests that the Draft EIR explicitly state the location of all proposed development in relation to wetlands and habitat for listed vernal pool branchiopods and BCM.

Specifically, the comment requests that more specificity be used to describe whether permanent development would avoid 5 out of 6.25 acres of wetlands, that the Draft EIR states whether absolute wetland avoidance is or is not feasible; and whether the estimated impacted 1.25 acres of wetlands contain potential habitat for listed species.

Regarding the precise locations and configurations of development proposed under the VESP, these are not available for a Specific Plan level analysis. Areas designated as Primary Open Space would avoid direct impacts to vernal pools and other wetlands. Land use designations that would likely result in impacts to wetlands overlap approximately 1.25 acres of mapped wetlands on site. From

the Draft EIR page 4.3-61: "Based on the VESP Land Use Plan (see Chapter 2, Figure 2-3, Land Use Plan), permanent development areas appear to avoid approximately 5 acres of the approximately 6.25 acres of wetlands mapped on the project site." Because of the conceptual nature of the specific plan, it is inappropriate to provide a higher level of certainty regarding wetland impacts or avoidance of the VESP. However, based on the proposed land use classifications it is anticipated direct impacts to wetlands would not be greater than 1.25 acres. The feasibility of avoiding wetlands in future development areas is not for the EIR to determine, but that would be considered by the Army Corps of Engineers during permitting, consistent with a determination of the Least Environmentally Damaging Practicable Alternative. Any impacts to wetlands from development of the project would need to be permitted through the USACE (with consultation with USFWS for endangered species), Regional Water Quality Control Board or CDFW and comply with the conditions of those permits, plus a no-net-loss standard as required under mitigation measure BIO-10. The Draft EIR relies on several years of surveys to determine lack of presence of listed vernal pool branchiopods in the vernal pools on site, as described on page 4.3-50. Similarly, multiple years of surveys for BCM have resulted in well-known boundaries for BCM populations on site. These populations would be avoided in preserves under plans approved by USFWS and/or the City in consultation with CDFW.

52-31 The comment reiterates a prior comment regarding USFWS Critical Habitat and Core Recovery Areas for vernal pool branchiopod species.

Please see Response to Comment 52-19.

52-32 The comment reiterates a prior comment regarding a lack of discussion of Core Recovery Areas for vernal pool branchiopod species.

Please see Response to Comment 52-19.

52-33 The comment expresses a concern that the Draft EIR did not specifically analyze edge effects to potentially occurring western spadefoot within preserved habitat.

The analysis in the Draft EIR assumes that the distance from aquatic features in the preserve to adjacent development would be sufficient to minimize indirect effects to the species (Draft EIR p.4.3-50). The potential upland habitat on the project site is limited to the areas in and near the lowermost vernal pool preserve. Elsewhere within the project site, topsoil is generally very thin and soil layers below are clayey and would prevent digging by spadefoot toad. As noted in Baumberger et al. 2019, spadefoots strongly select against burrowing in soils with higher clay content – preferring instead friable soils with high sand/loam content. Further, there is no regulatory mandate to provide a buffer distance from aquatic habitat for western spadefoot. However, note that the vernal pool preserve established to protect BCM populations and associated upland would also function to preserve potential upland habitat for western spadefoot. Refer to Chapter 3, Changes to the Draft EIR for revisions to the western spadefoot impact analysis and changes to mitigation measure BIO-1 that establishes requirements for the preserves.

52-34 The comment asserts that the Draft EIR lacks sufficient analysis of project impacts to foraging habitat for Swainson's hawk, bats, burrowing owl, and other raptors. The comment also asserts that the cumulative analysis of impacts to these species is insufficient.

The Draft EIR analyzes effects to Swainson's hawk on page 4.3- 51. Typically, Swainson's hawk forage within 10 miles of nesting sites. Since there are no recent nesting occurrences within

10 miles of the project site, it is reasonable to assume that the project site does not currently provide foraging habitat for this species. Further, the species tends to nest and forage on the valley floor and near agricultural operations, so loss of a portion of the grassland and oak savannah habitat on the project site would not constitute a significant impact to the species. Nonetheless, the Draft EIR does include mitigation measure BIO-4 which requires conducting surveys for nesting Swainson's hawk and avoid them if found. Regarding burrowing owl, this species is considered in the Draft EIR as highly likely to occur on the project site and the Draft EIR notes on page 4.3-20, that active burrows and adult burrowing owls were observed on the project site in 2006. The Draft EIR therefore considers impacts to burrowing owl potentially significant. Mitigation measure BIO-3 in the Draft EIR is targeted at avoiding and minimizing effects to burrowing owl. Regarding bats, the Draft EIR states on page 4.3-53 that "tree removal could reduce roosting habitat, and permanent development could fragment foraging and roosting habitat for bats". The Draft EIR includes mitigation measure BIO-5 to avoid impacts to roosting bats, though it is assumed that bat foraging could continue within the preserved and open space portions of the project site. Similarly, for raptors and other nesting birds, the mitigation focus is on avoiding impacts to nests rather than foraging habitat, because foraging habitat is locally abundant and the focus is on avoiding conflicts with the Migratory Bird Treaty Act.

52-35 The comment questions the Draft EIR statement that there is low potential for Swainson's hawk to use the project site, because the species was not detected during site surveys, although the Draft EIR also states that no focused surveys for Swainson's hawk were conducted.

Both of these statements in the Draft EIR are correct. No focused surveys for Swainson's hawk have been conducted on the project site, as the grasslands of the site were determined by the biological experts to provide only marginal foraging habitat and there are no recent database occurrences for the species within 10 miles of the project site. The species tends to nest and forage on the valley floor and near agricultural operations. The opinion of Gallaway Consulting contained in the Biological Resources Assessment, Appendix C of the Draft EIR, that there is "only a low potential for Swainson's hawk presence" within the site represents substantial evidence, as it comprises expert opinion based on facts acquired through multiple in-person field assessments of habitats and bird observations conducted by trained biologists, many of whom also conduct Swainson's hawk surveys. Thirty-eight other bird species were observed at the site during April 5 and June 1, 2017, surveys which occurred during times when Swainson's hawk is present in California (generally March through August) and detecting the species would be relatively easy.

52-36 The comment continues from comment 52-35 related to asserted deficiencies in the baseline description and impact analysis of Swainson's hawk.

Please see Response to Comment 52-35.

52-37 The comment asserts there are deficiencies in mitigation measure BIO-4 for Swainson's hawk related to provisions for continued monitoring of nests, that mitigation is improperly deferred, and that a minimum buffer distance from occupied Swainson's hawk nests should be defined.

As noted in the Draft EIR and above under Responses to Comments 52-34 and 52-35, there is a low potential for Swainson's hawk to occur at the project site. Under the contingency that an active Swainson's hawk nest is identified near the project, mitigation measure BIO-4 involves consultation

with CDFW regarding the establishment of an adequate buffer. However, to address some of the concerns raised in this comment, please see revisions to mitigation measure BIO-4 provided in Chapter 3, Changes to the Draft EIR. These revisions include additional specificity for various circumstances, including details on buffer distances and monitoring if an active nest is detected. The Draft EIR retains the potential to have a smaller buffer distance but provides additional details, including specific approvals of the buffer distance from CDFW. Retaining this option does not constitute deferral because the appropriate distance for a buffer from a nest would depend on several factors that cannot be known at the time of EIR preparation, such as topography, type of construction, natural barriers between the construction activity and nest, etc. A qualified biologist can determine what the appropriate buffer would be to protect the nesting birds based on those factors, in consultation with CDFW. Please note that mitigation measure BIO-4 has also been revised to require monitoring through the nesting season to determine when young have fledged. Please also see Master Response 2 regarding deferral of mitigation.

52-38 The comment excerpts text from the Draft EIR related to western red bat and asserts that the Draft EIR does not explain why surveys were not conducted for bats and does not analyze the impacts of habitat fragmentation and reduction on bat species.

Additional text has been provided related to these impacts in Chapter 3, Changes to the Draft EIR describing how the foraging habitat used by western red bat would be avoided by the project and the grassland foraging habitat used by pallid bat would remain present in the project area as well as regionally abundant. Mitigation measure BIO-5 does require pre-construction roost assessments for the project as it is developed, which would detect roosts that are in use and that would be affected by project activities.

52-39 The comment asserts that mitigation measure BIO-5 improperly defers mitigation for impacts on bat species and should provide the full content of a bat mitigation and monitoring plan as part of the Draft EIR so that it can be publicly reviewed.

The mitigation measure does include contents of the plan, which would be prepared only if a bat roosting and maternity colony is present and cannot be fully avoided. However, mitigation measure BIO-5 has been revised with substantial additional detail on the steps to be followed in the event that a bat roost is discovered (see Chapter 3, Changes to the Draft EIR). In any event, the plan would be subject to CDFW approval, which provides adequate assurance that any such plan would meet the requirements of the relevant wildlife agency prior to implementation. There is little or no role for the public to play in reviewing or commenting on the details of a bat colony avoidance plan, it is sufficient for the public to know that such a plan would be prepared by a bat expert and subject to approval by CDFW. For further responses to assertions of deferred mitigation, please also see Master Response 2 and Response to Comment 52-8.

52-40 The comment expresses concern that enforcement may be difficult for mitigation measure BIO-3 because it does not provide for continued biological monitoring to verify that burrowing owl young have fledged. The comment claims that without continued biological monitoring the city would be unable to know if young have fledged and work can continue.

In practice, it is not difficult to enforce a pre-construction surveying requirement when it turns up actively nesting birds. When a construction project or area is placed on hold due to a positive finding for an active nest by a biologist, it is readily understood by all involved that commencing

construction depends upon the City receiving a negative finding for active nests from the same biologist. Nonetheless, this comment provides an opportunity to add some clarifying language to the measure, please see revisions to mitigation measure BIO-3 provided in Chapter 3, Changes to the Draft EIR. These revisions require that a qualified biologist determine that the young have fledged but does not require continuous monitoring. If the project applicant wishes to conduct work within the exclusion zone as early as possible, they may opt to have continuous monitoring so that they are alerted when young have fledged. However, the mitigation is no less protective to the species if a biologist simply verifies that young have fledged prior to resumption of work within the exclusion zone.

52-41 The comment excerpts Draft EIR text regarding impacts to nesting bird species and asserts that mitigation measure BIO-2 should be revised to include additional detail regarding minimum avoidance buffer distances and specific methods used to delineate the limits of construction in the field. The comment also asserts that mitigation is improperly differed.

Please see revisions to mitigation measure BIO-2 provided in Chapter 3, Changes to the Draft EIR, which adds standard buffer distances for passerines and raptors, and retains some flexibility as this comment suggests. However, the text regarding establishing the limits of construction in the field have been left unchanged, because it is not necessary for the EIR to be that prescriptive. The appropriate type of limit marker would depend on the construction activities occurring in that location. Instead, additional monitoring has been provided in the revised measure that would ensure the avoidance buffer is maintained, regardless of the specific methods used to delimit the construction limits. For further responses to assertions of deferred mitigation, please also see Master Response 2.

52-42 The comment assert that mitigation measure BIO-2(d) constitutes impermissible deferral of mitigation because it does not define the action that will be taken if a nest is discovered during construction.

The mitigation measure does require that construction must be halted and a qualified biologist would decide, based on the species involved and the site-specific conditions, to either establish a no-disturbance buffer or provide full time monitoring to ensure adverse effects to the nest are prevented. This provides adequate detail to determine efficacy of the mitigation measure, and thus does not defer mitigation. Also, see Response to Comment 52-40.

52-43 The comment excerpts Draft EIR text regarding the western pond turtle and requests that mitigation measure BIO-6 provide additional details or performance criteria to evaluate the efficacy of the mitigation. The comment also requests that continual monitoring be included to confirm effectiveness. The comment suggests that there is sufficient detail regarding construction activities to specify how western pond turtles would be protected.

The characterization that sufficient detail is available regarding construction activities is not correct. At the time of EIR preparation, plans for off-site utility work were mostly conceptual. The decision on whether to relocate or simply avoid western pond turtles is best made by a trained biologist who is on site at the time of construction and able to determine what is most protective for the species. Please see revisions to mitigation measure BIO-6 provided in Chapter 3, Changes to the Draft EIR regarding minimum avoidance buffer distances and requirements for ongoing monitoring.

52-44 The comment asserts potential deficiencies in mitigation proposed for impacts to Valley elderberry longhorn beetle. Specifically, the comment states the mitigation measure lacks performance criteria, does not require a qualified biologist to establish the avoidance buffer, does not specify the interval for monitoring, and suggests rather than mandates that construction activities not occur near elderberry shrubs during March through July.

Please see revisions made to mitigation measure BIO-7 in Chapter 3, Changes to the Draft EIR. These changes establish a minimum frequency for monitoring and mandate the avoidance area. The measure does retain some flexibility in implementation because the specifics of the infrastructure construction in the off-site areas have not yet been developed. As revised, the measure provides sufficient detail and performance standards such that it cannot be fairly argued to constitute improper deferral of mitigation. Note also that mitigation measure BIO-7 adapts recommended measures directly from the Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (USFWS 2017).

52-45 The comment excerpts portions of the Draft EIR text regarding the BRCP and how it could be used to mitigate project impacts in the event it were adopted.

No specific issue with the excerpted text is provided. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

52-46 The comment states that the BRCP was not included as part of the Draft EIR and asserts that this lack of detail is an omission that violates CEQA.

Please see revisions made to the references for Section 4.3, Biological Resources in Chapter 3, Changes to the Draft EIR. The Butte Regional Habitat Conservation Plan is a publicly available document linked from BCAG's website (see, e.g., http://www.buttehcp.com/, http://www.bcag.org/). The Draft EIR describes the BRCP on page 4.3-42 in sufficient detail that most readers could have easily found the document online.

In accordance with CEQA Regulations, another document may be incorporated by reference, with the incorporated language considered to be set forth in full as part of the text of the EIR (CEQA Guidelines Section 15150). The EIR must state where the incorporated documents are available for inspection and shall be briefly summarized when possible. The Draft EIR has been revised to include this information. Please see Chapter 3, Changes to the Draft EIR. Further, even if the above revisions were not made, the mere absence of information does not per se preclude informed decision making and informed public participation. Both the future BRCP and the VESP are widely available public documents, with the BRCP being available for public review since 2019. These publicly available documents provide adequately provide the public and public decision makers with information needed to make an informed decision. Any procedural shortcomings of the Draft EIR are first corrected through an incorporation by reference in the Final EIR, and second not a prejudicial abuse of discretion, as asserted in the conclusory comment (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 540).

Regarding use of the BRCP in the Draft EIR, many other CEQA documents allow use of a yet-to-be-adopted HCP as an alternative mitigation strategy. An example is the Placer Vineyards Specific Plan (Placer County 2006), which states: "In lieu of the above-described measures, the Specific Plan or

subsequent phases of the Specific Plan may fulfill mitigation requirements by compliance with the terms of the adopted PCCP. Such compliance, as determined by Placer County, shall constitute sufficient mitigation that will obviate the need to comply with this mitigation measure, to the extent that an affected agricultural and/or biological resource is addressed in the PCCP." Further, the BRCP is subject to CEQA review and approval by Butte County Association of Governments (BCAG) as well as the USFWS, National Marine Fisheries Service and CDFW, who are responsible for ensuring that mitigation strategies for biological resources covered by the BRCP are adequate. Where an HCP is used to mitigate project impacts, a project EIR relies on the HCP CEQA document to provide analysis of the effectiveness of the HCP conservation strategy.

The Draft EIR provided for the BRCP to serve as an alternative means for handling biological resource impacts of the project for the practical purpose of enabling the Valley's Edge project to integrate into the BRCP, should the two large planning efforts proceed in tandem. The BRCP is currently on pause, however, if the BRCP is adopted before VESP permitting is complete then it remains preferable to allow for the possibility, however remote, of the BRCP to cover the project site as contemplated by the Draft EIR. It would be in the public's best interest to see the BRCP succeed, should it be adopted, and its success would be enhanced by participation from large projects like Valley's Edge.

52-47 The comment asserts that because the BRCP is not adopted, it cannot be relied upon as mitigation in the Draft EIR.

The Draft EIR does not rely solely on the BRCP as mitigation, it provides an entirely independent set of project-specific mitigation measures to reduce biological impacts to less than significant in the event the BRCP is not available or not used. The Draft EIR explains on pages 4.3-53 and 4.3- 54 that "If future project developers do not opt to seek coverage under the BRCP, or if the BRCP is not adopted prior to development, then the following mitigation measures would be implemented to avoid and/or substantially lessen impacts to special-status plant and wildlife species." The BRCP has gone through a separate CEQA review process and if the project proceeds under the coverage of the BRCP then it would be relying upon that CEQA process regarding public notification of the biological impacts and mitigations associated with the adopted BRCP. If the BRCP is adopted, then it would stand to benefit from potentially including the Valley's Edge project, and the Draft EIR supports that possible future integration.

52-48 The comment further asserts that inclusion of the BRCP as an option of mitigation of impacts to biological resources is deferral of mitigation and violates CEQA.

Please see Responses to Comments 52-8, 52-46 and 52-47 as well as Master Response 2 regarding deferral of mitigation. The Draft EIR provided for the BRCP to serve as an alternative means for handling biological resource impacts of the project for the practical purpose of enabling the Valley's Edge project to integrate into the BRCP, should the two large planning efforts proceed in tandem. The BRCP is currently on pause, however, if the BRCP is adopted before project permitting is complete, then it remains preferable to allow for the possibility, however remote, of the BRCP to cover the project site as contemplated by the Draft EIR. It would be in the public's best interest to see the BRCP succeed, and its success would be enhanced by participation from large projects like Valley's Edge.

52-49 The comment asserts that the Draft EIR's mitigation for impacts to trees is not sufficient and the efficacy of that mitigation is not analyzed in the document. In summary, the comment states that the OWMMP/VETPP is not included in the Draft EIR, does not analyze the specific ways by which the OWMMP/VETPP measures will avoid or minimize impacts from removal of trees, and does not identify the specific procedures to be followed to protect avoided trees when roots are cut.

The Oak Woodland Mitigation and Management Plan is included as Appendix E of the VESP, which is evaluated in this Draft EIR. The VESP and its appendices is available for public review alongside the Draft EIR and other project documents on the City's website at https://chico.ca.us/post/valleys-edge-specific-plan (Draft EIR p. 1-3). The Oak Woodland Mitigation and Management Plan, now re-titled the Valley's Edge Tree Preservation Program, is largely modeled after the City's Municipal Code Chapter 16.66 (Tree Preservation Regulations). The Introduction of the Program states the following: "In establishing these regulations, it is the intent of the Valley's Edge Specific Plan (VESP) to preserve the maximum number of trees possible, with the reasonable use and enjoyment of private property, and to provide for a healthy urban forest that will absorb carbon dioxide, helping reduce urban impacts on global warming." In other words, the main purpose of the Program is to disincentivize excessive removal of individual trees during the initial phases of project development, and to require replacement trees when removal is necessary or otherwise occurs during project buildout. Where tree preservation is not practical, replacement trees are required to help provide a healthy urban forest that will support carbon sequestration. The Program also offers that replacement trees in the VESP can enhance and/or expand oak woodlands at the project site by selectively planting in open space areas set aside by the Land Use Plan. To avoid this sort of misunderstanding in the future, the name of Appendix E of the VESP has been changed to the "Valley's Edge Tree Preservation Program".

The Draft EIR states on page 4.3-58 that the OWMMP (Valley's Edge Tree Preservation Program, or VETPP) requires trees removed or damaged by the project to be replaced by planting on site, off site or paying an in-lieu fee. Then, to further minimize potential tree removal from project activities, the Draft EIR imposes mitigation measure BIO-9 to ensure protection of trees during construction. Further, tree replacement quantities and requirements are specified in the Tree Preservation Program, Appendix C of the Valley's Edge Specific Plan. The VESP, including its Appendix C, is the focus of review for this EIR and the document is available in conjunction with the Draft EIR to facilitate informed decision making. See also Responses to Comments 6-26 and 6-27.

52-50 The comment reiterates objection to the omission of the OWMMP/VETPP from the Draft EIR, and the asserted lack of analysis of the OWMMP/VETPP as mitigation for impacts on oak trees.

Please see Response to Comment 52-49.

52-51 The comment reiterates objection to the omission of the OWMMP/VETPP from the Draft EIR and requests additional detail be provided regarding the OWMMP/VETPP.

Please see Response to Comment 52-49. The tree replacement requirements from Appendix E of the VESP are modeled after Chico Municipal Code Chapter 16.66, which has been successfully implemented citywide for many years. Having replacement requirements for tree removal doesn't save all trees, but it strongly incentivizes the retention of existing mature trees within project sites.

52-52 The comment quotes the OWMMP/VETPP and requests that additional detail and performance criteria be provided.

The OWMMP/VETPP (Tree Preservation Program) is part of the VESP rather than a mitigation measure. Please see Response to Comment 52-49. Also, note that the Tree Preservation Program in Appendix E of the VESP has been updated to add details regarding pre-construction procedures, references to biological mitigation measures, differentiate urban replacement trees from oak woodland replacement trees, and to better describe the HOAs oak tree regeneration program.

52-53 The comment provides a concluding sentence to comments 52-49 through 52-52.

Please see Response to Comment 52-49.

52-54 The comment asserts that the Draft EIR fails to align its analysis with the significance threshold regarding potential substantial depletion of groundwater supplies such that the project may impede sustainable groundwater management of the basin.

The project's Water Supply Assessment (WSA, Draft EIR Appendix J), the 2015 Cal Water – Chico/ Hamilton Urban Water Management Plan (UWMP), and the Sustainable Groundwater Management Act (SGMA) protocol were used as a basis in determining the level of significance to evaluate potential impacts to groundwater. (Note: the updated 2020 UWMP was reviewed and the findings were generally the same as the 2015 UWMP.)

The Vina groundwater subbasin is not in critical overdraft, but it is a high priority basin with respect to SGMA, indicating the basin must achieve groundwater sustainability by 2042. As indicated on page 4.9-11 of the Draft EIR, the main factors driving the high priority designation of the Vina Subbasin include population growth (4 out of 5 possible ranking points), production well density (5 out of 5 possible points), irrigated acreage per square mile (4 out of 5 possible points), and groundwater reliance (5 out of 5 possible points). Based on these factors, current groundwater withdrawals are not critical (or substantial) but must be addressed by 2042. The draft Groundwater Sustainability Plan (GSP) for the Vina Subbasin was finalized December 15, 2021 and was anticipated to be reviewed for approval in January 2022. However, as of June 2022 it does not appear the GSP has been approved. The projected growth in the GSP is based on the Butte County 2030 (estimates of population and per capita water use over time).

A determination of the adequacy of groundwater supplies for the proposed project would not be directly dictated by the GSP. Rather, the GSP evaluates current conditions in the Vina Subbasin, establishes sustainable groundwater management criteria, includes provisions for ongoing groundwater data gathering and analysis, and summarizes the findings. The provisions in the GSP will be evaluated annually and every five years (in more detail) and updated as necessary. GSP implementation will begin upon submittal of the document to the Department of Water Resources. The Vina and Rock Creek Reclamation District GSAs will continue their efforts with public engagement and to secure funding to monitor and manage groundwater resources.

Because adequacy of groundwater supplies for the project would not be directly dictated by the iterative GSP process, the project-specific WSA, which is based on the Chico/Hamilton UWMP, has been used to establish whether the project would result in groundwater withdrawals substantial

enough to impede sustainable groundwater management of the basin. The UWMP concludes that there is sufficient groundwater supplies to meet future demands of the District in normal and multiple dry year periods through 2045. *The 2020 UWMP specifically references the VESP project in the water demand projections* (page 36), as adding 2,900 new residential and commercial services by 2040 and 1,750 AFY of additional water demand. As a result, there is sufficient water for the project, in combination with other proposed growth in the area, and the project would not substantially deplete groundwater supplies and impede sustainable management of the groundwater basin.

In addition, see Response to Comment 10-24 with respect to the Draft Vina Groundwater Subbasin GSP.

52-55 The commenter asserts that the Draft EIR's conclusion (on Impact 4.9-2) that impacts would not be "unreasonable" is vague, subjective, wrong, and not language included in the significance threshold. In addition, the comment asserts that the Draft EIR inappropriately uses a lack of critical overdraft as reasoning for impacts being less than significant.

Regarding the latter part of the comment, please see Response to Comment 52-54.

With respect to impacts not being "unreasonable", although this term is not directly used in the significance threshold, the threshold seeks to determine whether groundwater withdrawals would impede sustainability of the basin. As indicated in Response to Comment 52-54, sustainability is in part defined by the Sustainable Groundwater Management Act, which in turn introduces several terms to measure sustainability. As indicated in the Vina Subbasin Groundwater Sustainability Plan (GSP), "unreasonable" is used in defining sustainability indicators (SIs) and undesirable results. As indicated in the Vina Subbasin GSP on pages ES-11 and ES-12: "SIs refer to any of the effects caused by groundwater conditions occurring throughout the Vina Subbasin that, when significant and unreasonable, cause undesirable results. The six SIs identified by DWR are:

1. Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon
2. Significant and unreasonable reduction of groundwater storage
3. Significant and unreasonable degraded water quality
4. Significant and unreasonable land subsidence that substantially interferes with surface land uses
5. Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water
6. Significant and unreasonable seawater intrusion

Undesirable results are the significant and unreasonable occurrence of conditions that adversely affect groundwater use in the Vina Subbasin, including reduction in the long-term viability of domestic, agricultural, municipal, or environmental uses of the Vina Subbasin's groundwater. Categories of undesirable results are defined through the SIs." The use of the term "unreasonable" to describe what could happen if pumping of groundwater were to increase is used appropriately in this context.

In addition, see Response to Comment 10-24 with respect to the Draft Vina Groundwater Subbasin GSP.

52-56 The comment asserts that the Draft EIR does not support its conclusion that adding to the rate of groundwater lowering would not interfere with sustainable groundwater management, and that the Draft EIR's conclusions are improper as a matter of law, and unsupported by fact or reason.

Please see Responses to Comments 52-54 and 52-55.

52-57 The comment asserts that the Draft EIR fails to assess loss of recharge for perched and seasonal groundwater, with respect to sustaining groundwater dependent ecosystems.

The relevant environmental threshold is "a significant impact would occur if development of the project would substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin." Any potential project related interference with recharge of localized perched lenses of groundwater would not interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin. This threshold applies to potential areas of substantial recharge, such as highly permeable sands and bedrock with high permeability rates. As indicated in Impact 4.9-2 on page 4.9-30 of the Draft EIR, the 2010 preliminary hydrogeologic assessment of the project site found that a relatively impermeable layer of well lithified lahar rock of the Tuscan formation unit C underlies the majority of the project site. Alluvial materials that underlie creeks on the site could potentially recharge shallow aquifers on and near the project site were limited to areas that have been excluded from proposed future development and are proposed to remain in their natural state. The 2010 preliminary assessment concluded the development restriction should mitigate on-site impacts to groundwater recharge in these areas. Any recharge related impacts to areas of seasonal groundwater flow, as indicated by trees along certain slope breaks, would not constitute a substantial impediment to groundwater recharge such that the basin could not be sustainably managed.

With respect to potential biological impacts associated with construction, see Response to Comment 9-32.

52-58 The comment asserts that the project's water supply assessment (WSA) relies on unsupported projections that water demand will increase in near-term future years, but will decrease on a longer horizon, per Table 5 of the WSA. In addition, the comment indicates the Draft EIR minimizes project effects and skews its findings by assuming groundwater extraction decreases over time. The comment also indicates the Draft EIR fails to adequately address impacts during drought years, such as during 2013 to 2015, by averaging the data over time.

As included in the footnotes to Table 5 of the WSA (Draft EIR, Appendix J), the projected water demands were provided by Cal Water in November 2019. As stated on pages 11 and 12 of the WSA, the updated water demand projections incorporate increased water efficiency in the estimates, which in turn would reduce demand. The updated water demand projections also incorporate current and historical water usage within the Chico District, which reflect Cal Water's best efforts to include the development and growth that has occurred within the District to date. Therefore, the updated Chico District demands presented in Table 5 are inclusive of all identified development, as well as additional anticipated development within the current service area, based on Caltrans (2017). In addition, the recently adopted 2020 UWMP specifically references the project in the water demand projections (page 36), as adding 2,900 new residential and

commercial services by 2040 and 1,750 AFY of additional water demand. The WSA is based on the 2015 UWMP, which is similar to the updated 2020 UWMP in its conclusions.

With respect to including the 2013 to 2015 drought in the analysis, page 11 of the WSA indicates that "as illustrated in the chart in Table 6, the 2015 UWMP projections are consistent with historical usage through 2013; however, water demands dropped significantly after 2013 due to the historic drought. While demands have rebounded somewhat, they have remained significantly lower than pre-drought demands." As such, this drought period was acknowledged in the historical and projected demands analysis.

52-59 The comment asserts that that the draft Butte Subbasin Groundwater Sustainability Plan (GSP) demonstrates the severity of groundwater mismanagement in this subbasin and provides a clearer analysis of the baseline and future conditions that will affect the project. The comment indicates that the No Project alternative is the only responsible and defensible course of action considering the past and ongoing depletion of groundwater.

Although the hydrogeology of the Butte and Vina Subbasins is similar, management of the two basins will be completed in accordance with two different GSPs, under different Groundwater Sustainability Agencies. The draft Vina Subbasin GSP, which was published on December 15, 2021 and is slated to be reviewed for adoption in January 2022, establishes sustainable management criteria that are not the same as the Butte Subbasin GSP. As a result, the Butte Subbasin GSP is not appropriate for making a determination regarding groundwater impacts for the project. Please also see Responses to Comments 52-54 and 52-55.

52-60 The comment asserts that the No Project Alternative is the best alternative due to the significant and unavoidable project impacts, and that the environmental losses are not in the public interest, and cannot support the required Findings of Fact and Statement of Overriding Considerations.

The commenter's opinion that the No Project Alternative should be adopted is noted and forwarded to the decision makers for their consideration. As identified in the Draft EIR, implementation of the proposed VESP would result in significant and unavoidable project level and cumulative impacts due to changes in visual character and increase in greenhouse gas emissions. Given the size of this project a total of four significant and unavoidable impacts (project and cumulative visual impacts and project greenhouse gas impacts) would not be considered numerous, as stated in the comment. Nor does the comment indicate how the project would result in "massive environmental losses" as stated in the comment.

CEQA requires that an EIR describe and analyze the relative environmental effects of alternatives to the proposed project and evaluate their comparative impacts and merits. The EIR must consider a range of reasonable alternatives that can feasibly attain most of the basic project objectives and avoid or substantially lessen one or more significant effects. The alternatives analysis must identify the potential alternatives and include sufficient information about each to allow meaningful evaluation, analysis, and comparison with the proposed project. CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate a "No Project Alternative," which is intended to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The Draft EIR evaluates both No Project/No Development Alternative in which the project site remains in its existing condition, remains under the jurisdiction of Butte County and would not be annexed into

the City and no new development occurs for the foreseeable future. However, CEQA Guidelines Section 15126.6(e)(3)(B) establishes that "If disapproval of the project under consideration would result in predictable actions by others such as the proposal of some other project, this 'no project' consequence should be discussed." Thus, the EIR considers that the project site would be developed as assumed in the City's 2030 General Plan under Alternative 2, No Project/2030 General Plan. The comment supports the No Project/No Development Alternative which would preserve open space areas and natural landforms, but would otherwise fail to achieve the proposed project objectives such as creating a specific plan that is beneficial to the community and economically viable, providing housing to the area and new employment opportunities through commercial uses. Therefore, it is not considered a feasible alternative.

Approval of a project with significant impacts requires that findings be made by the lead agency pursuant to CEQA, and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3 Sections 15043, 15091, and 15093). CEQA Guidelines Section 15092(b) states that a public agency shall not approve or carry out a project for which an EIR was prepared and which identified significant effects unless: (1) significant effects are mitigated to less-than-significant levels as feasible by the mitigation measures identified in the EIR; and (2) if there are residual significant impacts after implementation of mitigation measures identified in the EIR, the agency finds that the unavoidable impacts are acceptable through a Statement of Overriding Considerations, supported by substantial evidence in the record, which includes the documents, materials, and other evidence. The City is required to prepare the Findings of Fact for those impacts that can be reduced to less than significant with mitigation and a Statement of Overriding Considerations for any significant and unavoidable impacts. The lead agency must consider the Final EIR and the evidence in the record, to determine if the overriding economic, legal, social, technological and other benefits of the project outweigh the significant and unavoidable effects of the project.

52-61 The comment claims that if any iteration of the project is approved, CEQA requires the City to approve only a project that has increased density and increased open space. The comment also states that Alternative 4 prevents significant and avoidable damage to the environment and that other alternatives have been proposed that are feasible and superior to Alternative 4 and should be adopted.

The CEQA Guidelines requires that an EIR describe and analyze the relative environmental effects of alternatives to the proposed project and evaluate their comparative impacts and merits. The EIR must consider a range of reasonable alternatives that can feasibly attain most of the basic project objectives and avoid or substantially lessen one or more significant effects (14 CCR 15126.6(a)). The EIR's alternatives analysis is prepared in support of CEQA's goals to foster informed decision making and public participation (14 CCR 15126.6(a)). The alternatives analysis does not need to consider "every conceivable alternative" to a project (14 CCR 15126.6(a)). The EIR evaluated a reasonable range of project alternatives (four) and the final decision regarding the feasibility of alternatives lies with the decision makers who must make the necessary findings addressing the feasibility of alternatives for avoiding or substantially reducing a project's significant environmental effect (California Public Resources Code, Section 21081; also see 14 CCR 15091). While CEQA does require adoption of the environmentally superior alternative if it is feasible and achieves most of the project objectives, there is no requirement in the CEQA Guidelines that requires an increased density and open space alternative be adopted. The comment does not propose any other alternatives for evaluation.

52-62 The comment provides an overview of Alternative 4 and references additional alternatives that are asserted to be feasible and meet the project objectives but does not include a description of the proposed alternatives.

The comment provides general commentary but does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

52-63 The comment indicates support for Alternative 4 because it would feasibly avoid or substantially lessen the project's significant environmental effect and also attain most of the basic project objectives.

The commenter's opinion that the Alternative 4 should be adopted is noted and forwarded to the decision makers for their consideration.

52-64 The comment reiterates support for Alternative 4 and its feasibility. The comment also states the EIR analysis of Alternative 4 should be applied equally to other alternatives proposed in comments.

The commenter's support for Alternative 4 is noted and forwarded to the decision makers for their consideration. The comment does not specify what other alternatives should be evaluated, so no response is possible.

52-65 The comment makes general assertions of a feasible alternative (addressed under Comment 52- 66) that would further protect biological resources.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

52-66 The comment reiterates support for an increased open space and higher density alternative because it would minimize impacts to biological resources; protect oak woodlands; reduce ground disturbance and erosion; and eliminate the road to access the very low density residential (Equestrian Ridge) in the southeast portion of the plan area.

The Draft EIR includes an Increased Open Space and Higher Density Residential Alternative (Alternative 4) in Chapter 6, starting on page 6-24. This alternative shifts the very low density residential proposed on 82 acres in the southeast portion of the site (65 units), including the "Equestrian Ridge area" to other planning areas and the land would be designated for open space. It appears the comment is discussing the merits of Alternative 4 and why the commenter believes this is the preferred site plan to adopt in lieu of the proposed project. The comment is noted and forwarded to the decision makers for their consideration.

52-67 The comment discusses the benefits of an increased open space and higher density alternative on traffic and notes this alternative would decrease traffic and greenhouse gas emissions.

The commenter's support for Alternative 4 is noted and forwarded to the decision makers for their consideration.

52-68 The comment supports an alternative that increases density, such as Alternative 4 because it will reduce the overall development footprint and reduce environmental impacts.

The commenter's support for Alternative 4 is noted and forwarded to the decision makers for their consideration.

52-69 The comment suggests that an increased open space and higher density alternative should be adopted because it will reduce project impacts and meet most of the project objectives.

The commenter's opinion that an alternative that increases open space and higher density should be adopted is noted and forwarded to the decision makers for their consideration.

Public Comments

City of Chico Planning Commission

November 18, 2021, 6 p.m.

VESP DEIR Public Hearing

Public Comment Speaker Summaries:

1. Mallory Borrego – Senior at Chico State, student intern for the Community Legal Information Center, Environmental Advocates Department. Pleasantly surprised by the adequacy of the Draft EIR, didn't expect so many topic areas, the miles of creek to be preserved in open space, keeping more than 5,000 oak trees. Feel like this Draft EIR is adequate and we should focus our efforts toward conservation and sustainability within development because it is not avoidable at this point with the housing crisis Chico is facing. PC-1

2. Susan Tchudi – I co-host Ecotopia on KZFR and convene the Environment Coalition of Butte County, however I am speaking just for myself. The proposed Valley's Edge development in the southeastern foothills, superficially, looks beautiful. Parks, ponds, green spaces and walking trails amidst a huge neighborhood, including apartments and housing for seniors. However, I think this project is in the wrong time and in the wrong place. PC-2

   The Draft EIR notes two impacts that are un-mitigatable. The GHG emissions are un-mitigatable; construction emissions and automobile travel into town. This pristine riparian woodland area with its birds, reptiles, animals, and plants will be slashed through with 2,777 housing units with an anticipated population of 5,654. I think that the impact on natural resources in the EIR is inadequate. It's a huge wildlife area, a huge ecosystem, it has big value for our community. PC-3

   Valley's Edge stands in contradiction to a lot of Chico's guiding principles and documents. The current General Plan calls for infill and compact, mixed-use development. General Plan quote: *"The urban form is compact, with a clear distinction between the City and its surrounding lands."* We call this a site, but it's a reach to happen where it is. PC-4

   This is a 1,448-acre project, which is the opposite of compact urban form, it is urban sprawl. The Climate Action Plan, approved by the City Council just a few weeks ago, calls for zero-net emissions by 2045. According to the Draft EIR, the project would result in GHG emissions of approximately 3.13 megatons of CO2 emissions per capita, exceeding the 2030 efficiency target of 2.76 megatons of CO2 emissions per capita per year. This project is taking us in exactly the wrong direction. We're trying to reduce emissions, and this will increase emissions City of Chico's CAP thresholds by 2045 and the project being held to the 2030. PC-5

   And, finally, not so much for the Draft EIR but a significant thing to look at, is that the City will soon approve the Housing Element Update, which emphasizes the need for affordable housing. This project is intended for those who can afford HOA dues and costly amenities. According to every measure I have seen, Chico needs housing for its low-income residents. The Valley's Edge development, with its beautiful vision, is not for those in need, but for those with deep pockets. PC-6

3. Jake Morley – Been in development and land use for almost 20 years. I'd like to submit to the record Appendix C of the General Plan, that talks about this growth area and how the project itself expands upon this small page of the General Plan. It's a fantastic project that meets the lion's share of the General Plan policy goals and action items. It's a fantastic property. It's a wonderful project in a post-COVID world where the outdoor space is even more important than before. The adequacy of the EIR is definitely on-point, with thousands of pages of expert opinions on everything from GHG to aesthetics.

4. Erica Spangler – I laid our digital product and UX teams for a home improvement company locally, that has a lot of remote associates that are always looking for housing. Stayed in Chico after college, enjoys Chico's outdoor spaces. Pleasantly excited about Valley's Edge because of the open space, and that the open space was instrumental in the design. It provides smart growth, and a bigger vision for our future. It really embodies this post-COVID world, where we develop our careers indoors and need to enjoy the outdoors more than ever. Roughly half of the total land space is designated for parks, open space, and public uses. That is very rare for a lot of the development areas, which are more for housing. Having that balance of housing meeting housing needs and outdoor and really embodying the Chico area is something that I support.

5. Brent Silberbauer – Used to live on 20th Street, just north of the project, familiar with site. Two thumbs up with regard to the Draft EIR. Liked where the EIR took note of all the on-site trees, those ribbons of trees. I've seen the flooding in past, so glad to see the hydrology is planning to deal with that. I am a real estate agent by trade and houses are now going for $50-60,000 dollars over the asking price. Have to give potential buyers lots of bad news. There's a severe housing shortage given the Camp Fire and we have built a small amount since then to replace those units. We need large projects to capture the units we lost in Paradise. We need housing at every single level from cottage homes to luxury homes. The CO2 emissions is necessary to provide the houses. There is no supply to fill the gap, so prices will continue to rise as demand stays constant.

6. Noah Zoppi – Young real estate entrepreneur. Valley's Edge team worked hard to reduce impacts. For example, 80% of the trees will be kept in their wild community. Why would we pass up an opportunity to have a developer that is environmentally focused? If this group doesn't do it, then someone else will in the future. Sometimes we have to make the best decision we have based on the options presented.

7. Jim Stevens – Formerly on the General Plan Task Force. VESP is implementing the General Plan, the site was identified as a growth area 11 years ago. It has a light footprint on the environment. Just over 2 units per acre due to the open space. Regarding GHG, the concern I have is that we have such a significant housing crisis here, if we don't provide the local housing, across the range... Chico is still going to become the employment center within 50 miles, I think, and if people cannot find or afford a house locally, then they will look in Orland, Gridley, Biggs, Oroville, Red Bluff, and Corning. Imagine the GHG impact if we have people commuting in from the outlying areas.

PC-7

PC-8

PC-9

PC-10

PC-11

8. David Welch – From Chico. A member of the senior demographic and an lifelong cyclist. I see a conflict between my experience and what the EIR sees as the role of active transportation in reducing vehicle miles traveled and mitigating the traffic and climate impact of the project. The combination of the large physical size of the project, with very low-density housing in most of the project area, the concentration of commercial at one corner, and the steep terrain of most of the project tell me that the bike path network will be used recreationally by a few sport cyclists like as myself, but will likely play almost no role in the actual transportation mix of the project. Neither typical seniors, nor young parents with children in tow are going to climb those hills coming home from commercial services or employment sites within or beyond the project area.

   At the same time, the increases in auto traffic on surrounding major roads, such as 20th Street, as a result of the project will actually work to discourage the use of active transportation by residents of nearby areas that are better suited for it, like Meriam Park.

   On a broader scale, the comparison used in the EIR for assessing the significance of vehicle miles traveled is a very dubious one. It is not at all clear what area was used as a regional standard. It's a big area, but the population numbers tell us it's larger than all of Butte County. And it had to include a lot of rural areas where people drive long distances by necessity. A comparison to the City of Chico, or another similar urban area if the numbers aren't available for Chico, would be a much more valid standard for vehicles miles traveled.

   I would also say that the assumption that the senior portion of the project population dives substantially less than a younger working population is probably outdated and erroneous for this population. Not only is retirement age steadily rising, but there's good evidence that high-income seniors, the kind that will live in a high-cost project like this, generate high levels of vehicle miles traveled for leisure and other pursuits even during retirement.

   Finally, the EIR discusses the active recreational amenities provided within the project, which sound wonderful, but it is never made clear to what extent those amenities will be made available to the general public, or only to project residents. Project residents will add to the burden of existing parks and recreational facilities in Chico, it seems only right that the rest of us should be compensated for that by a commitment making sure that all the parks and trails in the project are open to everyone. And that's not clear in the EIR.

9. Jared Geiser – I got a degree in Geography and Planning from Chico State and work as a conservation planner.

   The Draft EIR describes this development as "mixed use" when it's not mixed use. I don't think it falls in line with the City's definition of mixed use that I read in the General Plan, and I don't think it falls in line with any reasonable person's definition of mixed use, which is clearly inferring the mix of uses whereas the Valley's Edge Draft Specific Plan EIR clearly shows that the uses will not be mixed, they will be separated. Commercial will be down low, residential will be

PC-12

PC-13

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PC-15

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PC-17

up high. Mixed use relates to smart growth principles, which is the idea that, in order to avert environmental issues, climate issues, issues of automobile dependency, we need to grow in a smart way, infill, compact urban form, so people can walk and bike to get where they need to go. And mixed uses have a component of that, so this entails having commercial on the bottom and residential on top as a common example. And the value of that is that you have people right next to, in immediate proximity to commercial uses. So it's going to be boosting economics as well as promoting walkability. As well as promoting safety, which is often overlooked thing in our community. When you have single-use developments like the Valley's Edge Specific Plan DEIR, you have low-density residential homes where people are mostly going to be inside their home throughout the day and nighttime. But when you really do smart growth, with mixed use development, there's going to be more activity on the streets, more eyes on the streets, more people looking at what's going on. So the mixed use is highly valuable and I think the EIR misuses that term.

PC-17 Cont.

In the overview of causes for climate change, the EIR mentions the two main causes: (1) fossil fuel use and (2) land use changes. Then the EIR only acknowledges the GHGs that will result from use of fossil fuels, they don't acknowledge the GHG that will be remitted into the atmosphere from the land use change they are proposing. They acknowledge that land use changes cause climate change, but the EIR fails to analyze how this project's land use change will exacerbate climate change. And it indubitably will because soil is a major carbon pool on this planet, and by converting soil, which is capturing carbon through photosynthesis of the grassland plants and trees, by converting that soil that holds carbon into asphalt, into roads, into houses, into parking lots, you reduce the photosynthetic capacity of the landscape. So the landscape cannot use photosynthesis to capture carbon how it used to, so you're reducing carbon capture from this development, but also causing carbon emissions directly from the grading of the landscape.

PC-18

The climate impacts to this area are severe. Page 4.7-5 reference; extreme heat that will kill people. Page 4.7-6 the regulatory settings cites Massachusetts court case – endangerment finding. Despite the fact that GHG emissions is significant an unavoidable, I still will argue that the threshold of significance is inadequate because it uses the 2030 targets from the Climate Action Plan Update, but the project will not become operational, according to the EIR, until 2045. If the project isn't operational until 2045, then the operational emissions of the project need to be weighed against the threshold of significance of the 2045 Climate Action Plan goals, which is zero metric tons of CO2-equivalent emitted per person per day in the whole City. CARB's Scoping Plan states: "local government as essential partners". This body and the Council and the other entities at the City have the responsibility to protect and plan for current populations.

PC-19

EO B-55-18, the statewide policy for achieving carbon neutrality no later than 2045. This project will obstruct the attainment of this policy, which is important because the EIR, on page 4.7-10, claims the project is consistent with and will not obstruct attainment. This project, as identified by its significant and unavoidable greenhouse gas emissions, will obstruct the attainment of this executive order. That is not acknowledged in the EIR, I think it needs to be.

PC-20

Wildfire is an issue that hits close to home for everyone. I don't believe that the mitigation measures contained in the EIR, specifically Mitigation Measure WFIRE-1, would reduce wildfire risks faced by future residents. It does a good job of trying, but it's severely inadequate nonetheless because future residents will still be exposed to wildfire hazards due to its location in the Cal-Fire Moderate fire hazard severity zone. PC-21

Hydrology – The DEIR states that the project will not alter the hydrology in a way that would negatively affect groundwater recharge, but it does not justify that conclusion. The EIR explains that the lahar flows are relatively impermeable and underlie the site, and that cracks in the lahar flows are not large enough to contribute significantly to recharge, but they don't show where the lahar flows are in relation to the impermeable surfaces proposed to be developed. Says lahar on majority of site, but is it 51%? Is it 99%? It doesn't specify that, or where the groundwater recharge is or isn't occurring. PC-22

Wetland impacts – the DEIR fails to acknowledge how the development will hydrologically interrupt the wetlands located at the northwest of the site. And it does not acknowledge how it will affect the wetlands located further west of the site, in Stonegate. The DEIR states that the VESP site is hydrologically separated from the Stonegate site, but I was just out there and there are culverts under the bike path that provide a hydrological connection between the sites. There are preserves for meadowfoam on the Stonegate site because it's an endangered species. The EIR fails to acknowledge how the development of residential housing up above the wetlands sites, and in one case on top of a spring, will impact the water flowing into the wetlands. The wetlands on in Primary Open Space, however, the wetland preserves are only going to be meaningful if they're hydrologically connected to the land above them, because the water that drains into them is essential for their functionality. PC-23

Threatened and Endangered species – appalled at the mitigation to remove the species. The EIR mitigation is inadequate by not reducing the take of the habitat and only reducing the take of the species. For example, avoid Swainson's hawk impacts to individuals, but then come in and destroy their foraging and nesting habitat. My understanding of the Endangered Species Act is that habitat destruction would constitute "take" of habitat, which is prohibited. PC-24

Inconsistency with local documents, principally the City of Chico General Plan, the City of Chico Climate Action Plan, and the Butte County 2016 Regional Transportation Plan/Sustainable Communities Strategy – EIR claims consistency with the General Plan Sustainability Element where it speaks to emphasizing public health in making land use decisions. Yet, the EIR does not acknowledge how its significant and unavoidable impact to climate change will negatively impact public health. In the Land Use Element, reinforce the City's compact urban form, and the EIR says consistent because it's in an identified growth area and clusters development to maintain large areas of the site undeveloped. While partly true, this project does not relate to the compact urban form of the City of Chico. This development is still a large, sprawling development, up into the foothills, that will be automobile-dependent, no doubt. Especially when you're talking about senior citizens that are over 55 years old and have reduced ability to use active transportation. PC-25 PC-26

Ensure sustainable land use patterns, Policy LU 2.3. Significant and unavoidable GHG impacts is not sustainable. To be sustainable, we must be able to do the same thing indefinitely. By using the finite resource of fossil fuels, which is causing climate change and exacerbating several public health issues, it's not sustainable. Sustainable would be something that would not contribute significantly to climate change. PC-27

LU 2.5, protect areas with known sensitive resources. EIR says the project is consistent, despite all of the known resources on the site. PC-28

Complete neighborhoods, policy LU 3.1. EIR claims consistent, and nobody who's thinking reasonably can argue that this project will "reduce auto trips and support walking, biking and transit use." The density is about 4 units per acre, or closer to 2 units per acre if you count all the land area. That's not dense enough to support bus service. Reducing auto trips will not occur if you develop such a large area, with such long streets, sprawling so high up into the foothills. Other General Plan policies I'd like to argue: Goal CD 1.1, CD-1.1.1, CD-2.1, CD-2.1.1, CD-2.4, CD-2.4.1, Goal CD-3. PC-29

Transportation Plan calls for enhancing regional transit and mass transit, getting people from place to place without cars, with things like busses and trains. This project is not going to do that with this layout or by its location. PC-30

Climate Action Plan calls for three measures that the EIR says is consistent and it is clear not. Improve active transportation infrastructure to achieve greater than 6% bicycle mode share by 2030 and 12% bicycle mode share by 2045. This project does not improve active bicycle infrastructure, it provides recreational biking opportunities for residents. Measure T-1 is inconsistent with this project, and the EIR needs to reflect that. PC-31

Measure T-5: Support implementation of the City's General Plan that promotes sustainable infill development and mixed-use development in new growth areas to reduce VMT of the VMT. The project is not mixed-use development and is clear not infill development since it's surrounded by open space and grazing land. PC-32

Measure S-1: Increase carbon sequestration by increasing urban canopy cover at least 10% by 2030 through new greenscaping programs. EIR claims consistency with this measure by noting the project's street tree program, but that's not what the measure is saying. The measure says to increase carbon sequestration. This project will not increase carbon sequestration, it will decrease carbon sequestration by destroying the grasslands present at the site and removing 1,100 trees. Yes, they will plant more trees, but that will not increase carbon sequestration. Carbon sequestration will be reduced, indubitably. Thus, the project will be inconsistent with these plans. PC-33

10. Caitlin Dalby – BEC, Butte Environmental Council, is not against development or planning. We want to be smart about development.

The DEIR lacks an assessment of the impact this development will have on the imbalance of our regional housing needs. Goes back to more density, more infill, closer to facilities and public transportation. PC-34

The Draft EIR needs to incorporate a thorough and meaningful consultation with the Mechoopda Tribe on the plan area's ecological resources, in addition to its archaeological resources. Tribe is active in ecosystem restoration and monitoring, including flooding. Not just the 100-year flooding, which we are past at this point. We're now looking at 200-year, 500, 10,000 and 30,000-year flood events coming in the next 50 years. They are also knowledgeable about the wildfire regime in this area. Final EIR should include that additional consultation. Neither the DEIR or VESP clarify what areas will be restricted to the public. PC-35

Transportation impacts need to be re-evaluated, with the Chico Urban Area as the standard, not comparing the project to the County or beyond Butte County. PC-36

GHG impact needs to be re-evaluated with an assessment of how the expected demographics will be traveling. Fifty-five or older may drive more than a younger demographic.
Would like to see a 5th alternative with a greater density, pull residential from northern and add to lower portions of the site. PC-37

11. Maggie Scarpa – studied geography at Chico State, now a County Land Use Planner.
GHG impacts; increase in extreme heat, increase in deadly and devastating wildfires; we cannot approve projects with significant and unavoidable impacts. PC-38

Transportation: need to be about 14-20 du/ac to support local transit. Threshold area analyzed is the County and the threshold needs to be the Chico Urban Area. Transit and commute patterns are different in Chico than Magalia, yet they are viewed as equal. PC-39
Thresholds of significance: the City uses the State's, or 15%. We should use the recently adopted a CAP, should use the 2045 targets, not the 2030 targets. PC-40

There is no analysis for land use and population impacts. Appendix G checklist requires analysis of potential project impacts that could induce growth. This project will induce population growth. PC-41

There are many endangered, threatened and sensitive species onsite (burrowing owl, western pond turtle, and bats). Passive relocation per mitigation can result in "take," and take of an endangered species is prohibited. PC-42

The project needs to be denser and remove Equestrian Ridge. Needs to be denser to support transit. More density would reduce VMT and would reduce GHGs. Would like to see a more detailed protections for endangered species in the Final EIR. PC-43

12. Addison Winslow – advocate for housing, board member of the Northern California Environmental Defense Center.

Social and psychological effects of this plan on the surrounding community. The largest concentration of land identified for affordable housing is in southeast Chico, primarily along Highway 32 and Bruce Road. Six out of seven of the pending, subsidized affordable housing projects are also located within or immediately adjacent to Meriam Park. The plan for Valley's Edge includes just 9 acres zoned Medium-High Density Residential, or about 5% of the total number of units in the project. It's not helpful for the dramatic imbalance of housing units Chico is experiencing. If successful in attracting higher income buyers, the project would exacerbate the geographic reflection of Chico's socio-economic divide, and further concentrate the placement of workforce housing along the highway and a major arterial where those families will experience the worst air quality impacts, the traffic noise, and the roadway danger that will come from building low density housing on the edge of an urban area. PC-44

The custom houses overlooking Upper Park, down through California Park, the private road into Stilson Canyon, the Valley's Edge Site, the homes blocking access to Butte and Comanche Creek along Honey Run Road, and the Butte Creek Country Club. The area on the Valley floor undergoing the largest expansion of working-class housing is being enclosed and hemmed in by restricted-access developments in the foothills. Didn't know about lakes in California Park, I guess you need to carry an ID, and I don't know if that is the same intention for this HOA. Similarly, Stilson Canyon isn't accessible for the normal child. We are, to that extent, impoverished of the natural endowment of our area. For generations, if this project were to go though, kids will share the same schools but some will have the freedom to explore in the foothills while others will not. PC-45

The applicants tout this plan as the largest conservation effort since Bidwell Park, but if this plan is approved without any condition requiring public access to the parks and the paths, it will be more like the largest privatization effort since the Mexican Land Grants. PC-46

Equestrian Ridge is totally separate and unrelated to the rest of the site, it probably deserves its own environmental impact report. PC-47

There's an inconsistency where the VESP says Equestrian Ridge will be Phase 2 and DEIR says Phase 1, multi-generational. PC-48

Just like Meriam Park was required to build the multi-family first, then the single-family later, the City should first require development of the Core in Valley's Edge, then up from there, and should hold the developer to a development agreement. PC-49

13. Joshua Pierce – Resident of south Chico, builder in Doe Mill with a 25-year history of urban development and climate solutions. I want to describe the limitations under CEQA. California is currently undergoing a massive de-carbonization process, investing over a billion dollars in improving utilities, and the federal government is going into decarbonizing the building stock and decarbonizing transportation. That is not taken into account in the EIR's calculations of GHG PC-50

emissions and VMT, and the impact of those vehicle miles traveled. That means that, in ten years when these new homes are built, they will be all-electric, they will use heat pump technologies rather than natural gas, and more and more people will be driving and using electric vehicles. Those calculations are not considered in the way that they'll apply in California in the future, if we come anywhere near our climate goals.

PC-51

Infill is important, but not the entire solution. Infill generally does not provide parks and open space. It generally does not support inter-generational housing and uses the existing resources and infrastructure. May not be in the EIR but will impact the development.

PC-52

The poor soils and carbon sequestration. The project will cause a net increase in the number of trees onsite over a 15-year time horizon, due to the development and addition of street trees and landscaping on individual lots. The development, by necessity, will tear up the lahar flows and cemented cobble on the site. That will increase the surface area for potential water infiltration. Additional riparian areas will be created because of the development, and additional seasonal wetland areas that will be created due to the low impact development aspects mentioned in the EIR. The trenching for infrastructure, for sewer lines and storm drainpipes, will also disrupt the lahar flows and create additional opportunities for infiltration of the surface hydrology.

PC-53

Lastly, master planning is hard to do and we're not very good at it in the City of Chico, and generally in the North State. Most of the developments around Chico are small-plot subdivisions, generally built on verdant soils. Valley's Edge represents a once-in-a-generation opportunity, by creating opportunities for development that do not build on prime farmland, that do not build on sensitive habitat, and preserve as much of it as possible. We have seen this too much in the past. I have not seen a more thoughtful, well-planned legacy building project in our community in the 40 years that I've lived here. Thank you for you time.

PC-54

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4.4 Planning Commission Hearing – November 18, 2021

PC-1 The comment states general support for the project and acknowledges the adequacy of the EIR and the topic areas discussed. The commenter expresses a desire for the City to focus on sustainable development, as housing is ultimately needed to address the City's housing crisis.

The commenter's opinion is noted and forwarded to the decision makers for their consideration. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

PC-2 This commenter states an opinion that the project is "in the wrong time and in the wrong place".

The commenter's opinion is noted and forwarded to the decision makers for their consideration. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

PC-3 The comment states that the Draft EIR identifies two significant and unavoidable impacts and expresses an opinion that the EIR's analysis of the project's impact on natural resources is inadequate.

The commenter is correct, the Draft EIR identifies two significant and unavoidable impacts specific to an increase in GHG emissions and change in visual character of the site. The commenter does not specify what areas of the Draft EIR the commenter believes are inadequate; therefore, no response can be provided. The commenter's opinion is noted and forwarded to the decision makers for their consideration.

PC-4 The comment states that the proposed project contradicts the City's guiding principles and regulations but does not elaborate.

Please see Response to Comment 21-2 that addresses this comment.

PC-5 The comment states an opinion that the project is urban sprawl. The comment also notes that the proposed project's estimated GHG emissions of approximately 3.13 MT CO2e per capita would exceed the City's 2030 efficiency target of 2.76 MT CO2e per capita per year.

Please see Response to Comment 21-3 that addresses this comment.

PC-6 The comment states that City Council is set to adopt its Housing Element Update, which emphasizes the need for affordable housing.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore and no further response is required. Please see Response to Comment 21-4 for additional information.

PC-7 The comment states general support for the project and commends the adequacy of the Draft EIR.

The commenter's support is noted. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

PC-8 The comment states general support for the project and its smart growth design. The commenter particularly supports the project's proposed parks, open space, and public uses.

The commenter's support is noted. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

PC-9 The comment states general support for the project and commends the adequacy and thorough analysis of the EIR. The comment acknowledges the housing shortage in Chico and expresses support for large residential development projects to capture housing lost due to the Camp Fire.

The commenter's support is noted. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

PC-10 The comment acknowledges that the City worked hard to reduce and avoid impacts, where possible. The commenter acknowledges that if the VESP is not implemented, the project site would be developed in the future regardless.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

PC-11 The comment states support for the project and acknowledges the housing crisis that Chico is facing. The commenter also expresses concern that employee commute distances from outlying areas into the City will increase if housing is not provided in the City, which would increase GHG emissions.

The commenter's concern is noted and forwarded to the decision makers for their consideration. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

PC-12 The commenter believes the project, as designed and due to the topography, would not encourage use of bicycles by future residents.

The commenter's concern is noted and forwarded to the decision makers for their consideration. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. Please see Response to Comment 23-3.

PC-13 The comment states that the increase in vehicle traffic on surrounding major roads, such as E. 20th street, will discourage the use of active transportation.

The commenter's opinion is noted and forwarded to the decision makers for their consideration. Please see Responses to Comments 9-49, 9-77 and 23-4 for more information.

PC-14 The comment asserts that the comparison used in the EIR for assessing the significance of VMT is not clear, and a comparison to the City or other similar urban area would be a more valid standard for VMT.

Please see Response to Comment 9-45.

PC-15 The comment states that the assumption that the senior portion of the project population drives less and results in fewer vehicle miles traveled (VMT) than younger population is an outdated and erroneous assumption. The comment also states there is evidence that high-income seniors generate high levels of VMT for leisure and travel.

Please see Responses to Comments 9-46 and 9-50.

PC-16 The comment states that the EIR discusses active recreational amenities, but it is not clear as to which amenities will be made available to the general public, and that the increase in project residents will burden existing recreational facilities in Chico.

Impacts related to recreation and parks are evaluated in Section 4.11, Public Services and Recreation of the Draft EIR. As described therein, the increase in population associated with the project would not create a significant impact on city parks outside of the project site such that there would be substantial deterioration or a need for new or expanded parks, as the new parks would be highly accessible for all project residents. Further, as discussed under Impact 4.11-7, policies and actions included in the 2030 General Plan support continued cooperation with Chico Area Recreation District and other agencies to provide parks and recreation facilities that offer recreation opportunities for the community (Policy PPFS-1.1). New population associated with the project is expected to be adequately served by existing and proposed expansions to recreational amenities and open space fields included as part of the project. With an increase in 5,654 individuals over the planning horizon, and with consideration of the new and expanded recreational facilities to be built as part of the proposed project, the project's contribution to impacts associated with the provision of new or expanded parks or other public facilities would not be cumulatively considerable. Therefore, no further impacts to the Draft EIR are required and impacts would remain less than significant. Please see Response to Comment 23-7 regarding public access to the project's parks and other amenities.

PC-17 The comment states that the project does not align with the City's General Plan definition of "mixed-use" and does not represent the smart growth principles of a mixed use development.

As discussed in the Draft EIR in Chapter 2, Project Description, the VESP will implement the City's General Plan for the Doe Mill/Honey Run Special Planning Area. The General Plan envisions a recreation oriented, mixed-use development offering a broad range of housing types and densities within SPA-5. As stated in the General Plan, the SPA will include a village core, retail along Skyway, a variety of residential densities (including very low, low, medium, and medium-high density), open space areas on the SPA's east side, a community park, neighborhood and pocket parks, public uses (potentially an elementary school site), and preserve areas with creekside corridors. Roadways, trails, and bikeways will be integrated into the natural landscape to connect the residential areas to parks, open space, offices, public facilities, and services. The VESP proposes up to 2,777 dwelling units, ranging from 0.54 dwelling unit per acre (du/ac) to 18.0 du/ac on approximately 668 acres. The VESP also allows for approximately 447,155 square feet (sf) of commercial development on approximately 56 acres. The remainder of the project site is proposed to be parks, open space, public facilities, and roadway infrastructure.

As explained on page 3-14 in the Land Use and Planning chapter of the Draft EIR, the analysis of consistency with the General Plan focuses on "whether the project is in harmony with the overall intent of the City's 2030 General Plan goals and policies. It is within the City's purview to decide if

the proposed project is consistent or inconsistent with applicable City goals or policies. The discussions in this Draft EIR on the subject of General Plan consistency represent the best attempt of City staff to advise the City Council of its opinions as to whether the proposed project is consistent with identified goals and policies of the City's General Plan.

PC-18 The comment states the EIR mentions climate change is caused by fossil fuels and land use, yet the EIR only discusses fossil fuels contributing to an increase in GHGs and does not address changes in land use. The comment also discusses the conversion of soils contributing to a reduction on the photosynthetic capacity of the environment.

The direct and indirect impacts associated with development and a change in land use are evaluated in the various technical sections in the Draft EIR. This includes impacts attributed to construction activities and also an increase in people contributing to an increase in vehicle trips and demand on local utilities. Many of these activities both directly and indirectly affect the worldwide challenge of climate change. Contrary to the suggestion under this comment, the soils at the project site are mostly lithified lahar rock with very low organic matter and therefore lower potential for carbon sequestration. Please see Responses to Comments 9-1 and 9-2 that address concerns associated with carbon sequestration.

PC-19 The comment questions the adequacy of the City's GHG thresholds because the thresholds are using targets set in the City's 2030 Climate Action Plan (CAP) and not the City's recently adopted CAP Update.

The City adopted a CAP Update in 2021, which is intended to guide the City towards reducing GHG emissions consistent with the state goal to reduce GHG emissions 40% below 1990 levels by 2030, established by SB 32, and to make progress towards meeting the state's long term goal of carbon neutrality by 2045, established by EO B-55-18. As explained on page 4.1-17 in Section 4.7, Greenhouse Gases, the CAP Update adopts a GHG emissions target for 2030, and a long-term GHG emissions goal for 2045. The City's targets are to reduce mass emissions 45% below 1990 levels by 2030 and to achieve carbon neutrality by 2045. As the lead agency, the City has the discretion to choose the significance threshold for discretionary projects. An efficiency metric approach, which is the basis for the GHG emission reduction targets established in the City's 2021 CAP Update, was used for the proposed project because it measures the project's emissions on a per-person basis to determine its overall GHG efficiency relative to regulatory GHG reduction goals. The project's GHG emissions are evaluated relative to the City's reduction target. The City's 2030 reduction target of 2.76 MT CO_2e per capita per year was used to evaluate the proposed project because it represents the City's goal to reduce GHG emissions to 40% below the 1990 levels by 2030. The use of this threshold is adequate and is consistent with the recently adopted CAP Update.

PC-20 The comment suggests the project would obstruct attainment of EO B-55-18 because it would generate GHG emissions in excess of the City's threshold.

The project's increase in GHG emissions is evaluated in Section 4.7 under Impact 4.7-1 starting on page 4.7-29. The project would exceed the City's threshold leading to a significant and unavoidable impact; however, there are various aspects of future conservation and energy efficiency metrics that have not been accounted for in the model. For example, as the vehicle fleet continues to move towards more electric vehicles and higher fuel efficiency standards it is

anticipated there would be reduction in GHG's. In addition, as the state's building code (CalGreen) is further updated all new development occurring in 2028, for example will be required to be more energy efficient than under the current building standards. It is anticipated as the project is developed it will be required to comply with more stringent energy requirements that will help reduce the project's GHG emissions that are not able to be captured as part of this EIR. Please see Responses to Comments 9-3 and 9-4.

PC-21 The comment relates to wildfire and the commenter does not believe the mitigation proposed to address wildfire concerns would reduce the risks and would still expose future residents to the hazards of wildfire.

Please see Master Response 1 that addresses concerns associated with wildfire.

PC-22 The commenter does not agree that the project would not affect hydrology or groundwater recharge because the analysis does not specify where groundwater recharge is occurring on the site and how the project could potentially affect groundwater recharge capability.

Please see Responses to Comments 39-4 and 9-56 that address this comment.

PC-23 The commenter asserts that the Draft EIR fails to discuss how the project would hydrologically affect the wetlands located northwest of the site and the wetlands located to the west in the adjacent Stonegate property. The comment expresses concern that development would impact water flowing into wetlands affecting their ability to function.

Please see Responses to Comments 9-34, 49-9 and Master Response 2 that address these concerns.

PC-24 The commenter claims the mitigation for protected species is inadequate and that removal of habitat would constitute a "take" of the species.

Impacts to biological resources is included in Section 4.3, Biological Resources. The comment does not indicate what mitigation measures are inadequate; therefore, this response generally discusses what is required to be evaluated in a CEQA document. As described in the section, Butte County Meadowfoam (BCM) is a protected plant species in addition to the species listed on pages 4.3-19 through 4.3-29. As explained on page 4.3-34, "[T]he "take" of a species is defined under the Federal Endangered Species Act (FESA) as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 USC 1532 (19)). With respect to any endangered species of plant, Sections 9(a)(2)(A) and 9(a)(2)(B) prohibit the possession, sale, and import or export, of any such species, and prohibits any action that would "remove and reduce to possession any such species from areas under federal jurisdiction; maliciously damage or destroy any such species on any such area; or remove, cut, dig up, or damage or destroy any such species on any other area in knowing violation of any law or regulation of any State or in the course of any violation of a state criminal trespass law." Pursuant to FESA Section 10(a)(1)(B), the USFWS may issue a permit for the take of threatened or endangered species provided that such taking is "incidental to, and not the purpose of, the carrying out of an otherwise lawful activity."" As discussed under Impact 4.3-1 on page 4.3-49, only one federally ESA-listed species, BCM, has been identified on the site. The populations of this species, as well as their habitat, is proposed to be preserved in BCM preserves on site. Wildlife species with other

varying special-status designations are either known to occur (e.g., burrowing owl) or have potentially suitable habitat on site (e.g., western spadefoot). As discussed, the project could impact protected bat species and protected nesting birds. To address potential impacts to these species and their habitats, mitigation measures BIO-1 through BIO-10 are provided which include protection of individuals and/or habitat features on site. The mitigation measures provided, as modified (see Chapter 3, Changes to the Draft EIR), would adequately mitigate potential impacts consistent with federal and state requirements.

PC-25 The commenter asserts that the project is inconsistent with the City's General Plan, the City's CAP and the Butte County RTP/SCS because the project would result in a significant and unavoidable GHG impact.

Please see Responses to Comments 45-1, PC-17 and PC-20.

PC-26 The commenter states that the project conflicts with the City's desire to see compact development and states an opinion that the project is large, auto-dependent and does not relate to compact development in the City.

The comment is referring to General Plan Goal LU-1, which calls for reinforcing the City's "compact urban form, establish growth limits, and manage where and how growth and conservation will occur." As stated on page 3-17 of the Draft EIR, the "project site is identified in the City's General Plan as a growth area, and the Specific Plan proposes clustering development to maintain large areas of the site in open space." Ultimately, it is within the City's purview to decide if the proposed project is consistent or inconsistent with applicable City goals or policies. The discussions in this Draft EIR on the subject of General Plan consistency represent the good faith reasoned analysis required under CEQA to inform the public and the decision makers as to whether the proposed project is consistent with identified goals and policies of the City's General Plan.

PC-27 The comment refers to General Plan Policy LU 2.3 and claims because the project results in a significant and unavoidable GHG impact it is not sustainable.

General Plan Policy LU-2.3 states: Ensure sustainable land use patterns in both developed areas of the city and new growth areas. As stated on page 3-17 of the Draft EIR, the "project is designed consistent with the General Plan and includes a mix of residential and commercial uses designed to promote a healthy and sustainable lifestyle and community. This includes an extensive network of multi-use trails, energy efficient, resource efficient, and fire-resistant buildings, housing and options for a variety of lifestyles, incomes and ages." As noted in Response to Comment PC-26, ultimately it is up to the City to determine if the project, overall, is consistent with the General Plan goals and policies and the values set forth in the General Plan.

PC-28 The comment notes Policy LU-2.5 and questions how the project can be consistent with this policy given all the resources on the site.

General Plan Policy LU-2.5 calls for protecting areas with known sensitive resources. As stated in the Draft EIR on page 3-17, the "project has been designed to minimize tree removal, maintain on-site rock walls, preserve known cultural resources, preserve the on-site Butte County meadowfoam plant, and preserve approximately half of the site in open space or parks." The City will determine if the project is consistent with this policy as stated in prior responses.

PC-29 The comment lists other General Plan policies and questions how the project can be consistent with these policies.

Please see Responses to Comments PC-17 and 9-5.

PC-30 The commenter states an opinion that the project is not going to support transit given its design and location.

The commenter's opinion is noted and forwarded to the decision makers for their consideration. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

PC-31 The comment refers to three measures included in the City's CAP which call for improving the City's active transportation network to enhance infrastructure that supports bicycles. The comment goes on to state the project does not improve active bicycle infrastructure and CAP measure T-1.

Please see Responses to Comments 23-4 and PC-17. In addition, it is important to note measure T-1 sets forth goals that are inclusive of the entire City and each project is not required to individually meet a citywide goal.

PC-32 The comment refers to measure T-5 included in the City's CAP and does not believe the project meets the intent of this measure.

Please see Responses to Comments PC-17, PC-20 and PC-31.

PC-33 The commenter claims the project will not increase carbon sequestration and is inconsistent with Measure S-1 from the City's CAP.

Please see Responses to Comments 9-1, 9-2, 45-2 and PC-17.

PC-34 The comment asserts the Draft EIR does not address regional housing needs.

Please see Responses to Comments 9-66 and 10-6.

PC-35 The comment requests that the City consult with the Mechoopda Tribe regarding the ecological resources on the site and also requests clarification as to what areas would be restricted to the public.

In compliance with AB 52, the City sent letters to eight tribes, including the Mechoopda Indian Tribe of Chico Rancheria (Tribe). The Tribe responded to the City and requested that a Mechoopda Indian Monitor be present during all earth moving and grading activities to ensure that any potential tribal cultural resources found during project ground disturbance be protected. No formal consultation was requested by the Tribe (Draft EIR p. 4.4-8). The Tribe did not comment on the Draft EIR.

PC-36 The comment requests that transportation impacts be re-evaluated using the Chico Urban Area as the standard and not the larger region.

Please see Response to Comment 9-45.

PC-37 The comment requests an additional alternative be included which includes more density and shifts the residential development from the northern to the southern portion of the site.

Please see Responses to Comments 9-50 and 9-84.

PC-38 The commenter states an opinion that due to climate change and potential for wildfire the City cannot approve projects with significant and unavoidable impacts.

The commenter's opinion is noted and forwarded to the decision makers for their consideration. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

PC-39 The comment suggests a density of 14-20 dwelling units per acre is required to support transit and appears to question the threshold used to evaluate VMT.

The commenter's opinion regarding density is noted and forwarded to the decision makers for their consideration. Regarding the VMT threshold, please see Response to Comment 9-45.

PC-40 The comment refers to the City's VMT threshold and requests that the threshold for GHG should be the City's 2045 target and not the 2030 target.

The commenter's reference to the City's VMT threshold is noted. Regarding the GHG threshold, please see Response to Comment PC-19.

PC-41 The comment refers to land use and population and states the project would induce population growth.

The Draft EIR describes existing and planned land uses within and adjacent to the project site, current land uses, land use designations, zoning, and analyzes the consistency of the proposed project with existing land use plans and policies and identifies any potential conflicts with applicable plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect in Chapter 3, Land Use and Planning. The increase in population resulting from the project does not necessarily cause direct adverse physical environmental effects; however, indirect physical environmental effects such as an increase in vehicle trips and associated increases in air pollutant emissions and noise along with an increased demand for public services and utilities could occur and have been evaluated in the technical sections included in Chapter 4. The growth inducing impacts of the project were addressed in Chapter 5, Other CEQA Considerations, starting on page 5-3.

PC-42 The comment states there are protected species on the site and passive relocation can result in "take" of the species which is prohibited.

Please see Response to Comment PC-24 for information regarding biological resources.

PC-43 The commenter suggests that the project needs to be more dense to support transit and reduce VMT and GHG emissions, Equestrian Ridge needs to be removed, and requests that additional mitigation for protected resources be provided.

The commenter's opinion regarding the proposed project is noted and forwarded to the decision makers for their consideration. Please see Chapter 3, Changes to the Draft EIR for more information on updates to the biological resource mitigation measures and other updates to the project.

PC-44 The comment refers to the types of residential units proposed as part of the project and expresses concern that the project would affect the city's "socio-economic divide".

The commenter's opinion regarding the proposed project is noted and forwarded to the decision makers for their consideration. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. However, CEQA does not require an analysis of the socioeconomic effects of a project. Economic or social effects of a project shall not be treated as significant effects on the environment (CEQA Guidelines section 15131).

PC-45 The commenter discusses general concepts regarding housing and access to the foothills.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

PC-46 The comment expresses a concern regarding public access to any proposed parks and trails.

Please see Response to Comment 9-77.

PC-47 The commenter notes the Equestrian Ridge neighborhood is separate from the rest of the site and asserts that it deserves its own EIR.

The Draft EIR for the project evaluates the whole of the action as required under CEQA, which prohibits piecemealing or segmentation of project impact analysis. Comprehensive evaluation of the entire proposed project ensures that impacts are not understated and the environmental effects of implementing the project are fully disclosed and mitigated to the extent feasible. Please see Chapter 3, Changes to the Draft EIR for more information on updates to the project.

PC-48 The comment states a potential discrepancy regarding how the project's phasing is described in the VESP and in the Draft EIR specific to the Equestrian Ridge planning area.

The comment does not indicate where in the Draft EIR there is discrepancy in how the Equestrian Ridge neighborhood is described, as compared to the VESP. It is possible the commenter is confused about the use of the term "multi-generational" depicted on Figure 7-1 in the VESP. All residences that are not part of the Senior Housing are considered "multi-generational" or "Family Housing" which accurately characterizes the Equestrian Ridge neighborhood. Please see Chapter 3, Changes to the Draft EIR for more information on updates to the project.

PC-49 The commenter requests that the City require the Village Core and Village Commercial portions of the site be developed first. The commenter also suggests that the City should require a development agreement.

The commenter's desire to see the commercial components be developed first is noted and forwarded to the decision makers for their consideration. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. To clarify, the City and the project applicant are preparing a development agreement (Draft EIR p. 2-41).

PC-50 The comment refers to future changes anticipated by the state to further bolster reductions in GHG emissions which are not able to be captured in the GHG modeling conducted for the project.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

PC-51 The commenter states that infill development is good but it does not provide new parks or open space or support inter-generational housing.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

PC-52 The comment notes the project would increase the number of trees on the site and would increase water infiltration due to the removal of the lahar flows to trench for infrastructure and general development. The commenter notes the removal of the lahar would also create additional seasonal wetland areas.

The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

PC-53 The commenter states an opinion that the City is not good at large-scale planning and that most projects are small-lot subdivisions. The commenter is supportive of the project design.

The commenter's opinion is noted and forwarded to the decision makers for their consideration. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

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