

Notice of Preparation and Notice of Public Scoping Meetings for an Environmental Impact Statement/Environmental Impact Report for the Butte Regional Conservation Plan

Introduction

The Butte County Association of Governments (BCAG) and the U.S. Fish and Wildlife Service (Service) plan to prepare an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on the Butte Regional Conservation Plan (BRCP) for western Butte County, including the western lowlands and foothills of Butte County. This is a comprehensive, regional plan designed to provide long-term conservation and management of natural communities, sensitive species, and the habitats upon which those species depend, while accommodating other important uses of the land. The BRCP serves as a habitat conservation plan (HCP) pursuant to the federal Endangered Species Act (ESA), and a natural community conservation plan (NCCP) under the California Natural Community Conservation Planning Act (NCCPA). The BRCP addresses state and federal endangered species compliance requirements for the County of Butte and the cities of Oroville, Chico, Biggs, and Gridley (Local Agencies), BCAG, the California Department of Transportation District 3 (Caltrans), Western Canal Water District, Biggs West Gridley Water District, Butte Water District, Richvale Irrigation District, and the BRCP Implementing Entity that will be established to implement the BRCP (Permit Applicants) for activities and projects in the BRCP Plan Area that they conduct or approve.

The EIS/EIR will be prepared pursuant to the California Environmental Quality Act (CEQA). BCAG, acting as the lead agency under CEQA, and the Service, acting as the lead agency under the National Environmental Policy Act (NEPA), have determined that an EIS/EIR should be prepared for the BRCP. In accordance with NEPA, the Service is publishing a notice of intent (NOI) in the *Federal Register*. The California Department of Fish and Game (CDFG) is a Responsible Agency and a Trustee Agency for purposes of CEQA. The National Marine Fisheries Service (NMFS) is a Cooperating Agency for purposes of NEPA.

The BRCP Plan Area encompasses approximately 564,270 acres in the western lowlands and foothills of Butte County, California (Figure 1). Covered species are those species addressed in the BRCP for which conservation actions will be implemented and for which the Permit Applicants will seek incidental take authorizations for a period of up to 50 years. Species proposed for coverage in the BRCP are species that currently are federally- and/or state-listed as threatened or endangered, or have the potential to become listed during the life of the BRCP, and have some likelihood to occur in the BRCP area. The BRCP is expected to address 40 listed and nonlisted wildlife and plant species (Table 1). In addition, the BRCP includes conservation strategies for species of local concern in the Plan Area (Table 2). The permits are needed to authorize take of listed species that could occur as a result of implementation activities covered under the BRCP (see Covered Activities below).

This notice also serves to notify the public of scoping meetings and the public comment period regarding the scope of the EIS/EIR. Additional details regarding meeting locations and times and the public comment period are provided in this notice.

Butte Regional Conservation Plan

Background

In 2007, the BRCP Planning Agreement was entered into and by and among the Local Agencies, BCAG, CDFG, the Service and NMFS. In 2010, Western Canal Water District, Biggs West Gridley Water District, Butte Water District, Richvale Irrigation District and Caltrans became signatories to the Planning Agreement. The Planning Agreement set out the initial scope of the program and defined the roles and responsibilities of the parties in the development of the BRCP. The Planning Agreement has helped guide the BRCP planning process and to define the initial scope of the effort. BCAG served as the lead in coordination of the process and preparation of the BRCP.

The BRCP's Conservation Strategy provides a regional approach for the long-term conservation of covered species and natural communities within the BRCP Plan Area while allowing for compatible future land use and development under county and city general plan updates and the regional transportation plan. The BRCP identifies and addresses the covered activities (see below) carried out by the Permit Applicants that may result in take of covered species within the BRCP Plan Area.

The proposed BRCP is consistent with and is intended to support compliance with other federal and state wildlife and related laws and regulations, other local conservation planning efforts, and the city and county general plans. The BRCP was developed in coordination with the development of city and county general plans in the BRCP Plan Area with feedback loops between the BRCP and general plan processes. These feedback loops identified opportunities and constraints and allowed for improvements in the general plans regarding the avoidance and minimization of impacts on biological resources and the development of open space and conservation elements that dovetail with the BRCP.

Project Description

The BRCP is being prepared under the combined efforts of the BCAG and the Service, in coordination with CDFG and NMFS. The proposed BRCP is designed to streamline and coordinate existing processes for review and permitting of public and private activities that potentially affect protected species. To meet this goal, the BRCP sets out a conservation strategy that includes measures to ensure that impacts on covered species and habitats related to covered activities are avoided, minimized, or mitigated, as appropriate. These covered activities encompass the range of existing and future activities that are associated with much of the regional economy and the regional transportation plans (see Covered Activities below). The BRCP is further intended to reinforce the role of local government in overseeing local land use planning and decision-making.

BRCP Plan Area

The BRCP Plan area includes the western lowlands and foothills of Butte County bounded on the west by county boundaries with Tehama, Glenn, and Colusa counties; bounded on the south by boundaries with Sutter and Yuba counties; bounded on the north by the boundary with Tehama County; and bounded on the east by the upper extent of landscape dominated by oak woodland natural communities—approximately 564,270 acres (Figure 1). Specifically, the eastern oak woodland boundary is defined by a line below which land cover types dominated by oak trees comprise more than one half of the land cover present plus a small portion of the City of Chico that extends above the oak zone. The BRCP Plan area was defined as the area in which covered activities

would occur, impacts would be evaluated, and a conservation strategy would be implemented. The boundary of the BRCP area is based on political, ecological, and hydrologic factors.

Covered Species

The BRCP is expected to address 40 listed and non-listed wildlife and plant species. The list of proposed covered species may change as the planning process progresses; species may be added or removed as more is learned about the nature of covered activities and their impact in the BRCP area. Table 1 lists the proposed covered species and their current listing status. Table 2 lists the species to be conserved within the Plan Area.

Covered Activities

The purpose of the BRCP is to contribute to the conservation of covered species while streamlining endangered species permitting for covered activities in the proposed BRCP area. The BCAG and the Permit Applicants intend to request incidental take authorization for covered species that could be affected by activities identified in the BRCP.

As described in the BRCP, the activities within the Plan Area for which incidental take permit coverage is requested include construction and maintenance of facilities and infrastructure, both public and private, which are consistent with local general plans, and local, state and federal laws. The following is a summary of covered activities as proposed in the BRCP. Activities are grouped geographically (within Urban Permit Areas, outside urban permit areas, and within the system of conservation lands established in the BRCP) and are further grouped into activities that result in permanent development, and activities involving maintenance of existing or new facilities that are expected to occur over time during the permit duration. This list is not intended to be exhaustive; rather, it provides an overview of the types of activities that would be expected to occur.

Activities Within Urban Permit Areas (UPAs)

UPAs are areas within the Plan Area within which the cities and County anticipate urban development under their respective general plan updates.

- 1) Permanent Development: covered activities within UPAs as a result of new construction and improvements to existing facilities are covered, including the following types of activities:
 - a) Residential, commercial, public facilities, and industrial construction.
 - b) Recreational activity-related construction.
 - c) Transportation facilities construction.
 - d) Pipeline installation.
 - e) Utility services (above and below ground).
 - f) Waste and wastewater management activities.
 - g) Flood control and stormwater management activities.
 - h) In-water permanent development projects

- 2) Recurring Maintenance: covered activities within UPAs include maintenance of existing and new facilities resulting in temporary impacts, including the following types of activities:
 - a) Recreational activities.
 - b) Transportation facilities maintenance.
 - c) Pipeline maintenance.
 - d) Utility services.
 - e) Waste and wastewater facilities management activities.
 - f) Flood control and stormwater management activities.
 - g) Vegetation management.
 - h) Bridge and drainage structure maintenance.
 - i) Irrigation and drainage canal activities (Western Canal Water District, Biggs West Gridley Water District, Butte Water District, and Richvale Irrigation District).
 - j) In-water recurring maintenance activities

Activities Outside UPAs

These areas of the County are within the Plan Area and located outside of the UPAs. Covered activities include linear utilities, transportation construction and maintenance projects, and agricultural support services projects. Outside UPAs do not include areas that become part of BRCP conservation lands.

- 1) Permanent Development: covered activities of outside UPAs includes new construction and improvements to existing facilities, including the following types of activities:
 - a) Waste management and wastewater facilities.
 - b) Rerouting of canals (Western Canal Water District, Biggs West Gridley Water District, Butte Water District, and Richvale Irrigation District).
 - c) Transportation Facilities Construction:
 - a) BCAG Regional Transportation Plan and Caltrans projects.
 - b) Butte County rural bridge replacement projects.
 - d) Butte County rural intersection improvement projects.
 - e) Butte County rural roadway improvement projects.
 - d) Agricultural services.
 - e) In-water permanent development activities.

- 2) Recurring Maintenance covered activities of outside UPAs include maintenance of existing and new facilities, including the following types of activities:
 - a) Waste and wastewater management activities.
 - b) Irrigation and drainage canal activities (Western Canal Water District, Biggs West Gridley Water District, Butte Water District, and Richvale Irrigation District).
 - c) Transportation facilities maintenance.
 - d) Flood control and stormwater management activities.
 - e) Vegetation management.
 - f) Bridge and drainage structure maintenance.
 - g) In-water recurring maintenance activities

Conservation Lands

These areas include the system of conservation lands established under the BRCP. It includes conservation actions implemented by the BRCP on conservation lands, including the following types of activities:

- 1) Habitat management.
- 2) Habitat restoration and enhancement.
- 3) Habitat and species monitoring.
- 4) Directed studies.
- 5) General maintenance of conservation lands and facilities.
- 6) Avoidance and minimization measures.
- 7) Species population enhancement measures.
- 8) Public education and access control facilities
- 9) In-water conservation actions

Environmental Impact Statement/Environmental Impact Report

The BCAG and the Service will prepare a joint document in compliance with CEQA and NEPA. The BCAG will be responsible for the scope and content of the document for CEQA purposes, and the Service will be responsible for the scope and content of the document for NEPA purposes. The EIS/EIR will consider the proposed action (issuance of ESA permits) and a reasonable range of alternatives. A detailed description of the proposed action and alternatives will be included in the EIS/EIR. It is anticipated that several alternatives will be developed, which may include alternatives that vary by the level of conservation, impacts caused by the proposed activities, permit area, covered species, or a combination of these factors. The EIS/EIR is anticipated to address potentially significant direct, indirect, and cumulative impacts and beneficial effects on the following environmental issues: agricultural resources, air quality, biological resources, climate change/greenhouse gas emissions, cultural resources, geology/soils/mineral resources,

hazards/hazardous materials, water resources/hydrology/water quality, land use/planning, noise, population/housing, public services, recreation/open space, socioeconomics, environmental justice, traffic/transportation, utilities/service systems, and visual resources.

For potentially significant impacts, the EIS/EIR will identify mitigation measures where feasible to reduce these impacts to a level below significance.

Public Involvement

Public Scoping Meetings

Two public scoping meetings have been scheduled to provide an overview of the BRCP and obtain written and/or oral comments on the scope and content of the EIS/EIR. Meeting dates, times and locations are as follows:

Oroville

Wednesday, January 9, 2013

2:00 p.m. to 4:00 p.m.

Oroville City Council Chambers
1735 Montgomery Street
Oroville, CA 95965

Chico

Wednesday, January 9, 2013

6:00 p.m. to 8:00 p.m.

BCAG Conference Room
2580 Sierra Sunrise Terrace, Suite 100
Chico CA 95928

Persons needing reasonable accommodations in order to attend and participate in one of the public meetings should contact Chris Devine at (530) 879-2468 as soon as possible. In order to allow sufficient time to process requests, please call no later than 1 week before the public meeting.

Submitting Comments

Please send written comments on or before January 30, 2013. Written comments regarding the scope of the EIS/EIR are invited from interested parties to ensure that the full range of environmental issues related to the proposed action is identified and evaluated. All comments received, including names and addresses of commenters, will become part of the official administrative record and will be made available to the public. Information, written comments, or questions related to the preparation of the EIS/EIR should be received on or before January 30, 2013. Written comments should be directed to:

Chris Devine, Planning Manager
Butte County Association of Governments
2580 Sierra Sunrise Terrace, Suite 100
Chico, CA 95928
Fax: (530) 879-2444
Email: cdevine@bcag.org

Additional Information

For additional information regarding the Butte Regional Conservation Plan, please visit the following website: www.buttehcp.com.