

Introduction

The joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) evaluates the impacts associated with issuing endangered species permits and implementing the joint Habitat Conservation Plan (HCP)/Natural Community Conservation Plan (NCCP) for western Butte County, known as the Butte Regional Conservation Plan (BRCP or Plan). This EIS/EIR was prepared pursuant to the National Environmental Policy Act (NEPA) (42 United States Code [USC] 4321; 40 Code of Federal Regulations [CFR] 1500.1); the President's Council on Environmental Quality (CEQ) guidelines on implementing NEPA; the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] Sections 21000–21178.1); and the State CEQA Guidelines.

Eleven local and state agencies are jointly applying for endangered species permits from state and federal wildlife agencies and include: the County of Butte (County); the Cities of Oroville, Chico, Biggs, and Gridley; the Butte County Association of Governments¹ (BCAG); Western Canal Water District; Biggs–West Gridley Water District; Butte Water District; Richvale Irrigation District; and California Department of Transportation District 3 (Caltrans District 3). These entities are collectively referred to as the Permit Applicants. Together, they are applying for incidental take permits (ITPs) from the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), pursuant to Section 10(a)(1)(B) of the federal Endangered Species Act (ESA) of 1973, as amended, and from the California Department of Fish and Wildlife (CDFW), pursuant to Section 2835 of the California Fish and Game Code. The ITPs would authorize take of certain state- and federally listed species (i.e., covered species) during the course of otherwise lawful activities (i.e., covered activities).

As a required component of the application for these permits, the Permit Applicants have prepared the BRCP, which serves as an HCP under ESA and an NCCP under the California Natural Community Conservation Planning Act (NCCPA). The BRCP is intended to support the issuance of ITPs with a term of 50 years from USFWS, NMFS, and CDFW, and to develop a long-term conservation plan to protect and contribute to the recovery of covered species and natural communities in the BRCP Plan Area, which is the same as the Permit Area, while allowing for development and maintenance activities that are compatible with local policies and regulations.

This EIS/EIR evaluates the potential impacts of ITP issuance by USFWS, NMFS, and CDFW; approval and execution of the Implementing Agreement (IA) for the BRCP; and implementation of the BRCP by the Permit Applicants (see Chapter 2, *Proposed Action and Alternatives*, for a detailed description of the proposed action). It also evaluates the impacts of other alternatives, including the No Action Alternative (Alternative 1). The purpose of the EIR component of this joint EIS/EIR is to inform member agency decision makers and the public regarding the anticipated significant environmental impacts of the proposed action, potential measures to mitigate these significant impacts, and reasonable alternatives that could reduce the significant environmental impacts of the proposed action to a less-than-significant level. The EIR will be used by the Permit Applicants approving the

¹ BCAG is a joint powers authority formed pursuant to the Joint Exercise of Powers Act, Government Code Sections 6500 et seq. BCAG would be the BRCP Implementing Entity and would be the agency responsible for implementing the BRCP.

BRCP to comply with CEQA. The EIR will also be used by CDFW to comply with CEQA in issuing to the Permit Applicants the state NCCPA permit. The purpose of the EIS component of this joint EIS/EIR is to inform the two federal agencies and the public of the effects on the human environment that would result from issuance of the ITPs to these local and state entities and from implementation of the BRCP. USFWS and NMFS will use the EIS to comply with NEPA for their issuance of ITPs to the Permit Applicants. See Section 1.3, *Purpose and Need*, for more details on the purpose of this document under both NEPA and CEQA.

NEPA Compliance

NEPA provides an interdisciplinary framework with action-forcing procedures requiring federal agency decision makers to take environmental factors into account for their proposed action and a range of alternatives. NEPA applies to all federal agencies and to most of the activities they manage, regulate, or fund that affect the human environment. NEPA requires all agencies to consider and to publicly disclose the environmental implications of their proposed actions through the preparation of appropriate documents. NEPA requires that every federal agency prepare an EIS for proposed legislation or other major federal actions “significantly affecting the quality of the human environment” (42 USC 4332; 40 CFR 1501). In this case, an EIS must be prepared because USFWS, as the federal lead agency under NEPA, has determined that the issuance of ITPs to the Permit Applicants under Section 10 of ESA constitutes a major federal action.

Federal agencies other than the NEPA lead agency that have jurisdiction by law or special expertise with respect to the action’s anticipated environmental effects can be included as cooperating agencies. Other federal agencies may use the lead agency’s NEPA document to support their own decision-making processes, if appropriate. A *cooperating agency* participates in the NEPA process and may provide input and expertise during preparation of the NEPA document. Federal agencies may designate and encourage nonfederal public agencies, such as state, local, and tribal entities, to participate in the NEPA process as cooperating agencies (40 CFR 1508.5). Accordingly, NMFS, the U.S. Army Corps of Engineers (USACE), and the U.S. Environmental Protection Agency (EPA) are cooperating agencies under NEPA because of their jurisdiction by law, their special expertise in aquatic resources and endangered species, and their involvement in the BRCP. Consequently, this EIS/EIR is expected to be used by NMFS and USACE to satisfy those agencies’ NEPA requirements.

CEQA Compliance

CEQA requires state and local agencies to estimate and evaluate the environmental implications of their actions and aims to prevent significant environmental impacts of those actions by requiring agencies, when feasible, to avoid significant environmental impacts or reduce them through the adoption of feasible mitigation measures. Like NEPA, CEQA requires all agencies to consider and publicly disclose the environmental implications of their proposed actions through the preparation of appropriate documents. CEQA applies to all discretionary activities proposed to be carried out or approved by California public agencies. BCAG is the CEQA lead agency, and it has determined that an EIR must be prepared for the proposed action because the BRCP may result in a significant impact on the environment. This EIR has been prepared to facilitate CEQA compliance for all of the Permit Applicants. Each Permit Applicant must adopt the final EIR to provide that compliance.

In addition to lead agencies, responsible and trustee agencies have roles in the environmental review process. A *responsible agency* under CEQA is a state or local public agency other than the CEQA lead agency that has discretionary approval over the project. A CEQA *trustee agency* is a state agency that has jurisdiction by law over natural resources affected by a project that are held in trust for the people of California. CDFW is a responsible agency under CEQA because it will approve the NCCP portion of the BRCP and issue a take permit for the covered species under Section 2835 of the California Fish and Game Code. CDFW is a trustee agency under CEQA because it has jurisdiction by law over the natural resources that are the subject of the BRCP.

Plan Area and Alternatives Considered

The Plan Area, proposed action, and alternatives are described briefly below. For a detailed discussion of the Plan Area, proposed action, and alternatives, see Chapter 2, *Proposed Project and Alternatives*. As the lead agencies, BCAG and USFWS, in conjunction with the other federal and state agencies, have developed the following alternatives for consideration.

- Alternative 1: No Action
- Alternative 2: Proposed Action
- Alternative 3: Reduced Development/Reduced Fill
- Alternative 4: Greater Conservation

Plan Area

The BRCP Plan Area was developed with a focus on the areas where growth and development may greatly affect state- and federally protected species. For the purposes of this EIS/EIR, the Plan Area boundary encompasses 564,219 acres in western Butte County and is the same as the Permit Area (Figure ES-1). This area consists of the western lowlands and foothills of Butte County and is bounded on the west by Tehama, Glenn, and Colusa Counties; on the south by Sutter and Yuba Counties; and on the north by Tehama County. To the east, the Plan Area is defined by the upper extent of landscape dominated by oak woodland natural communities. The elevation below which land cover types dominated by oak trees comprise more than one-half of the land cover present (referred to hereafter as the oak zone) plus a small portion of the City of Chico that extends above the oak zone, marks the woodland boundary. The upper elevational range of the oak zone within the Plan Area varies from about 800 to 1,500 feet above mean sea level. Typically, oak tree-dominated land cover types transition to either chaparral or conifer-dominated land cover types at elevations higher than the Plan Area. There are 11 watersheds in the Plan Area: Red Bluff, Butte Basin, Upper Dry Creek, Below Oroville Reservoir, Sutter Bypass, Lower Feather River, South Honcut Creek, Upper Big Chico Creek, Upper Little Chico Creek, Upper Butte Creek, and Bloomer Hill. The portion of Sacramento River floodplain within Butte County is included in the BRCP for implementing conservation measures for covered species and natural communities.

Alternative 1—No Action

This EIS/EIR includes an analysis of a no action alternative/no project alternative in accordance with the requirements of NEPA and CEQA, respectively. In this document, the no action/no project alternative is referred to as the No Action Alternative (Alternative 1). The analysis of this alternative allows decision makers to compare the impacts of approving or of not approving the proposed action.

Under Alternative 1, permits would not be issued by USFWS, NMFS, or CDFW for incidental take of the proposed covered species through a regional HCP or NCCP. As a result, Permit Applicants and the private developers within their jurisdictions would remain subject to the take prohibition for federally listed species under ESA and state-listed species under CESA. The Permit Applicants and others that have ongoing activities or future actions in the Plan Area that may result in the incidental take of federally listed species would need to apply, on a project-by-project basis, for incidental take authorization from either USFWS or NMFS through ESA Section 7 (when a federal agency is involved) or Section 10 (for nonfederal actions). Similarly, Permit Applicants and others whose ongoing activities or future actions have the potential for incidental take of state-listed species in the Plan Area would apply for incidental take authorization under CESA through a Section 2081(b) permit. In addition, regional wetland permits would not be issued by USACE and, as a result, Permit Applicants and private developers within their jurisdictions would remain subject to the federal wetland regulations for any ongoing activities or future actions.

Alternative 2—Proposed Action

The proposed action (BRCP, Alternative 2) is a regional, comprehensive plan that establishes a framework for complying with state and federal endangered species regulations for the Permit Applicants while accommodating compatible future land use and development under the general plan updates of the Local Agencies and the Regional Transportation Plan (RTP). The BRCP is intended to establish and implement a program to conserve ecologically important resources in the Plan Area. For purposes of this EIS/EIR, the proposed action comprises the following components.

- Issuance of ITPs by USFWS, NMFS, and CDFW for the covered species associated with covered activities described in the BRCP.
- Approval and execution of the IA for the BRCP.
- All federal, state, and local agency actions or approvals that would be issued or undertaken under the BRCP.
- Implementation of the BRCP by the Permit Applicants.

The proposed action was developed by the permit applicants in consultation with USFWS, CDFW, NMFS, and USACE and is intended to address the conservation needs of 38 special-status species based on implementation of covered activities. The covered activities include those listed below.

- Existing, planned, and proposed land uses over which the Permit Applicants have land use authority, such as the construction, operation, and maintenance of development, facilities and infrastructure, which are consistent with local general plans.
- State and local transportation projects.

- Operation and maintenance of water delivery systems (e.g., Western Canal Water District [WCWD] canals and similar delivery systems).
- Habitat restoration, enhancement, and management actions.
- Adaptive management and monitoring activities.

The proposed action's conservation strategy would include habitat restoration, enhancement and management actions, and adaptive management and monitoring activities. The conservation strategy is designed to meet the regulatory requirements of ESA and the NCCPA and to streamline compliance with CEQA, NEPA, and other applicable environmental regulations. The conservation strategy includes biological goals and objectives, conservation measures, a monitoring program, and an adaptive management plan.

Alternative 3—Reduced Development/Reduced Fill

Alternative 3 would be comprised of a shorter permit timeframe (i.e., 30 years), reduced fill to waters of the United States, and the reduced development alternatives identified in the general plan EIRs of the following participating local jurisdictions (the County and the incorporated cities, referred to in this EIS/EIR as the Local Agencies).

- Butte County: Concentrated Growth Alternative.
- City of Chico: Increased Density Alternative.
- City of Oroville: Neighborhood Focused Growth Alternative.
- City of Gridley: Centralized Development Alternative.
- City of Biggs: Reduced Western Expansion Alternative.

Under these general plan alternatives, there would be either a reduction in the development footprint for the respective jurisdiction such that the development would be concentrated closer to urban centers or a reduction in the total dwelling units and commercial/industrial square footage such that less development would occur. Similar acreage limitations for natural communities and conservation strategy as Alternative 2 would apply, although the actual preservation, restoration, and mitigation would be scaled back proportional to the impacts.

Alternative 4—Greater Conservation

Alternative 4 would increase the target amount of certain natural community types to be conserved under the conservation strategy. This alternative would maintain the same Plan Area, covered species, covered activities, and conservation measures as the BRCP, but would modify the proposed conservation strategy to increase conservation of two land cover types: grasslands and riceland. The increase in these land cover types, as compared to the BRCP, is expected to provide additional habitat to meet the requirements of certain covered species (e.g., Swainson's hawk, white-tailed kite, and giant garter snake).

Environmental Consequences

A list of specific resource topics was developed to focus on and compare environmental impacts of the various alternatives. The list was drafted based on applicable laws, regulations and policies, as well as comments from agency staff and the interested public. Chapters 4 through 15 of this EIS/EIR describe, for each resource topic, the existing environment that could be affected by the proposed action. These existing conditions establish the baseline for the analysis of effects. The resource chapters also include detailed analysis and discussion of the probable environmental consequences, or impacts, of implementing the alternatives.

The BRCP would provide incidental take authorization for the participating local jurisdictions and agencies. Project approvals by these entities within the Plan Area are part of the covered activities proposed under the BRCP to be authorized for incidental take. Covered activities are detailed in Chapter 2, *Proposed Action and Alternatives*.

No specific development or other ground-disturbing activity is approved or authorized as part of the permit approval. Unless it is otherwise exempt, all future development projects and activities within proposed preserves would proceed through the normal project review and approval process of the local land use agencies (e.g., grading permit issuance, EIR certification). Urban development, including roadway projects, within the Urban Permit Areas (UPAs), which is a covered activity, is development and growth that is planned under the general plans of the Local Agencies. The environmental impacts from this urban growth and transportation improvement projects in the region have been evaluated in prior CEQA documents for each of the local general plans. These documents are incorporated by reference into this EIS/EIR and are listed in Chapter 3, *Approach to the Analysis*. These prior analyses considered the effects of planned development, including cumulative effects, within each land use agency's jurisdiction. The analyses in the prior environmental documents, therefore, disclose the impacts and provide the programmatic mitigation measures required for this development.

Table ES-1 summarizes impacts on species discussed in Chapter 6, *Biological Resources*. Generally, biological resources have significant and unavoidable impacts and adverse effects under Alternative 1 and less-than-significant impacts under Alternatives 2, 3, and 4.

Table ES-1. Impacts on Species Considered

Common Name	Covered Species?	Alternative 1 Impacts	Alternative 2 Impacts	Alternative 3 Impacts	Alternative 4 Impacts
Tricolored blackbird	Yes	S	LTS	LTS	LTS
Yellow-breasted chat	Yes	S	LTS	LTS	LTS
Bank swallow	Yes	S	LTS	LTS	LTS
Western burrowing owl	Yes	S	LTS	LTS	LTS
Western yellow-billed cuckoo	Yes	S	LTS	LTS	LTS
Greater sandhill crane	Yes	S	LTS	LTS	LTS
California black rail	Yes	S	LTS	LTS	LTS
American peregrine falcon	Yes	S	LTS	LTS	LTS
Swainson's hawk	Yes	S	LTS	LTS	LTS
White-tailed kite	Yes	S	LTS	LTS	LTS
Bald eagle	Yes	S	LTS	LTS	LTS

Common Name	Covered Species?	Alternative 1 Impacts	Alternative 2 Impacts	Alternative 3 Impacts	Alternative 4 Impacts
Other special-status and migratory birds	No	S	LTS	LTS	LTS
Special-status bats	No	S	LTS	LTS	LTS
American badger	No	LTS	LTS	LTS	LTS
Migratory black-tailed deer	No	S	LTS	LTS	LTS
Giant garter snake	Yes	S	LTS	LTS	LTS
Blainville's horned lizard	Yes	S	LTS	LTS	LTS
Western pond turtle	Yes	S	LTS	LTS	LTS
Foothill yellow-legged frog	Yes	S	LTS	LTS	LTS
Western spadefoot toad	Yes	S	LTS	LTS	LTS
Central Valley steelhead	Yes	LTS	LTS	LTS	LTS
Central Valley spring-run Chinook salmon	Yes	LTS	LTS	LTS	LTS
Central Valley fall/late fall-run Chinook salmon	Yes	LTS	LTS	LTS	LTS
Sacramento splittail	No	LTS	LTS	LTS	LTS
Green sturgeon	Yes	LTS	LTS	LTS	LTS
River lamprey	No	LTS	LTS	LTS	LTS
Hardhead	No	LTS	LTS	LTS	LTS
Antioch Dunes anthicid beetle	No	LTS	LTS	LTS	LTS
Sacramento anthicid beetle	No	LTS	LTS	LTS	LTS
Valley elderberry longhorn beetle ^c	Yes	S	LTS	LTS	LTS
Vernal pool tadpole shrimp	Yes	S	LTS	LTS	LTS
Conservancy fairy shrimp	Yes	S	LTS	LTS	LTS
Vernal pool fairy shrimp	Yes	S	LTS	LTS	LTS
Ferris' milkvetch	Yes	S	LTS	LTS	LTS
Lesser saltscare	Yes	S	LTS	LTS	LTS
Hoover's spurge	Yes	S	LTS	LTS	LTS
Ahart's dwarf rush	Yes	S	LTS	LTS	LTS
Red Bluff dwarf rush	Yes	S	LTS	LTS	LTS
Butte County meadowfoam	Yes	S	LTS	LTS	LTS
Veiny Monardella	Yes	S	LTS	LTS	LTS
Hairy Orcutt grass	Yes	S	LTS	LTS	LTS
Slender Orcutt grass	Yes	S	LTS	LTS	LTS
Ahart's paronychia	Yes	S	LTS	LTS	LTS
California beaked-rush	Yes	S	LTS	LTS	LTS
Butte County checkerbloom	Yes	S	LTS	LTS	LTS
Butte County golden clover	Yes	S	LTS	LTS	LTS
Greene's tuctoria	Yes	S	LTS	LTS	LTS
Other special-status and noncovered plants	No	S	LTS	LTS	LTS

S = significant; LTS = less than significant.

The following non-biological resources had less-than-significant impacts or no impact for all the alternatives.

- Cultural resources
- Geology, Soils, Mineral Resources, and Paleontological Resources
- Land Use
- Socioeconomics

The following non-biological resources had impacts that were significant and unavoidable under all the alternatives.

- Agricultural Resources
- Hydrology, Water Resources, and Water Quality
- Noise
- Recreation, Open Space, and Visual Resources
- Transportation
- Population and Housing and Environmental Justice

Table ES-2 summarizes the impact determinations for the alternatives by activity and by resource. All of the significant and unavoidable impacts under Alternative 1 would result primarily from the activities expected under the implementation of the Local Agencies' general plans (i.e., permanent development). Most of the significant and unavoidable impacts under Alternatives 2, 3, and 4 also would result primarily from the implementation of the Local Agencies' general plans, with the exception of agriculture, climate change, and environmental justice. Significant and unavoidable impacts for these three resources would also result from implementation of the conservation strategy. The conservation strategy as described for Alternatives 2, 3, and 4 would not result in significant and unavoidable impacts on the following resources: biological; cultural; geology, minerals, and paleontology; hydrology and water quality; land use; public services and utilities; recreation and visual resources; population and housing' socioeconomics, environmental justice; and transportation. For air quality and noise under Alternatives 2, 3, and 4, mitigation would be incorporated for impacts associated with the conservation strategy that would reduce impacts to less than significant.

Table ES-2. Summary of Impacts

Resource	Alternative 1	Alternative 2		Alternative 3		Alternative 4	
	Ongoing Activities or Future Actions	Covered Activities	Conservation Strategy	Covered Activities	Conservation Strategy	Covered Activities	Conservation Strategy
Agriculture	SU	SU	SU	SU	SU	SU	SU
Air Quality	SU	SU	LTS with Mitigation	SU	LTS with Mitigation	SU	LTS with Mitigation
Climate Change	SU	SU	SU	SU	SU	SU	SU
Biological Resources	SU	S	S	S	LTS	S	LTS
Cultural	LTS	LTS	LTS	LTS	LTS	LTS	LTS
Geology, Minerals and Paleontology	LTS	LTS	LTS	LTS	LTS	LTS	LTS
Hydrology and Water Quality	SU	SU	LTS	SU	LTS	SU	LTS
Land Use	NI	LTS	LTS	LTS	LTS	LTS	LTS
Noise	SU	SU	LTS with Mitigation	SU	LTS with Mitigation	SU	LTS with Mitigation
Public Services and Utilities	SU	SU	LTS	SU	LTS	SU	LTS
Recreation and Visual Resources	SU	SU	LTS	SU	LTS	SU	LTS
Population and Housing	SU	SU	LTS	SU	LTS	SU	LTS
Socioeconomics	B	B	B	B	B	B	B
Environmental Justice	SU	SU	SU	SU	SU	SU	SU
Transportation	SU	SU	LTS	SU	LTS	SU	LTS

SU = significant and unavoidable; S = significant; LTS = less than significant; NI = no impact; B = beneficial.

Table ES-3 summarizes the less-than-significant with mitigation and significant and unavoidable environmental impacts of the alternatives and any mitigation measures applied to reduce impacts. Impacts are summarized for each alternative by resource topic.