

5 CUMULATIVE IMPACTS

Section 15130 of the State CEQA Guidelines requires that an EIR discuss cumulative impacts of a project when the project’s incremental effect is *cumulatively considerable*. According to State CEQA Guidelines Section 15065, “Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects as defined in Section 15130.” Sections 15130 and 15355 of the State CEQA Guidelines both stress cumulative impacts in the context of *closely related* projects and from projects *causing related impacts*.

The term *considerable* is subject to interpretation. The standards used herein to determine whether an effect is considerable are that either the impact of the proposed project would contribute in any manner to the existing significant cumulative impact, or the cumulative impact would exceed an established threshold of significance when the proposed project’s incremental effects are combined with similar effects from other projects.

This EIR uses the list method for its cumulative impact analysis. As directed in Section 15130(b)(1)(a) of the State CEQA Guidelines, the EIR must consider “past, present, and probable future projects producing related or cumulative impacts.” The environmental influences of past projects and present projects that have been implemented already exist as a part of current conditions in the project area. Therefore, the contributions of past and present projects to environmental conditions are adequately captured in the description of the existing setting and need not be specifically listed here. This cumulative impact analysis focuses on the potential cumulative physical changes to the existing setting that could occur as a result of a combination of this proposed habitat restoration and outdoor recreation facilities development project and probable future projects. Probable future projects considered in this analysis are included below in Table 5-1.

5.1 CUMULATIVE EFFECTS OF PROPOSED AND SIMILAR PROJECTS PLANNED WITHIN THE STUDY AREA

This cumulative impact analysis examines the combined effects of comparable restoration and/or recreation projects; urban development projects are not included because they are not part of the management strategy for lands within the Inner River Zone and the Sacramento River Conservation Area (SRCA) planning area. (Refer to Chapter 3, “Description of the Proposed Project,” for an overview of management of lands along the middle reaches of the Sacramento River.) Three projects with goals that match or are similar to those of the proposed project are planned to occur in the study area in the reasonably foreseeable future; these projects are listed in Table 5-1.

Table 5-1 Similar Planned Projects in the Study Area				
Project Planned for Restoration or Recreation Facility Development	Owner	River Mile	Approximate Acres Planned for Restoration	Planned Date of Completion
Hamilton City Flood Damage Reduction and Ecosystem Restoration	USACE	Generally between RM 194 and RM 201	1,500	2012
Sacramento River – Chico Landing Subreach Habitat Restoration (Pine Creek, Capay, and Dead Man’s Reach Units)	USFWS	RM 199, 194, and 186	836	2009
Brayton Orchard – Habitat Restoration and Recreation Facilities Development	State Parks	RM 196 (west side of River Road, north of West Sacramento Ave.)	41	2011
Total Restoration Acreage			2,377	
Source: TNC and State Parks 2007				

The USACE and the Reclamation Board are completing the project engineering and design phases required to implement the Hamilton City project, which will involve replacing an existing flood control levee with a setback levee and restoring approximately 1,500 acres of native riparian habitat.

The Sacramento River-Chico Landing Subreach Habitat Restoration Project is currently being implemented as part of USFWS management of lands within the Sacramento River National Wildlife Refuge (SRNWR), a portion of which is located in proximity to the project site, between the Irvine Finch and Pine Creek Landing subunits of BSRSP. A Comprehensive Conservation Plan (CCP) for the SRNWR guides management of the SRNWR for the next 15 years. The SRNWR's mission is to preserve, restore, and enhance riparian habitat for threatened and endangered species, and other wildlife and vegetation.

The third project is very similar to the proposed project. State Parks has proposed habitat restoration and recreation facilities development on the 41-acre Brayton Orchard property within BSRSP.

5.1.1 CUMULATIVE EFFECTS TO AGRICULTURAL RESOURCES

As categorized by the California Department of Conservation (DOC), the proposed project would change existing agricultural land uses in the project area from agriculture to *other land uses*, a category that includes land use changes for environmental purposes, land left idle for extended periods and lands that are taken out of production for any number of reasons. Farmland that is sold into public ownership and habitat restoration projects are included in this category. However, DOC does not track the reasons for a particular parcel's change in land uses.

The proposed project in combination with the other projects listed in Table 5-1 would restore approximately 2,527 acres to primarily native riparian habitat. Approximately 2,200 acres of this acreage was, or still is, in agricultural production. Restoration of riparian habitat and development of outdoor recreation facilities in the study area would be neither irreversible nor cause serious degradation or elimination of the physical or natural conditions that have provided the land's value for farming. The proposed project in combination with the other projects listed in Table 5-1 would not stop or hinder the agricultural practices that occur on neighboring properties. Implementation of the proposed project together with other planned similar projects would be consistent with current public policy directives for management of lands within the Inner River Zone. For all these reasons, implementation of the proposed project together with other planned projects would result in *no cumulatively significant impacts* to the agricultural resources present on the land in the study area.

5.1.2 CUMULATIVE EFFECTS TO HYDROLOGY, WATER QUALITY, AND RIVER GEOMORPHOLOGY

USACE and the Reclamation Board have proposed to increase flood protection and restore the Sacramento River floodplain along the west bank of the river near Hamilton City. This project would involve constructing a setback levee, removing most of the existing "J" levee that currently protects Hamilton City from river flooding, and restoring about 1,500 acres of native riparian vegetation in the levee setback area. The proposed setback levee north of the project area would be gradually reduced in height and would become a training dike where it crosses a narrow section of the west side of Capay Unit of the SRNWR. The 3-foot-high training dike would be designed to reduce high water velocities during flood events and allow flood waters to flow over the top of the levee and gently spread over the adjacent lands. The Capay Unit is located on the west side of the Sacramento River immediately west of the proposed project area.

The hydraulic modeling used in the analysis associated with the Hamilton City proposed project included several SRNWR units (i.e., Pine Creek, Capay, and Dead Man's Reach Units) proposed for native riparian habitat restoration (i.e., Sacramento River-Chico Landing Subreach Habitat Restoration Project). The modeling demonstrated that there is some potential for cumulative hydraulic effects to result from the restoration of SRNWR units that are near each other. While each unit's effects are localized, vegetation changes at individual units can combine to alter flow patterns and speeds (Ayres 2001 and 2002). However, the modeling conducted for

the Hamilton City project study indicated that the combined effects of planned changes in vegetation at the SRNWR units that are in near each other would not create substantial adverse effects (Ayres 2001 and 2002) and that downstream, levee freeboard would be maintained at the Reclamation Board–mandated minimum of 3 feet (Ayres 2003).

Modeling conducted for the proposed project predicted localized changes in flood stage elevations up to 0.10 foot. This small change does not represent an increase that would pose a significant risk to people, structures, or the operation of flood control infrastructure and does not violate existing regulations for risk to flood control infrastructure (Appendix B). Additionally, long term project-related changes in water quality would be expected to improve in areas restored from agricultural cultivation to native riparian habitat. Because modeling for the proposed project and other projects in the area indicated that the effects of individual restoration sites are localized and do not extend for long distances upstream or downstream, the proposed project and related projects would *not result in significant cumulative* hydraulic, geomorphic, or water quality effects on the Sacramento River flood hydrology.

5.1.3 CUMULATIVE EFFECTS TO CULTURAL RESOURCES

Mitigation Measures 4.5-a and 4.5-b from Section 4.5, “Cultural Resources,” would ensure the protection in place, or recovery and subsequent protection, of any significant cultural resources determined to be present in the project area that could be damaged by project-related activities. These management actions would ensure that the value of any historical resource in the project area would be preserved and that project activities would not contribute to any significant impact on cultural resources that may have accrued from disturbance or destruction of prehistoric or historic sites that is likely to have taken place before the enforcement of protections afforded by current laws such as CEQA. In addition, if any previously undiscovered cultural resources are found in the project area during proposed project implementation phases, mitigation described in Section 4.5 would be initiated that would prevent any significant cumulative impacts on cultural resources from occurring. Other habitat restoration and recreation facilities development projects listed in Table 5-1 would be required to protect undiscovered archaeological/cultural resources pursuant to CEQA; therefore, *no cumulatively considerable impact* to cultural resources would occur as a result of implementation of the proposed project together with other similar projects.

5.1.4 CUMULATIVE BENEFICIAL EFFECTS OF THE PROPOSED PROJECT TOGETHER WITH OTHER PROJECTS IN THE STUDY AREA

The proposed project together with other planned projects in the study area would reestablish long-term processes and functions present in riparian habitat communities, including the natural formation of soils that gave these lands their original agricultural value. Fully functioning riparian ecosystems are also known to improve groundwater and surface water quality by removing undesirable constituents such as nutrients and pesticides (Brown and Wood 2002). Restoration of native riparian habitat in the study area could benefit adjacent and downstream agricultural lands by diminishing the loss of soil from these lands onto adjacent or downstream locations and by increasing groundwater levels. Because the agricultural value of the soil is tied directly to the natural conditions and processes that existed before commercial agricultural development of the land, habitat restoration efforts would in effect be preserving (and possibly improving over time) the agricultural value of the soils (Cannon 2004, Tilman et al. 1996 and 2002).

Sensitive habitats, including Great Valley willow scrub, Great Valley cottonwood riparian forest, and freshwater marsh, are present adjacent to the project area. In addition, six special-status plant species have potential to occur in riparian and freshwater marsh habitats adjacent to the project area. The proposed project together with other planned projects in the area would result in a long-term increase in the overall amount of sensitive habitat within the area. Therefore, *cumulative effects would be beneficial* to vegetation, including sensitive habitats and special-status plants and wildlife. Restoration of cultivated orchard to native riparian habitat, which supports a greater diversity and abundance of wildlife, including many special-status species, would result in long-term beneficial effects to wildlife. Additionally, the proposed project, together with other planned projects in the area, would enhance wildlife

movement along the Sacramento River. Restoration of agricultural lands to natural riparian areas would result in long-term cumulative beneficial effects to fish in the Sacramento River by increasing structural complexity in the aquatic environment, improving water quality, and providing cover, food, and other habitat components. Therefore, cumulative impacts are also considered beneficial to fish habitat and special-status fish species.

5.2 COORDINATED MANAGEMENT EFFORTS FOR THE MIDDLE REACHES OF THE SACRAMENTO RIVER

5.2.1 CONSISTENCY OF THE PROPOSED PROJECT WITH THE CALFED PROGRAM RECORD OF DECISION

As described in the introductory chapters of this ~~Draft~~-EIR, the proposed project would be funded by a CALFED Program ERP grant (ERP-02-P16D¹). The ERP is among the set of linked programmatic actions comprising the Preferred Program Alternative to be implemented over a 30-year period (2000–2030) across two-thirds of the State of California. The ROD for the approval of the CALFED Program documents the final selection of the Preferred Program Alternative from the CALFED Final PEIS/EIR. The ROD includes a summary list of programmatic actions designed to achieve the objectives of the ERP. The most applicable of these actions to the proposed project specifies protection and restoration of the Sacramento River meander corridor consistent with SRCA river corridor management plans and processes (CALFED 2000a). The proposed project is a CALFED Program ERP project that is consistent with the CALFED Program ROD. As described in Chapter 3, “Description of the Proposed Project,” this proposed project has goals and objectives that overlap with those of other related and coordinated programs—including the CALFED Program—that incorporate management of resources along the middle Sacramento River.

¹ The CALFED Program ERP has provided a funding source for projects that include those involving acquisition of lands within the SRCA, initial baseline monitoring and preliminary restoration planning, and preparation of long-term habitat restoration management and monitoring plans.

6 OTHER CEQA-REQUIRED SECTIONS

6.1 GROWTH-INDUCING EFFECTS

CEQA Section 21100(b)(5) specifies that the growth-inducing impacts of a project must be addressed in an EIR. State CEQA Guidelines Section 15126.2(d) states that a proposed project is growth-inducing if it could “foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” Direct growth inducement would result if a project, for example, involved the construction of new housing. Indirect growth inducement would result if a project established substantial new permanent employment opportunities (e.g., new commercial, industrial, or governmental enterprises), involved a construction effort with substantial short-term employment opportunities that would indirectly stimulate the need for additional housing and services, or removed an obstacle to housing development. Examples of growth-inducing actions include developing water, wastewater, fire, or other types of service in areas not previously served by those services, extending transportation routes into previously undeveloped areas, and establishing major new employment opportunities.

Implementation of the proposed project would include construction, operation, and maintenance that would be accomplished by contractors whose work would be overseen by State Parks and TNC. These activities would generate short-term employment opportunities; however, the work would be temporary and would occur over a 3-year period with certain activities starting and stopping for shorter durations within this time period. Because of the limited number and type of new jobs that would be generated and the temporary nature of those jobs, it is anticipated that the new jobs would be filled using the existing local employment pool. Existing available housing in the region would easily accommodate any workers who relocate from outside the area, if needed. No new permanent jobs would be created by the project. Therefore, indirect growth-inducing impacts resulting from implementation of the proposed project would be less than significant.

The proposed project would occur on property owned by State Parks (the Nicolaus property is currently owned by TNC, but would be transferred to State Parks as part of the proposed project, prior to implementation of the project). These properties would be managed by State Parks to facilitate creation of a linked network of lands between the project site and the other BSRSP subunits. The proposed project represents a type of project that is consistent with the purposes and existing use of BSRSP. Implementation of the proposed project would not involve construction of housing nor would it involve extension of public services facilities or development of a service area. BSRSP is not nor would be served by public sewer or water connections; rather, the Park uses and would continue use onsite septic systems and groundwater wells. Therefore, the proposed project would not result in direct growth-inducing effects, and no impact would occur.

6.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL EFFECTS

CEQA Section 21100(b)(2)(B) provides that an EIR shall include a detailed statement setting forth “[i]n a separate section... [a]ny significant effect on the environment that would be irreversible if the project is implemented.” State CEQA Guidelines Section 15126.2(c) provides the following guidance for an analysis of significant irreversible changes of a project:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible because a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

Activities related to implementation of the proposed project would include orchard removal, discing, seeding, and planting, which represent standard agricultural practices already in use throughout the study area. Irrigation system modification and expansion would include standard trench and backfill techniques. These activities are reflective of existing conditions in the study area and would not involve new or expanded uses of nonrenewable resources.

In addition to the habitat restoration of the Singh and Nicolaus properties, the proposed project would include the development of public access and outdoor recreation facilities including trails, day-use areas, overnight camping facilities, parking lots, and restrooms. Construction of these facilities would require use of construction equipment that use petroleum fuels, such as gasoline and diesel. The use of such fuels would be a short-term temporary expenditure and would not substantially increase the overall demand for these products.

The proposed project would restore agricultural land to native riparian habitat, removing it from agricultural production. As discussed in Section 4.2, "Agricultural Resources," the project would re-establish natural processes and functions that support native riparian habitat, including the formation of the types of soils that gave these sites their original agricultural value. Because the agricultural value of the soil is tied directly to the natural conditions and processes that existed before commercial agricultural development of the land, habitat restoration efforts would in effect preserve (and possibly improve over time) the agricultural value of the soil (Tilman et al. 1996 and 2002). Furthermore, the proposed recreational facilities would be sufficiently limited in nature such that it would be feasible to return the lands to another resource-based use, such as agricultural production, at some future time. Therefore, the project would not constitute an irreversible conversion of agricultural land.

Implementation of the proposed project would result in an irreversible use of some nonrenewable resources (e.g., petroleum fuels); however, the use of nonrenewable resources would be minor and this impact is considered less than significant.

6.3 SIGNIFICANT UNAVOIDABLE EFFECTS ON THE ENVIRONMENT

CEQA Section 21100(b)(2)(A) provides that an EIR shall include a detailed statement setting forth "[i]n a separate section... [a]ny significant effect on the environment that cannot be avoided if the project is implemented." Chapter 4 of this DEIR provides descriptions of the potential environmental effects of the proposed project for all applicable environmental topic areas, as well as mitigation measures to mitigate project effects. Cumulative effects are discussed in Chapter 5 of this DEIR. Implementation of the proposed mitigation measures would reduce all of the identified significant impacts to less-than-significant levels. Therefore, implementation of this project would result in no significant unavoidable environmental impacts.

7 ALTERNATIVES

7.1 CEQA REQUIREMENTS

Guiding principles for the alternatives analysis are provided by the State CEQA Guidelines Section 15126.6. These principles indicate that the alternatives analysis must: (1) describe a range of reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project; (2) consider alternatives that could reduce or eliminate any significant environmental impacts of the proposed project, including alternatives that may be more costly or could otherwise impede the project’s objectives; and (3) evaluate the comparative merits of the alternatives. The range of reasonable alternatives must be selected and discussed in a manner that fosters meaningful public participation and informed decision making (State CEQA Guidelines Section 15126.6[f]).

The alternatives analysis in this DEIR is governed by the “rule of reason” in accordance with Section 15126.6(f) of the State CEQA Guidelines. That is, the range of alternatives presented in this document is limited to those that permit for a reasoned choice by State Parks. In addition to the guiding principles for the selection of alternatives as set forth above, Section 15126.6 of the State CEQA Guidelines requires that an EIR: (1) evaluate a no project alternative, (2) identify alternatives that were originally considered but then rejected from further evaluation, and (3) identify the environmentally superior alternative.

Alternatives may be eliminated from detailed consideration in the EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid any significant environmental effects (State CEQA Guidelines Section 15126.6[c]). Lead agencies are guided by the general definition of feasibility found in CEQA: “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors (State CEQA Guidelines Section 15364).”

A description of the project alternatives, including the no project alternative, is provided in this DEIR to allow for a meaningful evaluation, analysis, and comparison of these alternatives with the proposed project alternative, which is the habitat restoration and outdoor recreation facility development project on two parcels known as the Singh Unit and Nicolaus property, as described in Chapter 3, “Description of the Proposed Project.”

7.2 PROJECT GOALS AND OBJECTIVES

As described above, one of the key factors in considering alternatives is whether they can feasibly attain most of the basic objectives of the project. Section 3.1.2 of this DEIR describes the project objectives for the proposed project. These objectives are listed again below:

HABITAT RESTORATION

The first project objective is to restore natural topography and native vegetation on the Singh Unit and Nicolaus property. This includes the removal of two human made berms on the Singh Unit; the removal of nonnative invasive vegetation, including eucalyptus on the Singh Unit adjacent to River Road; and, restoration of the following natural communities on both parcels: cottonwood riparian forest, valley oak savannah, valley oak forest, mixed riparian forest, native grassland, and valley oak riparian forest. The restoration activities proposed for this project have four central objectives, which are aligned with the California Bay-Delta Authority’s Ecosystem Restoration Program (ERP) Goals:

1. Improve the ecological health and long-term viability of at-risk species and communities at a critical confluence area by protecting and restoring riparian habitat and rehabilitating floodplain processes through horticultural and process-based restoration (ERP Goal 1).

2. Increase knowledge of ecosystem function and employ adaptive management to improve the ability to engineer “desired future conditions” for riparian restoration projects that focus on lowland tributary confluence areas (ERP Goal 2).
3. Reduce flood damage to important human infrastructure by increasing the storage of floodwaters in the project area (ERP Goal 4).
4. Improve water quality to benefit humans and wildlife through the restoration of riparian vegetation communities, and geomorphic and hydrologic processes (ERP Goal 6).

OUTDOOR RECREATION FACILITIES DEVELOPMENT

The second project objective is to increase public access and outdoor recreation opportunities at BSRSP. The outdoor recreation facilities development component of this project has ~~four~~three key objectives:

- ▶ Develop potential new outdoor recreational use opportunities (day-use and overnight camping).
- ▶ ~~Relocate the BSRSP headquarters and maintenance area to the existing Nicolaus property farm buildings and surrounding site where frequency of flooding is decreased.~~
- ▶ Convert the abandoned BSRSP headquarters and maintenance area to a trailhead with parking, picnic facilities, restrooms and interpretive signs.
- ▶ Install trails that connect to existing and proposed trails in the BSRSP’s Chico Landing Subunit, Indian Fisheries Subunit, and Big Chico Creek Riparian Area Subunit; and the Department of Fish and Game’s (DFG) Pine Creek Unit at Allinger Ranch.

7.3 ALTERNATIVES EVALUATED

7.3.1 ALTERNATIVE 1—NO PROJECT

DESCRIPTION

The no project alternative represents perpetuation of existing agricultural land uses on the Singh Unit and the Nicolaus property. The analysis of this alternative is based on the physical conditions that are likely to occur in the future if the proposed project (the active habitat restoration and development of recreation facilities) is not approved and implemented. Under this alternative the Nicolaus property would not be transferred from TNC to State Parks, the Williamson Act contract would remain in place, riparian habitat would not be restored and no recreation facilities would be constructed on the Singh Unit or the Nicolaus property, and the existing walnut and almond orchards would remain in active production.

EVALUATION

No direct effects would occur, either positive or negative, under the no project alternative. Because there would be no effort to restore riparian habitat, there would be no benefits to sensitive and common native wildlife populations and no increase in habitat values. It is expected that the project site would remain in orchards and would continue to flood periodically. Under this alternative, there would be no air quality, noise, or traffic impacts associated with construction of the proposed project. However, continued operation of the orchards would result in continued environmental effects related to agricultural activities (air emissions, hazardous materials, noise, traffic, water quality, etc.). In addition, the no project alternative would not meet the project objective to restore natural topography and native communities nor the project objective to increase public access and outdoor recreation opportunities at BSRSP.

7.3.2 ALTERNATIVE 2—PASSIVE RESTORATION

DESCRIPTION

Under the passive restoration alternative, the project site would not be actively restored and enhanced, but agricultural activities would cease. The orchards on the Singh Unit and the Nicolaus property would be removed, but the lands would not be actively planted with native riparian vegetation. This alternative would rely on natural recruitment from adjacent riparian communities to recolonize the project site, and on current hydrological conditions to sustain establishing seedlings. A weed control program could be implemented as part of the passive restoration alternative.

No public access or recreational facilities would be constructed under this alternative. The Nicolaus property would still be transferred to State Parks and would become part of BSRSP. However, there would be no developed public access or recreational facilities such as trails, parking areas, campgrounds, or restrooms provided on the Singh Unit or Nicolaus property. Any public use of these areas would be day-use only because no camp sites would be developed. The existing Park headquarters would not be relocated and would continue to be operated at its current location in the Indian Fishery subunit. The existing farm buildings on the Nicolaus property would remain and would likely be used by State Parks for storage and maintenance.

Analysis of this alternative is based on the physical conditions that are likely to occur in the future if active habitat restoration practices and recreational facilities development are not implemented but current land use practices are abandoned to allow natural processes to reclaim the land at the project site.

EVALUATION

The passive restoration alternative would result in the same change in land use from agricultural to riparian habitat that would occur under the proposed project. Like the proposed project, this alternative would involve nonrenewal of the Williamson Act contract on the Nicolaus property, but would not result in conversion of agricultural land to urban uses and would therefore not result in a loss of farmland as a resource, significant damage to soil values of the resource, or detraction from the agricultural land values. However, because the project site would revegetate by natural recruitment, this alternative would not provide the grassland buffers and maintenance of the restored habitat that would help minimize indirect effects and land use conflicts with adjacent private agricultural lands (e.g., pests).

Aesthetically, this alternative would have a detrimental impact due to the removal of the orchards without the active planting of new riparian vegetation. The project site would remain unvegetated for a longer period of time than the proposed project due to reliance on natural recruitment and the lack of active irrigation and maintenance to establish new vegetation.

It is unlikely that the passive restoration alternative would meet the habitat restoration goals of the project (Peterson 2002). This alternative would require a much longer timeframe for the establishment of riparian habitat that would have real value to wildlife. In addition, wildlife habitat value is likely to be lower than is expected with the proposed project because it would likely include a significant amount of nonnative invasive species, and natural recruitment of native species would be lower than with active planting. As such, this alternative would not provide a short-term increase in wildlife habitat value and the long-term habitat values would be diminished in comparison with the proposed project. The flood storage and water quality benefits of this alternative would be similar to the proposed project.

Because this alternative would not involve earth-moving activities for restoration and recreation facilities development, it would avoid any potential construction-related air quality, noise, traffic, and water quality impacts. The lack of recreational facilities would also result in the avoidance of any operational air quality, noise, traffic, and water quality impacts. However, this alternative would not meet the outdoor recreation facilities

development objectives of the project because, although the project site would become part of BSRSP, no day-use or overnight camping facilities would be developed and the Park headquarters would not be relocated.

7.2.3 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

An EIR is required to identify the environmentally superior alternative from among the range of reasonable alternatives that are evaluated. State CEQA Guidelines Section 15126.6(d)(2) state that if the environmentally superior alternative is the no project alternative, the EIR shall also identify an environmentally superior alternative from among the other alternatives. Alternatives considered in this DEIR include the proposed project, the no project alternative, and the passive restoration alternative.

The no project alternative would not meet the project objectives to restore natural topography and native vegetation or increase public access and outdoor recreation opportunities at BSRSP and would not provide the biological benefits that would be provided by the other two alternatives.

The proposed project is the environmentally superior alternative of the alternatives considered. Under the proposed project, native species would be planted and actively maintained for 3 years to allow the planted vegetation to become established. The planned maintenance program includes irrigation and weed control to allow root systems to mature to the depth of the water table and to eliminate or control weeds that could interfere with the establishment of native plants. The proposed project would provide the best balance between avoiding environmental impacts and obtaining the project objectives. No significant increases in flood risks would result from any of the alternatives considered. Although some impacts associated with the proposed project would be avoided by the passive restoration alternative, those impacts would be reduced to a less-than-significant level under the proposed project with the incorporation of mitigation. In addition, the proposed project would provide greater benefits to biological and recreational resources than the no project or passive relocation alternatives.

7.2.4 ALTERNATIVES CONSIDERED AND ELIMINATED FROM DETAILED EVALUATION

During the planning stages of the proposed project, an alternative was considered that was identical to the proposed project, except that the habitat restoration plan for the Singh Unit included mixed riparian forest in the area of the existing/historic swale. The swale runs north-south along the western portion of the Singh property, and historically transferred water from the lands to the north to the south to Big Chico Creek near its confluence with Mud Creek. This alternative of mixed riparian forest in the area of the swale was considered to reduce water velocities and erosion through the private property to the north and through the project site. However, the landowners of the private property to the north of the Singh Unit expressed concerns during the scoping period regarding the forested vegetation and the potential to back-up water and sediment onto their property. In response to these concerns, TNC re-designed the Singh Unit restoration plans to provide a flowthrough meadow along the swale and re-modeled the restoration plans. The modeling determined that there would be flow velocity increases of up to 4.752.0 feet per second within the swale, but that the proposed changes would not be expected to substantially alter sediment transport and deposition within the project area. Therefore, the meadow flowthrough area was maintained in the proposed project (see Chapter 3 and Appendix C) and the restoration plan with mixed riparian forest habitat in the swale was eliminated from further consideration.

8 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT

8.1 LIST OF COMMENTERS

Thirteen letters were received on the draft environmental impact report (Draft EIR) during the public comment period, and members of the public provided oral comments on the Draft EIR during the public hearing held February 19, 2008. The list of commenters on the Draft EIR, along with the topic of each comment, is presented in Table 8-1. Each letter and comment has been assigned a letter/number designation for cross-referencing purposes (for example, the first State agency letter is Letter S1, and the first comment in the letter is S1-1). The comment letters and public-hearing comments and the responses to the substantive environmental issues raised in those comments are presented in Section 8.2.

Table 8-1 Comments Received on the Draft Environmental Impact Report				
Letter/ Meeting	Commenter	Date Received	Comment Number	Comment Topic(s)
LETTER COMMENTS				
State Agencies				
S1	State of California Department of Transportation District 3 Matt Friedman, Transportation Planner	February 7, 2008	S1-1	Based on minimal impacts to the State Highway System, Caltrans District 3 has no comments
S2	State of California Department of Water Resources Christopher Huitt Staff Environmental Scientist Floodway Protection Section	March 7, 2008	S2-1	Potential for the project to encroach on an adopted flood control plan, which would require an encroachment permit from the Central Valley Flood Protection Board prior to initiating any activities
S3	State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit Terry Roberts, Director	March 18, 2008	S3-1	State Clearinghouse submitted the Draft EIR to State agencies for review and is forwarding State agency comments for use in preparing the Final EIR
			S3-2	Acknowledgement of compliance with the State Clearinghouse review requirements for draft environmental documents pursuant to CEQA
			S3-3	Comment from the Department of Water Resources regarding the potential for the project to encroach on an adopted flood control plan, which would require an encroachment permit from the Central Valley Flood Protection Board prior to initiating any activities

**Table 8-1
Comments Received on the Draft Environmental Impact Report**

Letter/ Meeting	Commenter	Date Received	Comment Number	Comment Topic(s)
Local Agencies				
L1	Butte County Board of Supervisors Curt Josiassen, Chair Fourth District	March 11, 2008	L1-1	Opposition to the proposed project
			L1-2	Insufficient noticing to Butte County Board of Supervisors
			L1-3	Proposed project is inappropriate for the proposed location; incompatible with surrounding agricultural land
			L1-4	Concern that the Draft EIR does not meet CEQA requirements
			L1-5	Disregard for local land use policies
			L1-6	Concern regarding development in a flood plain
			L1-7	Concern regarding the inundation of sewage disposal systems during flood events
			L1-8	Land use compatibility with local agricultural operations
			L1-9	Concern regarding additional requests for assistance from Sheriff and Fire personnel
			L1-10	Concern regarding management of long-term camping
			L1-11	Insufficient noticing to Butte County Board of Supervisors
			L1-12	Analysis of noise per Butte County Noise Element Policy
			L1-13	Consideration of Butte County General Plan policies regarding fire protection
			L1-14	Inclusion of Butte County General Plan agricultural goals, policies, and programs
			L1-15	Comments from Butte County Agricultural Commissioner
			L1-16	Level of significance of impact to prime farmland
			L1-17	Butte County General Plan Agricultural Element - requirements for agricultural buffer setbacks

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Comments Received on the Draft Environmental Impact Report**

Letter/ Meeting	Commenter	Date Received	Comment Number	Comment Topic(s)
			L1-18	Butte County General Plan Agricultural Element – requirement to mitigate impacts to public services when agricultural land is converted to non-agricultural land
			L1-19	Butte County General Plan Agricultural Element – support Chico Greenline policies
			L1-20	Butte County General Plan Agricultural Element – application of the County’s Right to Farm ordinance
			L1-21	Direct change of land use from agricultural land to riparian habitat and recreational facilities
			L1-22	Definition of urban and built-up land and analysis of changing agricultural land to riparian habitat and recreational facilities
			L1-23	Butte County Agricultural zoning designation
			L1-24	Land use conflicts between proposed recreational facilities and adjacent agricultural land
			L1-25	Definition of urban and built-up land and analysis of changing agricultural land to riparian habitat and recreational facilities
			L1-26	Land use conflicts between proposed recreational facilities and adjacent agricultural land
			L1-27	Lack of mitigation measures for agricultural resource impacts
			L1-28	Definition of urban and built-up land and analysis of changing agricultural land to riparian habitat and recreational facilities
			L1-29	Williamson Act Contract cancellation
			L1-30	Butte County Code requirements for development within a designated flood plain
			L1-31	Concern regarding the safety of proposed structures during flood events

**Table 8-1
Comments Received on the Draft Environmental Impact Report**

Letter/ Meeting	Commenter	Date Received	Comment Number	Comment Topic(s)
			L1-32	Concern regarding the inundation of sewage disposal systems during flood events
			L1-33	Flood Neutral Hydraulic Analysis setting assumptions
			L1-34	Flood Neutral Hydraulic Analysis needs to address flows coming in below the Hamilton City gauge
			L1-35	Flood Neutral Hydraulic Analysis needs to address the backwater effects and address the east side of Mud Creek
			L1-36	Concern regarding how recreational facilities' constructed elevation is accounted for in the Flood Neutral Hydraulic Analysis
			L1-37	Connection for trails between the Singh Unit and the Nicolaus property
			L1-38	Concern regarding large RVs on River Road
			L1-39	Adequacy of analysis of impacts to neighboring agricultural operations
			L1-40	Unclear analysis of agricultural impacts
			L1-41	Direct change of land use from agricultural land to riparian habitat and recreational facilities
			L1-42	Lack of mitigation measures for agricultural resource impacts
			L1-43	Adequacy of analysis of impacts to agricultural resources
			L1-44	Project and analysis need to address Butte County's Right to Farm Ordinance
			L1-45	Concern that the Draft EIR does not meet CEQA requirements
			L1-46	Concern regarding the inundation of sewage disposal systems during flood events
			L1-47	Adequacy of existing groundwater wells for potable water

**Table 8-1
Comments Received on the Draft Environmental Impact Report**

Letter/ Meeting	Commenter	Date Received	Comment Number	Comment Topic(s)
			L1-48	Butte County Environmental Health requirements for a Hazardous Materials Release Response Plan
			L1-49	Concern regarding additional requests for assistance from the Sheriff's Department
			L1-50	Land use conflicts between proposed recreational facilities and adjacent agricultural land
			L1-51	Other criminal justice related impacts on Butte County
			L1-52	Concern regarding additional requests for assistance from the Fire Department
			L1-53	Concern regarding vegetation management of the restored riparian habitat and fire protection
			L1-54	Fire Department suggestion for emergency access, suggesting an additional exit road
			L1-55	State Parks employees should be trained on how to use an Automated Electronic Defibrillator and have one on site
			L1-56	Requesting consideration of an emergency access road to the Sacramento River
			L1-57	Concern regarding the scope of the EIR and analysis of impacts to neighboring lands
			L1-58	Concern regarding the accuracy of the Flood Neutral Hydraulic Analysis
			L1-59	Concern regarding erosion of River Road due to riparian habitat restoration
			L1-60	Concern regarding increased traffic and pedestrian/ bicycle/ vehicle safety on River Road
			L1-61	Lack of safe river access near the proposed campground
			L1-62	Potential for increased trespass on private agricultural land due to the project

**Table 8-1
Comments Received on the Draft Environmental Impact Report**

Letter/ Meeting	Commenter	Date Received	Comment Number	Comment Topic(s)
			L1-63	Concern regarding storm water contamination from the project site and impacts to adjacent land
			L1-64	Concern regarding impacts to agricultural land
			L1-65	Concern that the project conflicts with the Greenline and the Butte County General Plan
			L1-66	Concern regarding conflict with the Butte County Agricultural zoning designation
			L1-67	Concern regarding the investment of resources to fund this project while Woodson Bridge State Park is proposed to be closed
			L1-68	Concern that the Draft EIR does not meet CEQA requirements
			L1-69	Request for response to comments
			L1-70	Insufficient noticing to Butte County Board of Supervisors
			L1-71	Concern regarding the scope of the EIR and analysis of impacts to neighboring lands
			L1-72	Concern regarding the accuracy of the Flood Neutral Hydraulic Analysis
			L1-73	Concern regarding erosion of River Road due to riparian habitat restoration
			L1-74	Concern regarding increased traffic and pedestrian/ bicycle/ vehicle safety on River Road
			L1-75	Lack of safe river access near the proposed campground
			L1-76	Concern regarding additional requests for assistance from the Sheriff and Fire Departments
			L1-77	Potential for increased trespass on private agricultural land due to the project
			L1-78	Concern regarding storm water contamination from the project site and impacts to adjacent land

**Table 8-1
Comments Received on the Draft Environmental Impact Report**

Letter/ Meeting	Commenter	Date Received	Comment Number	Comment Topic(s)
			L1-79	Land use conflicts between proposed recreational facilities and adjacent agricultural land
			L1-80	Williamson Act Contract cancellation
			L1-81	Revenue and costs related to the recreational facilities
			L1-82	Concern that the project conflicts with the Greenline and the Butte County General Plan
			L1-83	Potential fiscal impacts to Butte County
			L1-84	Opposition to the proposed project
			L1-85	Concern regarding flood levels and velocity due to the riparian restoration
			L1-86	Flood Neutral Hydraulic Analysis needs to address Mud Creek, Rock Creek, Lindo Channel, and Chico Creek
			L1-87	Concern that the proposed grassland buffer is insufficient
			L1-88	Concern regarding noise impacts at the day use area on River Road (at the location of the current BSRSP headquarters)
			L1-89	Concern regarding the investment of resources to fund this project while Woodson Bridge State Park is proposed to be closed
			L1-90	Request to address social consequences of the project
			L1-91	Request responses to Sacramento River Reclamation District comments
			L1-92	Inadequate public noticing and responses to scoping comments
			L1-93	Analyzing impacts to the east of Mud Creek
			L1-94	Insufficient public noticing

**Table 8-1
Comments Received on the Draft Environmental Impact Report**

Letter/ Meeting	Commenter	Date Received	Comment Number	Comment Topic(s)
			L1-95	State, local, and federal agencies should not acquire agricultural land for habitat protection or public recreation
			L1-96	Land use conflicts between proposed recreational facilities and adjacent agricultural land
			L1-97	Concern regarding negative impact to the economic viability of surrounding agricultural land
L2	Butte County Farm Bureau Colleen Aguiar, Executive Director	March 17, 2008	L2-1	Comments supplement scoping comments submitted on September 25, 2007
			L2-2	Concern regarding flooding impacts and public safety
			L2-3	Concern regarding additional requests for assistance from the Sheriff and Fire Departments
			L2-4	Level of significance of impact related to direct conversion of prime farmland
			L2-5	Williamson Act Contract cancellation
			L2-6	Level of significance of impact related to direct conversion of prime farmland conversion of agricultural land
			L2-7	Potential for increased trespass on private agricultural land due to the project
			L2-8	Level of significance of impact related to direct and indirect impacts to agricultural resources
			L2-9	Concern regarding indirect economic impact to neighboring agricultural land
			L2-10	Level of significance of impact related to direct conversion of prime farmland conversion of agricultural land
			L2-11	Williamson Act Contract cancellation and the Butte County Right to Farm Ordinance

**Table 8-1
Comments Received on the Draft Environmental Impact Report**

Letter/ Meeting	Commenter	Date Received	Comment Number	Comment Topic(s)
L3	Sacramento River Reclamation District Paul Minasian, Attorney at Law Minasian, Spruance, Meith, Soares & Sexton, LLP	March 17, 2008	L3-1	Acknowledgement of previous comments
			L3-2	Responsible agency consultation
			L3-3	Concern regarding effects on U.S. Army Corps of Engineers flood control project
			L3-4	Concern regarding the accuracy of the Flood Neutral Hydraulic Analysis and the exclusion of Mud Creek from the analysis
			L3-5	Concern regarding increased roughness, flood levels, and drainage
			L3-6	Concern regarding the accuracy of the Flood Neutral Hydraulic Analysis and the exclusion of Mud Creek from the analysis
			L3-7	Concern regarding increased roughness and flood levels
			L3-8	Concern regarding increased roughness and flood levels
			L3-9	Concern regarding effects on U.S. Army Corps of Engineers flood control project and potential for misdemeanor under Water Code Section 720
			L3-10	Concern regarding increased roughness and flood levels
			L3-11	Williamson Act Contract cancellation
			L3-12	Adequacy of the CEQA document
			L3-13	Level of significance of project impacts to hydrology
			L3-14	Williamson Act Contract cancellation
			L3-15	Williamson Act Contract cancellation and cancellation fees
			L3-16	Concern regarding direct and indirect impacts to agricultural resources
			L3-17	No project alternative
			L3-18	Responsible agency consultation

**Table 8-1
Comments Received on the Draft Environmental Impact Report**

Letter/ Meeting	Commenter	Date Received	Comment Number	Comment Topic(s)
			L3-19	Concern regarding the accuracy of the Flood Neutral Hydraulic Analysis and the exclusion of Mud Creek from the analysis
			L3-20	Concern regarding effects on U.S. Army Corps of Engineers flood control project
Individual				
I1	Patricia Puterbaugh Germain Boivin Floral Native Nursery	February 4, 2008	I1-1	Support for the project
I2	Clint Maderos Clint Maderos Backhoe Service	February 18, 2008	I2-1	Insufficient public noticing
			I2-2	Concern regarding coordination with local land owners
			I2-3	Coordination in 2006 and scope of the project
			I2-4	Concern that the proposed grassland buffer is insufficient
			I2-5	Concern regarding the accuracy of the Flood Neutral Hydraulic Analysis
			I2-6	Concern regarding increased roughness and flood levels
			I2-7	Concern regarding the accuracy of the Flood Neutral Hydraulic Analysis and the inclusion of Mud Creek and Rock Creek
			I2-8	Historical flooding in the project area
			I2-9	Potential for new diesel agricultural water pump across River Road from the day use area (current BSRSP headquarters location)
			I2-10	Reasoning behind the project, inclusion of recreational facilities and location of the day use area on River Road at the current BSRSP headquarters location

**Table 8-1
Comments Received on the Draft Environmental Impact Report**

Letter/ Meeting	Commenter	Date Received	Comment Number	Comment Topic(s)
I3	Connie and Don Brennan	March 6, 2008	I3-1	Opposition to the proposed project
			I3-2	Concern regarding the investment of resources to fund this project while Woodson Bridge State Park is proposed to be closed
I4	David Maznar	March 9, 2008	I4-1	Opposition to the proposed project
			I4-2	Support for comments from Clint Maderos and Mr. and Mrs. Brennan
			I4-3	Concern regarding the investment of resources to fund this project while Woodson Bridge State Park is proposed to be closed
I5	Daniel C. Heal	March 14, 2008	I5-1	Support for the project
I6	Clint Maderos Clint Maderos Backhoe Service	March 15, 2008	I6-1	Opposition to the proposed project
			I6-2	Concern regarding location of day use area on River Road (at the location of the current BSRSP headquarters)
			I6-3	Concern that the proposed grassland buffer is insufficient
			I6-4	Concern regarding new lighting near residences
			I6-5	Concern regarding adequacy of the noise analysis
			I6-6	Concern regarding use of generators in the campsites and noise impacts
			I6-7	Concern regarding increased roughness and flood levels as well as clean-up of debris after flood events
			I6-8	Concern regarding increased fire hazard
			I6-9	Concern regarding the inundation of sewage disposal systems during flood events and water quality
			I6-10	Correct speed limit for River Road

**Table 8-1
Comments Received on the Draft Environmental Impact Report**

Letter/ Meeting	Commenter	Date Received	Comment Number	Comment Topic(s)
			I6-11	Concern regarding safety of bicycle traffic on River Road
			I6-12	Concern regarding hunting activities on neighboring land
			I6-13	Concern regarding planting poison oak
			I6-14	Concern regarding justification for an RV campground
			I6-15	List of interested agencies
			I6-17	Concern regarding coordination with local land owners
			I6-18	Concern regarding the accuracy of the Flood Neutral Hydraulic Analysis and the exclusion of Mud Creek, Rock Creek, Kusal Slough, Lindo Channel, and Chico Creek from the analysis
			I6-19	Concern regarding the accuracy of the Flood Neutral Hydraulic Analysis and increased roughness and flood levels
			I6-20	Level of significance of hydrologic impacts
			I6-21	Visual representation of restoration plans
			I6-22	Clarification requested regarding wastewater treatment
			I6-23	Insufficient public noticing
			I6-24	Economic impact of change in land use from agriculture to non-agricultural use
			I6-25	Concern regarding increased roughness and flood levels and Park maintenance
			I6-26	Correction regarding the number of water wells on the Nicolaus property
			I6-27	Concern regarding additional requests for assistance from Sheriff and Fire personnel
			I6-28	Concern that the proposed grassland buffer is insufficient

**Table 8-1
Comments Received on the Draft Environmental Impact Report**

Letter/ Meeting	Commenter	Date Received	Comment Number	Comment Topic(s)
			I6-29	Request to install a drainage ditch between Mud Creek and River Road
			I6-30	Concern that the proposed grassland buffer is insufficient and indirect effects to neighboring agricultural land
			I6-31	Request for written promise regarding lack of conflict between agricultural activities and BSRSP
			I6-32	Concern that the proposed grassland buffer is insufficient
			I6-33	Concern regarding coordination with local land owners
			I6-34	Request for copy of Public Hearing comments (on February 19, 2008)
			I6-35	Request notice or receipt of comments and responses
I7	Larry Mendonca	March 17, 2008	I7-1	Request for survey of property boundaries
			I7-2	Concern that the proposed grassland buffer is insufficient
			I7-3	Concern regarding the accuracy of the Flood Neutral Hydraulic Analysis
			I7-4	Request removal of berm on the west side of the Singh Unit
			I7-5	Request removal of berms on Mud Creek
			I7-6	Request clean out of sough draining to Chico Creek
			I7-7	Concern regarding increased roughness and flood levels, request that the Singh Unit be open grassland
			I7-8	Concern regarding the inundation of sewage disposal systems during flood events and water quality
			I7-9	Concern regarding additional requests for assistance from Sheriff and Fire personnel

**Table 8-1
Comments Received on the Draft Environmental Impact Report**

Letter/ Meeting	Commenter	Date Received	Comment Number	Comment Topic(s)
			I7-10	Concern regarding increased traffic on River Road, particularly RVs
			I7-11	Request for written promise regarding lack of conflict between agricultural activities and BSRSP
COMMENTS MADE AT FEBRUARY 19, 2008, PUBLIC HEARING				
PH	Transcript of public hearing/workshop on the Draft EIR	February 19, 2008	PH-1	The proposed grassland buffers in the habitat restoration plans, between restored areas and adjacent private agricultural lands, should be greater than 100 feet. The adjacent private land owners feel the buffer should be at least 300–500 feet.
			PH-2	What parameters and data were used in the Hydraulic Model? Neighboring land owners are concerned that the model did not adequately account for flood flows from Mud Creek, Rock Creek, and Big Chico Creek, and that it focused incorrectly on only Sacramento River flood flows.
			PH-3	Why does the Hydraulic Model show changes in flood level and velocity only in certain locations?
			PH-4	What is the rate of drainage of flood waters?
			PH-5	Why is the site on River Road (the current BSRSP headquarters location) going to be used as a day-use area when it is directly across from a private residence?
			PH-6	There is a diesel pump approximately 35 feet from the existing BSRSP headquarters site that is proposed to be used for a day-use area.
			PH-7	Will the day use area be gated and locked nightly?

**Table 8-1
Comments Received on the Draft Environmental Impact Report**

Letter/ Meeting	Commenter	Date Received	Comment Number	Comment Topic(s)
			PH-8	The U.S. Army Corps of Engineers has plans for Mud Creek, which calls for overflow onto agricultural land and then let it slowly drain to the Sacramento River. The proposed project would affect this plan.
			PH-9	The topographic maps indicate there was a swale running east-west on the Singh Unit. Will that be restored?
			PH-10	Cancellation of the Williamson Act contract on the Nicolaus property undermines the Williamson Act and is a significant effect related to the loss of agricultural resources.
			PH-11	Neighboring land owner is concerned that the change of vegetation from orchards to riparian habitat will result in denser vegetation and will therefore backup water onto adjacent properties.
			PH-12	How will State Parks handle/maintain flood debris during and after floods?
			PH-13	Neighboring land owners are concerned that noise from agricultural operations will result in disturbances to park visitors, which will then complain. The land owners are concerned that this could result in some detrimental effect on their ability to continue agricultural operations.
			PH-14	Why does the project propose putting campsites on the Nicolaus property at this time?
			PH-15	The EIR needs to address potential effects of the project to land that is east of Mud Creek.
			PH-16	Are the alternatives analyzed in the EIR adequate? Are there alternatives to converting agricultural land to recreational facilities?)

**Table 8-1
Comments Received on the Draft Environmental Impact Report**

Letter/ Meeting	Commenter	Date Received	Comment Number	Comment Topic(s)
			PH-17	Will the project sites be fenced? The adjacent private land owners would like a fence to discourage trespassing and make the park boundary clear, but want to ensure that the fence is designed to not capture or back up debris during flood events.
			PH-18	Neighboring private land owners are concerned about pests and invasive species negatively impacting their agricultural production (such as black walnut volunteers bringing walnut husk fly, squirrels and rodents, deer, mosquitoes, and beaver). Neighbors state that they may need to use additional pesticides due to the proposed project.
			PH-19	Neighboring private land owners are concerned about people trespassing on their properties from the project sites.
			PH-20	How will the restrooms and dump station be designed to avoid leaking and contaminating adjacent properties, especially during flood events?
			PH-21	Who makes the final decision to approve or deny the project?

8.2 WRITTEN AND ORAL COMMENTS AND RESPONSES

The written and oral comments received on the Draft EIR and the responses to those comments are provided in this section. All comment letters are reproduced in their entirety and oral comments provided during the public-hearing are summarized. Each comment is followed by a response to the comment, with the focus of the response being on substantive environmental issues.

In some instances, responses to comments may warrant modification of the text of the Draft EIR. The Draft EIR has been revised and reprinted in its entirety in this Final EIR document. Revisions to the EIR text are shown with strikethrough (~~strikethrough~~) text for deletions and underlined (underlined) text for additions. The text changes involve revisions to the project description (Chapter 3), revisions to technical appendices, and revisions or clarifications to the environmental analysis (Chapter 4). As shown in Chapter 4 of this Final EIR, the revisions/clarifications to the environmental analysis did not change the level of significance of the environmental impacts of the project; do not require new or additional mitigation measures; and therefore, do not warrant recirculation of the Draft EIR.

COMMON COMMENTS AND COMMON RESPONSES

Several comments were raised by multiple parties and are addressed collectively herein.

COMMON RESPONSE 1—OPPOSITION TO THE PROPOSED PROJECT

COMMON COMMENT

Multiple commenters stated that they oppose the project and questioned why this project was being proposed at this location and time. (See comments L1-1, L1-3, L1-6, L1-84, I2-10, I3-1, I4-1, I6-1 and PH-14)

COMMON RESPONSE

Chapter 3, “Description of the Proposed Project,” of the EIR provides information on the project background and purpose; project objectives; consistency of the project with related regional planning and management efforts; and the importance of riparian habitat. The project purpose and objectives have not changed; however, to fully respond to the commenters, much of Draft EIR information is summarized and explained below. In addition, please refer to Chapter 3 of the EIR for the complete text.

Importance of Habitat Restoration

The importance and substantial historic loss of riparian habitat are discussed in Section 3.1.4 of the EIR. The Singh Unit and Nicolaus property present a unique opportunity for riparian habitat restoration because they are located near the confluence of the Sacramento River, Big Chico Creek, and Mud Creek (Exhibit 3-2 of the EIR). The protection and restoration of riparian habitat on these two parcels would aid in the recovery of special-status species, rehabilitate natural river processes, protect and restore riparian habitat, and improve water quality. Over 225 species of birds, mammals, reptiles, and amphibians in California depend on riparian habitats for nesting, foraging, dispersal corridors, and migration stop-over sites. Riparian vegetation supplies instream habitat important for fish, semi-aquatic reptiles and amphibians, and aquatic insects (Riparian Habitat Joint Venture 2004). It is also critical to the quality of instream habitat and aquatic life, providing shade, food, and nutrients that form the basis of the food chain (Jensen et al. 1993, cited in RHJV 2004). Riparian habitats may be the most important habitat for land bird species in California (Manley and Davidson 1993, cited in RHJV 2004).

Demand for Recreation Facilities

Sacramento River Public Recreation Access Study

As explained in Section 3.3.1 of the EIR, The Nature Conservancy (TNC), in conjunction with the USFWS, the California Wildlife Conservation Board and DFG, commissioned a study conducted in 2003 to assess existing and potential public recreation uses, access needs, and opportunities along a 100-mile stretch of the Sacramento River between Red Bluff and Colusa. The goals of the Sacramento River Public Recreation Access Study (EDAW 2003) were: (1) to identify and characterize existing public access opportunities and needs associated with public recreation facilities and infrastructure throughout the study area, and (2) to identify and make recommendations for future public recreation access opportunities and management programs in the study area.

The results of the 2003 study indicated substantial public interest in natural areas. Potentially attractive recreation uses along the Sacramento River include trail hiking, walking, hunting and fishing, camping, wildlife viewing, nature study, picnicking, boating, beach activities, attending outdoor cultural events, and visiting museums and historic sites. Regional trends indicated a continued interest in the traditional outdoor recreation activities of boating, fishing, and hunting. Additionally, other nature observation activities, such as bird watching and wildlife viewing, are expected to increase 65% over the next 40 years. Furthermore, the study found that population

growth in the local four-county area (Butte, Colusa, Glenn, and Tehama Counties) is expected to increase by 55% in the next two decades, with about half of the local area growth expected to occur in Butte County.

State Parks' Central Valley Vision

The proposed project is also consistent with State Parks' Central Valley Vision, which provides recommendations for park acquisition, development, and program activities over a 20-year planning horizon (DPR 2007). During the Central Valley Vision planning process, which began in 2003, State Parks found that there are significant resource protection and recreational opportunities and programs in the Central Valley through which State Parks can better serve the needs of Valley residents and visitors (DPR 2007). Recognizing and responding to the rapid population growth anticipated in the Central Valley over the next 20–30 years, the dearth of State Park facilities in the Central Valley, and the increasing diversity of visitor needs and interests, State Parks is working to expand and improve park facilities and recreation programs at Central Valley State Park System units, including BSRSP. Public input during the Central Valley Vision planning process found a strong interest in river access with adjacent day-use and camping facilities, as well as preservation of riparian habitat (DPR 2007).

BSRSP General Plan

The BSRSP General Plan and EIR (Park Plan) documented the need for trails, day use areas, and campsites in response to demands for such facilities. The Park Plan noted the importance of facilitating efficient circulation within and between Park subunits and that the predominant mode of internal circulation is and will continue to be the Park's trail system because there are no major vehicular roadways that promote internal circulation. The Park Plan states,

“Trails can serve a wide range of non-motorized activities. They provide footpaths to fishing access areas that are located away from major roadways, access to high-quality wildlife observation and sight-seeing opportunities, and can accommodate multiple modes of transportation, including walking/hiking, bicycling, horseback riding, and even water-based transportation such as kayaks and canoes. As development in the region progresses and populations grow, it is anticipated that the Park will experience an increased demand for multi-use trail systems, particularly along the river corridor. Issues that must be considered in the development of a sound internal circulation plan include the types of trail systems proposed, impacts to vegetation and wildlife, and the need for directional signage and maps as appropriate. By informing visitors of their location and adjacent land ownership patterns, directional signage and maps can orient Park visitors and assist them to avoid trespassing on private lands.”

The Park Plan addressed day use areas, explaining that they are used as staging for hiking, birding, and other recreational activities, but are primarily used for picnicking, an activity that may be enjoyed by people of all ages and abilities. Picnicking is one of the most popular recreation activities in the region, with demand increasing as population in the area grows.

The Park Plan also states that overnight camping facilities are in high demand in the region. There are no developed campgrounds from BSRSP south to Colusa, a stretch of approximately 50 river miles. Opportunities for environmental boat-in camping are generally more available, but are limited to gravel bars below the ordinary high-water mark on the river. Both developed and environmental (or primitive) camping opportunities have been identified by Park users as a desired feature of future Park development, with greater emphasis and need for developed campgrounds relative to environmental campsites.

Therefore, the inclusion of the Nicolaus property within BSRSP and restoration of the Nicolaus property and the Singh Unit with riparian habitat would present an opportunity to enhance and expand the Park's recreational and public access opportunities through new and expanded trails, new day and overnight facilities, and visitor-service enhancement, thereby addressing the documented demands for outdoor recreation facilities.

Acquisition of the Nicolaus property, and subsequent habitat restoration and development of outdoor recreation facilities on the Nicolaus property and Singh Unit would address public interests expressed during TNC's Sacramento River Public Recreation Access Study, State Parks' Central Valley Vision planning process, and State Parks' General Planning process for BSRSP.

Consistency with Regional Plans

As described in Section 1.3 of the EIR, the proposed project is consistent with and implements a wide range of BSRSP Park Plan goals. The protection and restoration of natural and cultural resources are key components of the Park Plan. The Park Plan allows for additional biological habitat restoration and water quality protection; preserves scenic and cultural resources; and calls for facility developments and improvements in response to local and regional demand, yet with consideration given to physical and environmental constraints.

As documented in Section 3.1.3 of the EIR, the Singh Unit and Nicolaus property are located within the inner river zone of the Sacramento River Conservation Area (SRCA), on lands identified by the U.S. Fish and Wildlife Service (USFWS) in the *Final Environmental Assessment for Proposed Restoration Activities on the Sacramento River National Wildlife Refuge* (USFWS 2002) as having high potential for restoration of native riparian habitat that would benefit fish, wildlife and plant species dependent on a naturally functioning riverine ecosystem. The inner river zone stretches from Red Bluff to Colusa and is defined as the 150-year meander zone of the Sacramento River, or the location in which the river has meandered within the last 100 years and is predicted to meander over the next 50 years. Most of the properties within this zone also lie within the 2 ½ to 4-year flood recurrence interval zone of the river, which means that they have a 40 to 25 percent chance of flooding each year, generally in winter or spring (based on aerial photograph-interpreted flood recurrence intervals generated by the California Department of Water Resources [DWR]). The inner river zone guideline defines, for the most part, the SRCA planning boundary used by state and federal agencies, and private entities to restore and enhance natural riparian habitats and functions along the Sacramento River (SRCA Forum 2003). The suitable hydrology, soils, and presence of protected native riparian habitat within the inner river zone contribute to the suitability of the proposed project site for restoration of riparian habitat that was historically extensive along the middle Sacramento River.

Furthermore, as documented in Section 3.3 of the EIR, the project site is located within the SRCA stretch of the Sacramento River addressed by the Upper Sacramento River Fisheries and Riparian Habitat Management Plan published by the State of California Resources Agency in 1989. The goal of the SRCA is to “preserve remaining riparian habitat and reestablish a continuous riparian ecosystem along the Sacramento River between Redding and Chico and reestablish riparian vegetation along the river from Chico to Verona.” The Sacramento River Conservation Area Forum (SRCAF) is a group of local, state, federal, and private organizations that help implement the actions necessary to achieve the goal of the SRCA. The guiding principals for the SRCA include: ecosystem management, flood management, voluntary participation, local concerns, bank protection, and information and education. Planning for the project has considered the management strategies developed for the SRCA.

Less than Significant Environmental Impacts

The proposed project is consistent with the goal of riparian habitat restoration along this reach of the Sacramento River within the SRCA and addresses the increased local demand for recreation facilities. The EIR analyzes the impacts of the proposed project construction and operation on the environment. The EIR does not identify any significant environmental impacts that cannot be mitigated. Potential environmental impacts associated with this project would be less than significant with the implementation of mitigation measures. As presented in Section 4.1 of the EIR, the project would have less than significant impacts related to the following resources and the Park Plan adequately addressed these topics:

- ▶ aesthetics/visual resources
- ▶ geology and soils
- ▶ hazards and hazardous materials
- ▶ land use and planning
- ▶ mineral resources
- ▶ noise
- ▶ population and housing
- ▶ public services
- ▶ recreation
- ▶ transportation/traffic and circulation
- ▶ utilities and service systems

Additionally, as presented in Sections 4.2 through 4.6 of the EIR, detailed analyses and impact discussions were provided for the following resource areas, and in each case the project was determined to result in less than significant impacts, with mitigation measures incorporated as necessary:

- ▶ agricultural resources
- ▶ hydrology and water quality
- ▶ biological resources
- ▶ cultural resources
- ▶ air quality and climate change

All required mitigation measures would be tracked pursuant to the Mitigation Monitoring and Reporting Program included in Appendix G of this EIR. Therefore, it is reasonable that this project is proposed at its location to meet the need for riparian habitat restoration and the demand for recreation facilities.

State Parks Respects Public and Agency Concerns

State Parks respects the concerns of other agencies and members of the public, takes them seriously, and, where appropriate, has made project changes to resolve them. State Parks is committed to being a good neighbor and has considered all comments that were received in the planning process for the proposed project and, in many cases, has made changes to plans and documents related to the comments. The restoration plans for the Singh Unit were revised prior to publication of the Draft EIR to include a grassy swale in response to neighbors concerns regarding potential restoration-related changes to flood velocities, elevations and sedimentation on the private property north of the Singh Unit. In response to agency and neighbors' comments on the Draft EIR regarding recreational vehicle (RV) campgrounds and related concerns about roadway safety, utilities, noise, and other potential disturbances, the recreation plans have been revised further to remove RV campgrounds. Also in response to neighbor's comments on the Draft EIR regarding the day use area (to remain at the existing BSRSP headquarters site) and potential noise, trespass and other disturbances, the restoration plans have been revised to remove one of the existing entry points at the day-use area and to provide more of a vegetated buffer to the neighbor across River Road. Further, as stated in Chapter 1 of the EIR, the project would be consistent with Goal AO-4 of the Park Plan and State Parks will continue to work with private land owners in proximity to BSRSP to minimize conflicts associated with the mixed public and private land ownership pattern in the area.

Lead Agency – Project Decision

As explained in Section 1.7 of this EIR, State Parks is the lead agency for the project. State Parks has the principal responsibility for approving and carrying out the project and for ensuring that the requirements of CEQA have been met. After the EIR public-review process is complete, the Director of State Parks is the party responsible for certifying that the EIR adequately evaluates the impacts of the project. The Director also has the authority to either approve, modify, or reject the project. State Parks will consider the environmental document, including public and agency comments, as well as the complete record for this project in rendering a project decision.

COMMON RESPONSE 2—ADEQUACY OF CEQA PUBLIC NOTICING

COMMON COMMENT

Comments from Butte County and members of the public allege noncompliance with consultation and adequate noticing to agencies and the public regarding the project and the CEQA environmental review process. (See Comments L1-2, L1-11, L1-69, L1-70, L1-92, L1-94, L3-2, I2-1, I2-2, I6-17, I6-23 and I6-33)

COMMON RESPONSE

State Parks, as well as TNC, has engaged in agency and public coordination and outreach from the inception of the proposed project and has provided public noticing and comment periods as required by CEQA (State CEQA Guidelines Sections 15082, 15083, 15085, 15086, 15087, 15088, and 15105). A history of this public outreach is provided below. The level of public notice and outreach meets and, in many cases, substantially exceeds what is required by CEQA.

Coordination Regarding CALFED ERP Grant Agreement

The following coordination occurred between TNC, State Parks, Butte County, the Sacramento River Reclamation District, other interested groups/committees, and the public during the TNC grant submission/agreement for the CALFED Ecosystem Restoration (ERP) grant. The CALFED ERP grant agreement established the funding source for TNC to purchase the Nicolaus property, and other possible properties for inclusion into the Bidwell-Sacramento River State Park, as well as restoration planning and permitting.

- ▶ TNC received a letter from State Parks (Kathryn Foley, District Superintendent) stating State Parks' willingness to take possession of the Singh parcel from TNC after TNC purchases the property. Letter dated July 31, 2001.
- ▶ TNC presented its CALFED ERP grant proposal at the Sacramento River Reclamation District Board of Directors meeting, attended also by Butte County Emergency Services Officer, Michael Madden, on August 10, 2001.
- ▶ TNC presented the grant proposal to the Sacramento River Conservation Area Technical Advisory Committee on August 16, 2001.
- ▶ Butte County Supervisor and SRCAF Board Member, Jane Dolan, was notified of the original proposal submission on August 23, 2001 when TNC presented the grant proposal at the SRCAF Board of Directors meeting.
- ▶ TNC held a stakeholder meeting on August 27, 2001 to present the grant proposal. All local landowners in the project area were invited and numerous landowners and other interested parties were in attendance.
- ▶ TNC presented the grant proposal to the Sacramento River Conservation Area Technical Advisory Committee on September 19, 2001.
- ▶ TNC formally submitted grant proposal to CALFED ERP in October 2001.
- ▶ TNC purchased Singh property from private seller in March 2002; this purchase was not part of the CALFED ERP grant.
- ▶ TNC presented the CALFED ERP grant proposal to the Sacramento River Conservation Area Technical Advisory Committee on May 16, 2002.

- ▶ The Sacramento River Conservation Area Forum’s Board of Directors sent the CALFED ERP a letter stating the revised grant proposal conforms to the SRCA Handbook. The letter was signed by Jane Dolan, Chairperson of the SRCAF Board of Directors and Butte County Supervisor. Letter dated October 28, 2002.
- ▶ TNC was awarded grant by CALFED ERP to purchase the Nicolaus property, and other possible properties for inclusion into the Bidwell-Sacramento River State Park, as well as restoration planning and permitting in March 2003.
- ▶ TNC received a letter from State Parks reaffirming their intent to purchase the Singh parcel. Letter dated February 23, 2004.
- ▶ TNC sold the Singh property to State Parks on August 12, 2004.
- ▶ TNC purchased the Nicolaus property in November 2005.
- ▶ TNC’s original grant proposal to the CALFED ERP stated that all properties (including Nicolaus) purchased under the grant would go to State Parks as part of the Bidwell-Sacramento River State Park. Under State Park ownership, the properties would be restored and appropriate public use facilities would be put in place.

Public Noticing for the Bidwell-Sacramento River State Park Preliminary General Plan and EIR

Concurrent with TNC’s CALFED ERP grant agreement work, State Parks prepared, circulated, and responded to comments on the BSRSP General Plan and EIR. Because the proposed project tiers from the BSRSP General Plan EIR, it is pertinent to explain the noticing and public outreach that occurred for the first-tier CEQA document. The following public notices and public meetings occurred during preparation of the BSRSP General Plan and EIR:

- ▶ A scoping public meeting was held on March 18, 2003 to announce the Bidwell-Sacramento River State Park Preliminary General Plan project and receive scoping comments on the environmental analysis, pursuant to CEQA.
- ▶ A second public meeting was held on July 30, 2003 that focused on presentation of several planning alternatives.
- ▶ Bidwell-Sacramento River State Park Preliminary General Plan and Draft EIR was published on December 12, 2003.
- ▶ A 45-day public review period for the Draft EIR was provided from December 12 to January 26, 2004.
- ▶ A public hearing on the proposed General Plan and Draft EIR was held on January 15, 2004.
- ▶ Bidwell-Sacramento River State Park Recirculated Draft EIR (Agricultural Resources) was published October 18, 2005
- ▶ A 30-day public review period for the Bidwell-Sacramento River State Park Recirculated Draft EIR (Agricultural Resources) was provided from October 18, 2005 to November 17, 2005.
- ▶ Bidwell-Sacramento River State Park Comments and Responses to Comments on the Recirculated Draft EIR was published in January 2006
- ▶ The Final EIR was certified and the General Plan was adopted by State Parks on March 10, 2006

Public Noticing for the Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Recreation Facilities Development Project EIR

The project-level CEQA analysis for the BSRSP Habitat Restoration and Outdoor Recreation Facilities Development Project involved the following public notices and public meetings. This noticing and public outreach information was provided in the Draft EIR, Section 1.5, “Comments on the Notice of Preparation” and Section 1.8, “Public Review Process.”

- ▶ Notice of Preparation (NOP) for the proposed Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Recreation Facilities Development Project was distributed on August 28, 2007 to responsible agencies, interested parties, and organizations, as well as private individuals that may have an interest in the project.
- ▶ The NOP was filed with the State Clearinghouse and posted on the State Parks website on August 29, 2007.
- ▶ The NOP was mailed to agencies and members of the public on August 29, 2007.
- ▶ E-mail notification was provided to the Sacramento River Conservation Area Forum on August 30, 2007.
- ▶ Availability of the NOP was advertised in the Chico Enterprise Record on September 8, 2007.
- ▶ An announcement was made to the Sacramento River Conservation Area Forum technical advisory council on September 8, 2007.
- ▶ State Parks held a scoping meeting for the public and agencies the evening of September 19, 2007 at the Bidwell Mansion SHP Visitor Center at 525 Esplanade, Chico, CA 95926.
- ▶ Notice of Availability of the Draft EIR was published with the State Clearinghouse and Butte County Clerk on January 31, 2008.
- ▶ Direct mailing of the Notice of Availability of the Draft EIR to agencies and members of the public was done on January 31, 2008.
- ▶ Notice of Availability of the Draft EIR was published in the Chico Enterprise Record on January 31, 2008 and February 1, 2008.
- ▶ The Draft EIR was available for a 45-day public review period from January 31, 2008 to March 17, 2008. The Draft EIR was available on-line at State Parks’ website, at State Parks’ offices, at five local libraries, at The Nature Conservancy’s Chico office, and at Scotty’s Landing, located on River Road near the project site.
- ▶ State Parks held a public hearing on the Draft EIR for the public and agencies the evening of February 19, 2008 at the Bidwell Mansion SHP Visitor Center at 525 Esplanade, Chico, CA 95926.
- ▶ This Final EIR document includes the response to comments received on the Draft EIR during the public review period as well as any changes to the Draft EIR that resulted from those responses. The comments (in their entirety) and responses to the comments are provided in Chapter 8 of this Final EIR. Associated text changes are reflected throughout the Final EIR and are identified with a horizontal line in the margin of the page.

Comment number L1-2 specifically stated that State Parks failed to consult with and provide adequate notice to Butte County, as is required by CEQA. However, during the coordination and public comment periods described above, approximately eight Butte County offices were noticed and given the opportunity to attend public meetings and comment on Bidwell Sacramento River State Park planning. These included:

- ▶ Butte County Agricultural Commissioners
- ▶ Butte County Farm Bureau
- ▶ Butte County Air Quality Management District
- ▶ Butte County Clerk – Recorder
- ▶ Butte County Department of Developmental Services
- ▶ Butte County Department of Public Works
- ▶ Butte County Office of Emergency Services
- ▶ Butte County Planning Division

In addition, the Butte County Department of Public Works and the Butte County Farm Bureau provided comments on the project prior to the Butte County Board of Supervisors comment letter dated March 11, 2008. It is noted that the Board of Supervisors did not receive direct notice; in the future project-related notices will also be sent directly to the Board of Supervisors.

State Parks has considered all comments that were received in the planning process for the proposed project and, in many cases, has made changes to plans and documents related to the comments as explained in Common Response 1 and Chapter 3 of this Final EIR.

COMMON RESPONSE 3—ADEQUACY OF CEQA DOCUMENT

COMMON COMMENT

A number of commenters questioned the adequacy of the environmental analysis pursuant to CEQA. (See Comments L1-4, L1-45, L1-57, L1-68, L1-71, L1-90, L2-1, L2-2, L2-8, L3-2, L3-12, L3-13, L3-17, L3-20 and I6-15)

COMMON RESPONSE

According to CEQA, preparation of an EIR is required whenever it can be fairly argued, based on substantial evidence, that a proposed project may result in a significant environmental impact. An EIR is an informational document used to inform public-agency decision makers and the general public of the significant environmental impacts of a project, identify possible ways to minimize the significant impacts, and describe reasonable alternatives to the project that could feasibly attain most of the key project objectives reducing or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project.

The EIR for the BSRSP Habitat Restoration and Outdoor Recreation Facilities Development Project (SCH # 2007082160) is legally adequate according to the requirements of CEQA (Public Resources Code Sections 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Sections 15000 et seq.). The EIR is a tiered project-level EIR, as described in Section 1.3 of the EIR, and summarized below. This tiered EIR describes the existing conditions of the project site and surrounding lands, discloses the potential environmental impacts of the project (both on the project site and surrounding lands), identifies measures to minimize significant impacts, and describes reasonable alternatives to the project. Before adopting the project, State Parks, the lead agency, is required to certify that the EIR has been completed in compliance with CEQA, that the decision-making body reviewed and considered the information in the EIR, and that the EIR reflects the independent judgment of the lead agency.

Additionally, as described in Common Response 2, “Adequacy of CEQA Public Noticing,” State Parks, along with TNC, has engaged in agency and public coordination and outreach from the inception of the proposed project and has provided public noticing and comment periods as required by CEQA (State CEQA Guidelines Sections 15082, 15083, 15085, 15086, 15087, 15088, and 15105).

Tiered Project-Level EIR

As described in Section 1.3 of the EIR, CEQA permits an EIR for a project to tier off and rely on a more general EIR for a previously prepared program, plan, policy, or ordinance in instances where the later project would be consistent with the earlier program, plan, policy, or ordinance (Pub. Res. Code Section 21094 and State CEQA Guidelines Sections 15152 and 15385). Tiering promotes efficiency in the CEQA process by encouraging the lead agency to limit an EIR on a subsequent project to examining the significant effects that were not examined as significant effects in the prior EIR or are susceptible to substantial reduction or avoidance by specific revisions in the project (State CEQA Guidelines Section 15152). Section 1.3.1 of the EIR documents the review of the BSRSP General Plan and EIR (Park Plan) and that the proposed project is consistent with and implements the Park Plan goals. Because the project is consistent with the Park Plan goals, it is appropriate for the Park Plan to provide the more general, first-tier environmental document, allowing this EIR to focus on issues specific to the proposed project.

Because State Parks, the lead agency, had prepared and certified a first tier EIR for the BSRSP General Plan, the scope of this project EIR could be limited. By statute, the analysis need not “examine” those effects on the later project that:

- ▶ Have already been mitigated or avoided as part of the prior project approval, as evidenced in the findings adopted for the prior project; or
- ▶ Were “examined at a sufficient level of detail” in the prior EIR that they can “be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.” (Public Resources Code Section 21094[a]).

If the effects in question were examined at a sufficient level of detail in the prior EIR, State Parks need not generate additional information to devise necessary means to avoid or mitigate them, and such effect need not be addressed in the later environmental document. If, on the other hand, State Parks needs additional information to formulate the necessary revisions, conditions, or measures, then the effects should be addressed.

Section 4.1.1 of the EIR presents those environmental topics that were eliminated from further analysis through the General Plan EIR because there is no potential for significant environmental effects resulting from implementation of the project. These topics include Land Use and Planning; Mineral Resources; Population and Housing; and Recreation. Additionally, Section 4.1.2 addresses the environmental topics that were appropriately and adequately addressed by the General Plan EIR because the proposed project is consistent with Park Plan goals and guidelines and would result in less than significant effects to these resources. These environmental topics are aesthetics; geology and soils; hazards and hazardous materials; noise; transportation and traffic; and utilities and public services. A brief description for each of these topics is provided in Section 4.1.2 regarding why the proposed project is consistent with the Park Plan and why the project does not require further analysis.

State Parks determined the need, however, to further examine effects to Agricultural Resources; Hydrology, Water Quality, and River Geomorphology; Biological Resources; Cultural Resources; and Air Quality and Climate Change for this project. Therefore, these resources are analyzed in Sections 4.2 through 4.6 of the EIR, respectively. The analyses provide impact discussions with substantial evidence to support an impact determination. Where necessary, mitigation measures are also imposed. All required mitigation measures will be tracked in the Mitigation, Monitoring, and Reporting Program provided in Appendix G of this EIR.

Additionally, in response to comments on the Draft EIR, revisions and clarifications have been made to the Agricultural Resources and Hydrology, Water Quality and River Geomorphology analyses (see Sections 4.2 and 4.2 of this EIR). Specifically, clarifications were provided in Section 4.2 regarding Butte County agricultural policies and in Impact 4.2-b regarding the process for non-renewal of the Williamson Act contract on the Nicolaus property. Impacts 4.2-b remains less than significant, with no mitigation required. Please refer to Common Response 4 and Common Response 5, below, for further information in response to comments on the

EIR analysis of agricultural resource impacts. The Flood Neutral Hydraulic Analysis for the Nicolaus and Singh Properties (see Appendix B of this EIR) was also revised to include not only the Sacramento River, but also flows from Mud Creek and Big Chico Creek. The revised analysis, considering changes to the project description (see Chapter 3 of this EIR) and these tributaries in addition to the Sacramento River, again found that the project would result in less-than-significant impacts related to both flood water elevations and the velocity of water flow during flood events. Please refer to Common Response 6, below, for a description of the revised hydraulic analysis and the project's effects on flood water elevation and flood flow velocity. As shown in Chapter 4 of this Final EIR, the revisions and clarifications to the environmental analysis did not change the level of significance of the environmental impacts of the project; do not require new or additional mitigation measures; and therefore, do not warrant recirculation of the Draft EIR.

COMMON RESPONSE 4—IMPACTS TO AGRICULTURAL OPERATIONS

COMMON COMMENT

Multiple commenters expressed the opinion that the effects to agricultural resources were inadequately analyzed in the Draft EIR. Commenters expressed concern about several topics related to the impact the project would have on agricultural resources, including: Butte County policies (i.e., Butte County General Plan, Chico Area Greenline, and Butte County Right to Farm Ordinance), direct effects to agricultural resources (i.e., land use changes), and indirect effects to agricultural resources (compatibility with neighboring agricultural operations, buffers, pests, trespass). Response to the comments for these topic areas are addressed by this common response.

(See Comments L1-3, L1-8, L1-14 through L1-28, L1-39 through L1-44, L1-50, L1-64 through L1-66, L1-71, L1-77, L1-79, L1-80, L1-82, L1-87, L1-96, L1-97, L2-1, L2-3, L2-4, L2-6 through L2-10 and L2-16, L3-16, PH-1, PH-2, PH-12, and PH17-19)

COMMON RESPONSE

Butte County Agricultural Policies

The project is proposed by, and would be implemented by, State Parks. State agencies are not subject to local or county land-use plans, policies, and zoning regulations (Hall vs. City of Taft [1952] 47 Cal.2d 177; Town of Atherton v. Superior Court [1958] 159 Cal.App.2d 417; Regents of the University of California v. City of Santa Monica [1978] 77 Cal. App.3d 130). However, State Parks seeks to work cooperatively with local jurisdictions to resolve land use issues, if they arise. Under CEQA, an EIR must consider the extent to which a project is inconsistent with “applicable general plans” (State CEQA Guidelines Section 15125, subd. [d]; see also State CEQA Guidelines Appendix G, IX[b]). In this case, because State Parks is a State agency that is not subject to local land-use regulations, land-use plans, policies and regulations adopted by Butte County are not applicable to the project. For this reason, this EIR need not, as a matter of law, consider such plans, policies, and regulations.

Nevertheless, in the exercise of its discretion and the interest in working cooperatively with local jurisdictions, State Parks does reference, describe, and address local land-use plans, policies, and regulations that are applicable to the project. State Parks takes this approach in recognition that such plans, policies, and regulations reflect the local community's policy decisions with respect to appropriate uses of land in the area. Consideration of these plans, policies and regulations, therefore, assists State Parks in determining whether the proposed project may conflict with nearby land uses that could result in potentially significant environmental impacts.

Section 4.2.2, “Regulatory Setting,” which describes federal, state, and local agricultural policies and regulations applicable to the project, was revised in this Final EIR to provide a more thorough description of the Agricultural Element of the Butte County General Plan, the Chico Area Greenline Policy contained in the Land Use Element of the Butte County General Plan, and the Butte County Right to Farm Ordinance. The revised section reads as follows.

Butte County General Plan

Butte County addresses the protection of agriculture in its General Plan as follows:

Agricultural Element

Recognizing the importance of protecting and maintaining agriculture as a continuing major part of the local economy and way of life in Butte County, the Board of Supervisors directed the preparation of an Agricultural Element to the General Plan (Butte County 1995). The Agricultural Element was adopted on May 9, 1995, establishing policies designed to achieve four main purposes:

- ▶ to preserve agricultural lands for continued agricultural uses;
- ▶ to strengthen and support the agricultural sector of the economy;
- ▶ to protect the natural resources that sustain agriculture in Butte County; and,
- ▶ to consolidate agricultural policies required in mandated general plan elements into one document.

The Agricultural Element describes several issues and challenges affecting the viability of agriculture in Butte County, such as leapfrog development, subdividing agricultural parcels into smaller units, conversion of agricultural land to urban development or rural residential “ranchettes,” trespass and vandalism, environmental regulations, and water availability. The Agricultural Element addresses these issues through specific goals, policies, and programs to ensure continued agricultural productivity unhindered by development pressures. The goals set the ideal for the element, and include the following:

- Goal 1.** Maintain parcel sizes that ensure the long-term preservation, conservation and continuity of those general plan areas identified as Orchard and Field Crops and Grazing and Open Lands.
- Goal 2.** Conserve and stabilize agricultural land uses at city and community boundaries in order to protect agricultural lands from encroachment and conversion to urban uses.
- Goal 3.** Support the management of agricultural lands in an efficient, economical manner, with minimal conflict from non-agricultural uses.
- Goal 4.** Encourage environmental resource protection measures to ensure the continued agricultural use of the land.
- Goal 5.** Seek and support preservation policies and programs to protect long-term agricultural production.
- Goal 6.** Seek measures to preserve and maintain agriculture and encourage new agricultural industries and operations.
- Goal 7.** Support appropriate amounts of farm worker and farm family housing in agriculturally zoned areas.

Land Use Element

The Land Use Element of the Butte County General Plan, as adopted by Resolution 79-222, on October 30, 1979, contains the Chico Area Greenline Policy (Butte County 1979). The policy establishes and defines the “Chico Area Greenline” as the established boundary line which separates urban/suburban land uses from agricultural land uses in the Chico area. The stated purposes of the policy are as follows:

- ▶ To define the limits of future urban development which may occur on agricultural lands in the Chico Area of Butte County.
- ▶ To provide for the long-term protection of agricultural resources of the Chico Area of Butte County.

- ▶ To mitigate the threat to agricultural resources posed by urban encroachment into and conversion of agricultural lands in the Chico Area of Butte County.
- ▶ To reduce agricultural/urban conflicts in the Chico Area of Butte County.
- ▶ To establish County cooperation with the City of Chico in land use planning of urban and agricultural lands located in the Chico Area of Butte County.
- ▶ To identify urban development limits in or near agricultural lands within the County’s Chico Area Land Use Plan by use of a certain bold dashed boundary line.
- ▶ To establish a certain and clear policy text for Butte County’s Chico Area Land Use Element, which will enhance and uphold the aforementioned boundary line and policy text.
- ▶ To establish certain land use designations for the Chico Area of Butte County in conformity with the aforementioned boundary line and policy text.

In order to implement the Chico Area Greenline Policy, properties on the agricultural side of the boundary line were zoned or rezoned to support the policy. The policy stipulates that all land uses on the agricultural side of the Chico Area Greenline consist solely of Agricultural land uses as provided by the Orchard and Field Crop designation, except for Agricultural Residential land uses.

Butte County Right to Farm Ordinance

In 1981, the Butte County Board of Supervisors adopted the Butte County Right to Farm Ordinance (Right to Farm Ordinance). The purpose and intent of the Right to Farm Ordinance is to limit the circumstances under which properly conducted agricultural operations on agricultural land in Butte County may be considered a nuisance, as well as:

“... to promote a good-neighbor policy by requiring notification of owners, purchasers, residents, and users of property adjacent to or near agricultural operations on agricultural land of the inherent potential problems associated with being located near such operations, including, without limitation, noise, odors, fumes, dust, smoke, insects, operation of machinery during any time of day or night, storage and disposal of manure, and ground or aerial application of fertilizers, soil amendments, seeds and pesticides. It is intended that, through mandatory disclosures, owners, purchasers, residents and users will better understand the impact of living or working near agricultural operations and be prepared to accept attendant conditions from properly conducted agricultural operations as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector.”(35-2[c])

The Right to Farm Ordinance further states that:

“No agricultural operation conducted or maintained on agricultural land in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the county, shall be or become a nuisance for purposes of this code or county regulations if it was not a nuisance when it began, provided that such operation complies with the requirements of all applicable federal, state, and county statutes, ordinances, rules, regulations, approvals and permits. The provisions of this section shall not apply where a nuisance results from the negligent or improper management or operation of an agricultural operation. (Ord. No. 3965, § 6, 6-12-07)” (35-6)

Direct and Indirect Impacts to Agricultural Resources

A number of commenters expressed the opinion that the project would have direct and indirect impacts on neighboring agricultural operations that were not adequately disclosed or analyzed in the Draft EIR. Section 4.2.4,

“Impact Analysis” of the EIR thoroughly and adequately discloses and analyzes the potential direct and indirect impacts the project would have on agricultural resources. The analysis in Section 4.2 is based on a review of agricultural characteristics of lands in the study area (Exhibit 4.2-1 of the EIR). It is further based on consideration of proposed project actions that could result in adverse physical changes to the environment or in the degradation of physical attributes that historically supported native riparian habitat and that have supported agricultural production in more recent times. The methodology and conclusions of this analysis are consistent with the Recirculated EIR for the Preliminary General Plan (Agricultural Resources) (October 2005) for the Bidwell-Sacramento River State Park General Plan (Park Plan), which presented a thorough analysis of the potential impacts to agricultural resources resulting from the implementation of the Park Plan.

The discussion in Impact 4.2-a of the EIR explains that the project would result in a change in land use in areas designated as “Irrigated Farmland,” which are currently in agricultural production. The Singh Unit would be restored to natural vegetation conditions with a trail connecting to other BSRSP facilities. The Nicolaus property would support a combination of restored natural vegetation and low-intensity, outdoor recreation uses. This change in land use could have a minor economic effect related to a reduction of local crop production. However, pursuant to CEQA Guidelines Section 15382, an economic or social change by itself is not considered a significant effect on the environment. As described in Section 4.2 of the EIR, 464,308 acres are in agricultural production in Butte County, of which almonds and walnuts accounted for 74,942 acres (Butte County 2007a). The Singh Unit and Nicolaus property orchards (totaling approximately 170 acres of agricultural production) account for approximately 0.2% of Butte County’s almond and walnut orchards and approximately 0.04% of land in agricultural production. However, the change from commercial crops to non-commercial, natural habitat (i.e., the change from walnuts to native vegetation) would not substantially diminish the land, soils or open space values of the physical resource, nor would they preclude future agricultural use of the land or preclude nearby agricultural uses.

The proposed riparian habitat restoration and outdoor recreation facilities on the Singh Unit and the Nicolaus property do not fit the definition of urban and built-up land and the planned uses do not constitute “conversion” to development as described in Impact 4.2-a. Furthermore, the ultimate physical conditions of the Singh Unit and the Nicolaus property resulting from the proposed project would be protective of agricultural land values, as considered by the procedures implementing the FPPA. The vast majority of the Singh Unit and Nicolaus property would be restored to native riparian habitat under the proposed project. Unlike urban development, natural vegetation restoration would represent a return to the land’s original (natural) physical condition, as part of a riparian corridor, which offers long-term natural process and function benefits, including the natural formation of soils that provide these sites with their current resource and agricultural values. Because the resource value of the soil is tied directly to the natural conditions and processes that existed prior to commercial agricultural cultivation, native vegetation restoration efforts would, in effect, be preserving (and possibly improving over time) the soil integrity (Cannon 2004). Therefore, the project does not constitute a conversion of farmland resulting in potentially significant adverse environmental impacts as defined in CEQA and the State CEQA Guidelines.

Also described in Impact 4.2-a, consistent with Park Plan Guideline AO-3.2-1, the proposed recreational facilities have been designed such that they would minimize alteration of the natural landform and they would be compatible with the open space values of the area, including the resource values that support agricultural productivity. The proposed outdoor recreational facilities, which include standard trails/campground/day-use features and ancillary facilities (e.g., parking, restrooms, etc.), would include minimal paving and limited small structures. Additionally, in response to comments on the Draft EIR, State Parks removed the proposed RV campgrounds from the recreation facilities plans, further reducing the footprint of proposed facilities. Therefore, proposed recreational facilities would be sufficiently limited in nature (i.e., small areas used for trails, parking, and camping that could be readily demolished and removed), such that it would be feasible to return the lands to another resource-based use, such as agricultural production, at some future time. Consequently, the development of the proposed outdoor recreation facilities would not constitute agricultural land conversion to development in the sense of the environmental impact concerns of CEQA. Furthermore, Impact 4.2-a explains that project has considered and incorporated measures to avoid indirect impacts to neighboring agricultural lands. Based on the

substantial evidence provided in Section 4.2 of the EIR, State Parks concludes that the proposed project would result in a less-than-significant impact on agricultural resources within the intended meaning of CEQA and the CEQA Guidelines.

Please also refer to Common Response 3, “Adequacy of CEQA Document,” and Common Response 7, “Buffer Zones.”

COMMON RESPONSE 5—IMPACTS TO LANDS UNDER WILLIAMSON ACT CONTRACT

COMMON COMMENT

Multiple commenters expressed concern regarding whether or not State Parks would follow the proper process for nonrenewal or cancellation of the Williamson Act contract on the Nicolaus property.

(See Comments L1-28, L1-29, L1-80, L1-95, L1-97, L2-1, L2-5, L2-11, L3-11 through L3-15 and PH-10)

COMMON RESPONSE

Section 4.2.2, “Regulatory Setting” has been revised in this Final EIR to more accurately describe Butte County Williamson Act procedures. The portion of Section 4.2.2 regarding the Williamson Act is revised as follows:

CALIFORNIA LAND CONSERVATION ACT OF 1965 (WILLIAMSON ACT)

Since 1965 the State has encouraged landowners to protect agriculture and open space lands via the California Land Conservation Act of 1965, commonly referred to as the Williamson Act. The State of California Department of Conservation (DOC) is responsible for interpretation and enforcement of Williamson Act restrictions and provisions. Under this law, agricultural, recreational, and other related open space uses are protected when the landowner enters into a restrictive use contract with the local administering government. As an incentive for enrolling their land in the program, landowners receive a reduction in property tax liability. Counties benefit when they formally adopt the program because they are then able to claim “Open Space Subvention Act Payments” that partially replace property tax losses associated with Williamson Act enrollees. The Williamson Act program is intended to preserve farmland, although a landowner could have other activities on the same land, including a permitted mining operation, a hunting club (without permanent facilities), or processing operations for agricultural products. Williamson Act contracts have a 10 year renewable contract term. Butte County administers the Williamson Act Program in Butte County. *Resolution 07- 021 of the Board of Supervisors of the County of Butte: Butte County Administrative Procedures and Uniform Rules for Implementing the California Land Conservation (Williamson) Act* (Butte County Williamson Act Procedures) (Butte County 2007b) identifies the Butte County Department of Development Services, Planning Division as the lead County department for all Williamson Act program management, including applications, Williamson Act contract non-renewals, and contract cancellations.

The discussion of the Williamson Act Contract Process in Impact 4.2-b in this Final EIR has been revised as follows to clarify the process that will be followed for nonrenewal:

Williamson Act Contract Process

The Singh Unit is not in a Williamson Act contract. However, the Nicolaus property (approximately 146 acres) is currently in a Williamson Act contract. TNC and State Parks will adhere to the local and state regulations for lands under a Williamson Act contract.

State Acquisition of Land under Williamson Act Contract – Value to the Public

Rule 6(F) of the Butte County Williamson Act Procedures (Butte County 2007b) provides guidance for the County in situations when land under Williamson Act contract is acquired by the State. Rule 6(F) reads as follows:

Public Acquisition. Williamson Act contracts become void for land that is acquired by a federal, state or local government agency for necessary public uses and facilities. The California Land Conservation Act of 1965 contains policies and restrictions to avoid public acquisition of lands in agricultural preserves, with special emphasis on restricting acquisition of land subject to Williamson Act contracts or containing prime agricultural land. State and local government agencies are required to refer proposals to acquire land in agricultural preserves to the State Department of Conservation for their review and response prior to acquisition.

As stated in Government Code Section 51290(a)(b), “it is the policy of the state to avoid, whenever practicable, the location of any federal, state, or local public improvements...and the acquisition of land therefore, in agricultural preserves,” and “that whenever it is necessary to locate such an improvement within an agricultural preserve, the improvement shall, whenever practicable, be located upon land other than land under a [Williamson Act] contract.” Furthermore, a public agency proposing to acquire and/or locate improvements on land under Williamson Act contract, shall “give consideration to the value to the public...of land...within an agricultural preserve.” (Section 51290[c]).

In determining the value to the public, the Legislature finds (Section 51220):

- (a) That the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state’s economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for future residents of this state and nation.
- (b) That the agricultural work force is vital to sustaining agricultural productivity; that this work force has the lowest average income of any occupational group in this state; that there exists a need to house this work force of crisis proportions which requires including among agricultural uses the housing of agricultural laborers; and that such use of agricultural land is in the public interest and in conformity with the state’s Farmworker Housing Assistance Plan.
- (c) That the discouragement of premature and unnecessary conversion of agricultural land to urban uses is a matter of public interest and will be of benefit to urban dwellers themselves in that it will discourage discontinuous urban development patterns which unnecessarily increase the costs of community services to community residents.
- (d) That in a rapidly urbanizing society agricultural lands have a definite public value as open space, and the preservation in agricultural production of such lands, the use of which may be limited under the provisions of this chapter, constitutes an important physical, social, esthetic and economic asset to existing or pending urban or metropolitan developments.
- (e) That land within a scenic highway corridor or wildlife habitat area as defined in this chapter has a value to the state because of its scenic beauty and its location adjacent to or within view of a state scenic highway or because it is of great importance as habitat for wildlife and contributes to the preservation or enhancement thereof.
- (f) For these reasons, this chapter is necessary for the promotion of the general welfare and the protection of the public interest in agricultural land.

In consideration of the value to the public of the proposed project pursuant to Section 51220, State Parks could make the following findings. The proposed project is consistent with State Parks' Central Valley Vision process, which provides recommendations for park acquisition, development, and program activities over a 20-year planning horizon (DPR 2007). During the Central Valley Vision planning process, which began in 2003, State Parks found that there are significant resource protection and recreational opportunities and programs in the Central Valley through which State Parks can better serve the needs of Valley residents and visitors (DPR 2007). Recognizing and responding to the rapid population growth anticipated in the Central Valley over the next 20–30 years, the dearth of State Park facilities in the Central Valley, and the increasing diversity of visitor needs and interests, State Parks is working to expand and improve park facilities and recreation programs at Central Valley State Park System units, including BSRSP. Public input during the Central Valley Vision planning process found a strong interest in river access with adjacent day-use and camping facilities, as well as preservation of riparian habitat (DPR 2007). Acquisition of the Nicolaus property, and subsequent habitat restoration and development of outdoor recreation facilities would address public interests expressed during State Parks' Central Valley Vision planning process. Additionally, as discussed in Sections 3.1.3, 3.1.4, and 3.3.1 of this EIR, the proposed project is a product of a number of policies, programs and activities focused along the Sacramento River over the last 20 years at multiple levels of government. The implementation of these programs represents a significant public investment in the protection and restoration of riparian habitat. The efforts began in 1986, when the State of California legislature passed into law SB 1086, calling for development of a management plan for the Sacramento River and its tributaries. This set into motion an effort to protect, enhance and restore fisheries and riparian habitat that has become a model for the State. SB 1086 resulted in publication of the *Sacramento River Conservation Area Forum Handbook* (SRCA Forum 2003) that contains a set of principles and guidelines for habitat management along the river. SB 1086 also led to the formation of a nonprofit organization, the SRCA Forum, to coordinate the habitat restoration efforts along the river in accordance with guidance in the SRCA Forum Handbook.

Notification of Intent to Locate Public Improvement on Property under Williamson Act Contract

State Parks would acquire the Nicolaus property as a gift from TNC. Prior to the transfer of the Nicolaus property from TNC to State Parks, State Parks would advise the Director of Conservation and Butte County of its intention to consider the location of a public improvement within property under Williamson Act contract (pursuant to Section 51291[b]). "In accordance with Section 51290, the notice shall include an explanation of the preliminary consideration of Section 51292, and give a general description, in text or by diagram, of the agricultural preserve land proposed for acquisition, and a copy of any applicable [Williamson Act] contract" (Section 51291[b]). The Director of Conservation would then forward a copy of the notice to the Secretary of Food and Agriculture for comment. Within 30 days, the Director of Conservation and Butte County would forward their comments with respect to the effect of the location of the public improvement on the land within an agricultural preserve to State Parks for their consideration (Section 51291[b]). Following acquisition of the Nicolaus property by State Parks, State Parks "shall notify the Director of Conservation within 10 working days. The notice shall include a general explanation of the decision and the findings made pursuant to Section 51292" (Section 51291[c]). As stated in Government Code Section 51292, it is the policy of the state that public agencies cannot locate public improvements in agricultural preserves unless specific findings can be made:

1. The location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve. (Section 51292[a])
2. If the land is agricultural land covered under a [Williamson Act] contract for any public improvement, that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement (Section 51292[b])

The project facts support the first finding (pursuant to Section 51292[a]) because the selection of the Nicolaus property was based on the location near the confluence of the Sacramento River, Big Chico Creek, and Mud Creek; the location relative to BSRSP; the potential the site offers to rehabilitate natural river processes, aid

recovery of special-status species, restore riparian habitat, and improve water quality; and a willing seller. The property represents the potential expansion of BSRSP, including expansion of native riparian habitat in the Park (and within the greater area of protected and restored habitat along the Sacramento River between river mile [RM] 199 and RM 193) and the expansion and improvement of recreational facilities.

Project facts also support the second (pursuant to Section 51292[b]) findings. As the purpose of the project, including the land transfer from TNC to State Parks, is both restoration of native riparian habitat and expansion of the BSRSP, the property needs to be adjacent to existing BSRSP property and offer an opportunity to restore riparian habitat. The Nicolaus property is located directly across River Road from the Indian Fishery Subunit and north of the Big Chico Creek Riparian Area Subunit (which includes the Singh Unit), separated by a privately owned orchard and field crops. These two subunits, totaling 240.6 acres, represent 89% of the total land that composes the BSRSP. New recreation facilities, such as trails and campground, would connect to and support the use of other existing facilities in BSRSP. Additionally, the existing farm complex would provide the ability to relocate the BSRSP headquarters to higher, less frequently flooded ground. The location of the project near the confluence of the Sacramento River, Big Chico Creek, and Mud Creek provides a unique habitat restoration opportunity. Additionally, the property is located adjacent to lands that are part of DFG's Sacramento River Wildlife Area, and proximate to USFWS lands that are part of the Sacramento River National Wildlife Refuge. The Nicolaus property, similar to these neighboring public lands, is located within the Sacramento River Conservation Area (SRCA). The proposed project would support the SRCA goal to "preserve remaining riparian habitat and reestablish a continuous riparian ecosystem along the Sacramento River between Redding and Chico and reestablish riparian vegetation along the river from Chico to Verona." Furthermore, the Nicolaus property, which is owned by TNC, has an owner willing to transfer the land to State Parks as a gift (i.e., State Parks would not purchase the Nicolaus property from TNC). Due to the large amount of land in public ownership in the vicinity of BSRSP, and the lack of private land owners willing to sell land adjacent to BSRSP, another location was not identified that could meet these criteria.

Notice of Nonrenewal of the Williamson Act Contract

Pursuant to Rule 6(A) of the Butte County Williamson Act Procedures (Butte County 2007b), either TNC (prior to the land transfer) or State Parks (following the land transfer) would serve written notice of nonrenewal of the Williamson Act contract for the Nicolaus property to DOC and Butte County, which would release State Parks from the contract after the ninth year following the year the notice of nonrenewal is submitted. During the nonrenewal period, State Parks would conduct activities consistent with the Williamson Act contract.

As of 2005 (the most recent data available), a total of 215,248 acres were enrolled in the Williamson Act Program in Butte County (DOC 2006). The nonrenewal of the Williamson Act contract for the Nicolaus property (approximately 146 acres) would represent a 0.07% decrease in the total acreage under Williamson Act contract in Butte County. Based on the information presented above, State Parks concludes that the proposed project would result in a less-than-significant impact on agricultural resources within the intended meaning of CEQA and the CEQA Guidelines.

Land Use Compatibility with Agriculture and Williamson Act Contracts

The proposed habitat restoration and outdoor recreational uses at the project site would be compatible with surrounding agriculture land uses, based on existing federal and state laws and programs for farmland protection. As described in Impact 4.2-a, the Federal FPPA indicates that non-agricultural uses are urban uses, which detract from agricultural land values in the rating system, while "non-urban uses," which create or protect agricultural land values, include non-paved parks and recreational areas. Based on the characteristics of the proposed habitat restoration and outdoor recreation facilities, the project would qualify as non-urban uses, which the FPPA considers to be protective of and compatible with agricultural values. The Williamson Act also contains numerous provisions that recognize the compatibility between agricultural and recreation/open space uses. The definitions included in the statute are the first indication of such compatibility. It defines an "agricultural preserve" as an area

devoted to either agricultural use, recreational use, open space use, or any combination thereof (California Government Code Section 51201(d)). Also, “recreational use” is defined as the use of the land in its agricultural or natural state by the public, with or without charge, for a range of listed uses, including, but not limited to walking, hiking, picnicking, camping, swimming, boating, fishing, and other outdoor sports (California Government Code Section 51201(n)). Finally, “compatible use” is defined as any use determined to be compatible with the agricultural, recreational, or open space use of the land within the preserve (California Government Code Section 51201(e)). The habitat restoration and recreational facilities proposed are considered compatible with agriculture and therefore should have no significant adverse effects on neighboring farmland production. Furthermore, per the goals and guidelines under Park Plan Overall Goal AO-4, State Parks has incorporated design features (e.g., grassland buffers) into the habitat restoration and recreation facility plans to minimize land use incompatibilities and has/will coordinate with public and private landowners in the project vicinity to minimize land use conflicts. Park Plan guidelines also address fire protection and law enforcement at the Park (see Chapter 3, “Description of the Proposed Project”) to minimize incompatibilities with active agricultural operations on adjacent properties.

The definitions described above are reinforced in Section 52105 of the Williamson Act, which states that land devoted to recreational use...may be included within an agricultural preserve (California Government Code Section 51205). In outlining the purpose of the Williamson Act, the statute states that the discouragement of premature and unnecessary conversion of agricultural land to urban uses is a matter of public interest (California Government Code Section 51220(c)); there is no reference to other non-urban uses, such as low-intensity rural outdoor recreation, such as those that result from the proposed project. The clearest evidence for compatibility between agriculture and the habitat restoration and recreational facilities proposed at the project site are found in the principles of compatibility presented in Section 51238.1 of the statute. It states that uses approved on contracted lands, such as those proposed for the project site, will not significantly compromise the long-term agricultural capability of the subject contracted parcel in agricultural preserves (California Government Code Section 51238.1(a)(1)). The proposed project, and goals and guidelines of the Park Plan, strive to maintain physical conditions of the land that create resource values, including future agricultural and open space capabilities. Therefore, the habitat restoration and recreational facilities proposed are considered compatible with surrounding agriculture land use this impact is considered less than significant.

COMMON RESPONSE 6—REVISED FLOOD NEUTRAL HYDRAULIC ANALYSIS

COMMON COMMENT

A number of commenters expressed concern that the *Flood Neutral Hydraulic Analysis* for the Nicolaus and Singh Properties, dated December 12, 2007, included in Appendix B of the Draft EIR, focused on flood flows from the Sacramento River and did not include flood flows from Mud Creek and Big Chico Creek. Commenters noted that flood waters from Mud Creek, Big Chico Creek and their tributaries impact the project site and neighboring properties and that they need to be considered in the hydraulic analysis. Commenters also expressed concern regarding the roughness (density of vegetation) of the proposed riparian habitat and associated changes to flood levels and the velocities of flood flows through the project site and neighboring properties. (See Comments L1-6, L1-33 through L1-36, L1-58, L1-72, L1-85, L1-86, L1-9, L2-2, L3-4, L3-6 through L3-8, L3-10, L3-12, L3-13, L3-17, I2-5 through I2-7, I6-7, I6-18 through I6-20, I6-25, I7-3, I7-7, PH-2 through PH-4 and PH-15).

COMMON RESPONSE

The *Flood Neutral Hydraulic Analysis for the Nicolaus and Singh Properties*, prepared to determine the hydraulic effects of the project on the floodplain, including the project site as well as surrounding private and public lands, has been revised in response to comments on the Draft EIR. The revised report, dated May 30, 2008, is included in Appendix B of this Final EIR. Key revisions to the report include the following:

- ▶ Inclusion of the lower three miles of Mud Creek (which includes the tributary flows from Rock Creek, Lindo Channel and Kusal Slough) and Big Chico Creek, in addition to the Sacramento River, in the 2-dimensional hydraulic model (see Figure 1 of the revised report);
- ▶ The Mud Creek model limit extends north of the project area (see Figure 1 of the revised report), modeled flows for this portion of Mud Creek are the USACE design flows of 15,000 cubic feet per second (cfs);
- ▶ The Big Chico Creek model limit extends east of the project area (see Figure 1 of the revised report), modeled flows for this portion of Big Chico Creek are the USACE design flows of 7,000 cfs;
- ▶ The Sacramento River model limits were reduced to RM 191 to 196.5 (see Figure 1 of the revised report);
- ▶ Removal of the RV campground from the conceptual recreation plans and instead including that area in the habitat restoration plan as oak savannah habitat; and
- ▶ Reduction in the proposed maximum density of revegetation from 198 to 132 planting locations per acre in the forested habitat types, and 50 plants per acre in the oak savanna and the recreation facilities area.

The *Hydraulic Analysis for Flood Neutrality on the Nicolaus and Singh Properties, Sacramento River, Mud Creek, and Big Chico Creek, May 30, 2008* (see Appendix B), had the following results and conclusions:

- ▶ At the modeled flow, the velocity contours in Figures 6 and 7 of Appendix B show that the flood flow velocity is between 0.0 and 3.5 feet per second (ft/s) in the project areas for both the existing condition and the with-project condition.
- ▶ The largest change in velocity due to the project would be an increase of up to 2.0 feet per second within the swale that runs north-south in the western half of the Singh Unit. This increase in velocity would be due to the conversion from orchard to meadow grasses in the natural low-lying swale. The existing velocity in that area is roughly 1.0 ft/s, and as long as the passageway remains vegetated, this increase should not have any harmful effects.
- ▶ The project would also result in velocity increases on the Singh Unit adjacent to Mud Creek of up to 0.5 ft/s (from 0.5 ft/s to 1.0 ft/s) due to the removal of the berm adjacent to Mud Creek. The removal of the berm from the southwestern boundary of the Singh Unit would cause an increase in that area of up to 0.7 ft/s (from 0.7 ft/s to 1.4 ft/s), but would also slightly reduce the velocity on the east bank of the Sacramento River adjacent to the site.
- ▶ The proposed grassland buffers would cause an increase in flood flow velocity on the west side of the Singh Unit and Nicolaus property, with the greatest increase being 1.2 ft/s (from 1.0 ft/s to 2.2 ft/s) at the southwestern boundary of the Nicolaus property.
- ▶ Small increases in flow velocity (0.25 to 1.0 ft/s) would also be anticipated for the oak savannah area near the planned recreational facilities on the Nicolaus property.
- ▶ The hydraulic modeling analysis shows very little change in water surface elevations within the modeled area (Figure 1 of Appendix B). The modeling predicted that the project would not result in any increases to water surface elevation, but would result in a small section of decrease of approximately 0.10 foot near the oak savannah habitat zone on the Nicolaus property.

Based on these results, as presented in Impact 4.3-a of this Final EIR, the potential project-induced changes in surface water elevation during flooding conditions would continue to be small, localized, and would not increase the area inundated by flood flows. Therefore, this impact is still considered less than significant. Additionally, as presented in Impact 4.3-b of this EIR, the project-related changes in vegetation and land use cover types

(recreational facilities) are not expected to substantially alter sediment transport and deposition within the project area. The restoration of native riparian habitat in the project area on lands that once supported a naturally functioning riverine ecosystem is considered beneficial for reducing the direct and indirect adverse effects of erosion and sediment deposition in the river. Minor changes in geomorphic processes (flood flow velocities) resulting from proposed project activities would be less than significant. Therefore, based on the revised *Flood Neutral Hydraulic Analysis for the Nicolaus and Singh Properties* (May 30, 2008), the project's impact to water surface elevations (Impact 4.3-a) and flood flow velocities (Impact 4.3-b) would be less than significant. Please refer to Section 4.3 of this EIR for the associated revisions to the EIR text.

COMMON RESPONSE 7—BUFFER ZONES

COMMON COMMENT

Local agencies as well as private land owners expressed concern regarding the adequacy of the proposed grassland buffer zones in the proposed project. Concerns related to sufficient buffer area to prevent pest impacts to neighboring agricultural land; buffer related to human trespass; and buffers required by Butte County Code. (See Comments L1-17, L1-79, L1-87, L2-7, I2-3, I6-3, I6-28, I6-30, I6-32, I7-2, PH-1 and PH-18).

COMMON RESPONSE

Comments regarding the proposed grassland buffers for the BSRSP Habitat Restoration and Outdoor Recreation Facilities Development Project were received during the scoping period for the Draft EIR and addressed in Appendix A, "Scoping Comments and Responses." Due to additional comments regarding buffer zones received on the Draft EIR, the following information is provided to further respond to the public's concerns.

Buffer Related to Pests

The restoration plans for the proposed project include grassland buffers where the project site boundary is adjacent to agricultural land. As discussed in Chapter 3, "Description of the Proposed Project," and illustrated in Exhibits 3-7 and 3-8 of the EIR, the buffer would be approximately 100-feet wide and would be managed to prevent woody species establishment.

Potential pests that could affect crops and agricultural operations could include threatened or endangered species, invasive nonnative plant species, or wildlife (such as California ground squirrel, California vole, and lygus bug). The EIR determined that a 100-foot wide grassland buffer would be sufficient to protect adjacent agricultural operations from pests for the following reasons:

- ▶ The proposed habitat restoration plans do not include planting any threatened or endangered plant species.
- ▶ Black walnut volunteers (an invasive nonnative species) would be discouraged as part of State Parks maintenance of the vegetation.
- ▶ The grassland buffers would be managed to prevent the establishment of woody species, including elderberry shrubs.
- ▶ The *Colusa Pest and Regulatory Effects Study* (EDAW 2007) found that open grass areas may provide habitat for pests such as California ground squirrel, California vole, and lygus bug (aka western tarnish bug) as opposed to closed canopy riparian habitats (e.g., riparian forests). Therefore, providing a larger open grass area could exacerbate these types of pest problems rather than minimize them.

Buffer Related to Human Disturbances

The boundaries between the project site, which would be part of State Park's BSRSP, and private property would be clearly posted, consistent with Guideline AO-1.1-2 and AO-4.4-1 of the Park Plan. The northern boundary of the Singh Unit and the four corners (NW, NE, SW, SE) of Nicolaus property have been surveyed and marked (April 2008). The survey plat has been recorded with Butte County. State Parks would post "Park Boundary" signs as well as "No Trespass" signs along the project site boundaries with private lands. State Parks plans on locking the gate at the day use area (located at the current site of the Park headquarters) from sunset to sunrise. Additionally, State Parks will consider additional measures to prevent trespass such as appropriate fencing or natural barriers, subject to regulatory approval.

As part of BSRSP, the project site would be managed and maintained consistent with the Park Plan goals and guidelines, including coordinating with public and private landowners in the project vicinity to minimize land use conflicts (Park Plan Overall Goal AO-4). Please refer to "Law Enforcement" in Section 3.4.2 of the EIR. Public safety and emergency services are the primary responsibility of the State Park Peace Officers who are California Penal Code 830.2(f) and have full law enforcement authority in the State of California. These Peace Officers patrol State Parks and enforce California Code of Regulations Section 4320 (a), (b), and (c) Peace and Quiet. Additionally, consistent with the Park Plan Goal AO-4.4, State Parks will work with private land owners in proximity to BSRSP to minimize conflicts associated with the mixed public and private land ownership in the area. Please also refer to Common Response 4, "Impacts to Agricultural Operations," for information regarding the project's potential indirect effects to agricultural resources (compatibility with neighboring agricultural operations, buffers, pests, trespass).

Buffer Related to Butte County Code

Comment number L1-17 in the Butte County Board of Supervisor's comment letter states,

"Where development approval, other than residential, is proposed on lot(s) adjacent to an agricultural operation or Orchard and Field Crops land use category, the Zoning Ordinance shall require a natural or man-made buffer between the development and agricultural land use. The buffer shall be totally on the lot(s) where development is proposed. A buffer could be a topographic feature, a substantial tree stand, a water course or similarly designed feature. Agricultural uses may be permitted in the buffer area. This program does not apply to additions and remodeling to legally existing development." Butte County has codified the requirement for agricultural buffer setbacks (Butte County Code Sections 24-286) and generally requires a structural setback distance of 300 feet from all property lines. The setback must be provided on the project property, not on adjacent properties.

The proposed structures related to the campgrounds and BSRSP headquarters facilities would be located over 300 feet away from the property boundary with neighboring private agricultural lands. The area between the campgrounds and the property boundary is proposed to include restored riparian forest, grassland buffer, as well as Mud Creek along the eastern boundary of the project site. The proposed recreational trails are not considered structures and would be at least 100 feet away from the property boundary. Therefore, the project meets the intent of Butte County's agricultural buffer setback.

Butte County has a Right to Farm Ordinance, the purpose and intent of which is to limit the circumstances under which properly conducted agricultural operations on agricultural land in Butte County may be considered a nuisance. State Parks will notify visitors and campers at BSRSP of the agricultural operations on neighboring lands and the inherent potential problems associated with being located near such operations, including, without limitation, noise, odors, fumes, dust, smoke, insects, operation of machinery during any time of day or night, storage and disposal of manure, and ground or aerial application of fertilizers, soil amendments, seeds and pesticides. As intended in the Right to Farm Ordinance, through disclosure, visitors of the Park should better

understand the impact of being near agricultural operations and be prepared to accept attendant conditions from properly conducted agricultural operations.

COMMON RESPONSE 8—SAFETY OF RECREATION FACILITIES DURING FLOOD EVENTS

COMMON COMMENT

Multiple commenters expressed concern regarding the proposed recreation facilities, specifically restrooms and the dump station, and how they will be designed and managed to protect water quality and human safety during flood events. (See Comments L1-7, L1-30 through L1-32, L1-46, L1-63, L1-78, I6-9, I7-8 and PH-20).

COMMON RESPONSE

This comment was also raised during the scoping period and responded to in Appendix A of the Draft EIR. Please refer to “Public Access and Outdoor Recreation Specifications” in Section 3.4.2 and Impact 4.3-d of the EIR. In addition, in response to comments on the Draft EIR, the RV campsites as well as the dump station have been removed from the Recreation Facilities plans (please see Appendix D of the EIR).

As described in the EIR, the habitat restoration and the recreation facilities are planned to be on the Nicolaus property and Singh Unit, which are located in the floodplain. The recreation facilities would be inundated in flood events; therefore, all proposed recreation facilities would be designed, constructed and operated to minimize any potential wastewater discharge to the river under flood flow conditions in compliance with State Water Quality Control Board requirements. The existing Nicolaus property farm complex, including the existing septic system/leach field, is above the normal flood stage. This existing septic system would be used to service the relocated BSRSP headquarters. A new septic system/leach field would be installed above the normal flood stage (such as near the Nicolaus farm complex) to service the combination restroom/shower building. These septic systems would be outside of the normal flood levels and in preparation for more extreme flood events, the check-valves at the facilities could be turned off. The other restroom facilities would be pre-manufactured vault toilets placed on raised pads. Vault toilets are impervious to water, which is why they are safe to use in floodplains and why they require pumping for maintenance. In preparation of flood events, the vault toilets would be pumped, hosed out, and sealed. By cleaning and sealing the vault toilets, these facilities do not leak wastewater during flood events.

BSRSP monitors real-time flow conditions at upstream locations to monitor for potential flood conditions at the Park. When there is indication of potentially approaching flood levels, standard BSRSP maintenance measures are enacted, including: removing equipment and vehicles from potentially affected park and service yards to higher ground; turning off utilities (electricity, water, and gas); pumping and sealing vault toilets; and cleaning and sealing restroom/shower buildings (sand bags in toilets, urinals, floor drains and door thresholds; sink drains and door jams are duct taped; water heater removed if not installed above flood threat). Additionally, after flood events, the septic tanks are pumped. As part of BSRSP, the facilities on the Singh Unit and the Nicolaus property would be subject to these maintenance measures. Furthermore, after flood events, State Parks would remove flood debris from grasslands and flow through areas.

It should be noted that there are many public recreation facilities that are located in flood-prone areas and in fact, such uses are recommended for floodplains and flood prone areas. The American River Parkway in Sacramento County is one example of another multi-use park within a floodplain, which provides habitat, recreational facilities, and flood protection. There are facilities, including vault toilets, within the American River Parkway that are maintained in compliance with State Water Quality Control Board requirements, even in times of flooding. According to Steve Flannery, Chief Ranger for the American River Parkway, the Parkway’s vault toilets are pumped out, hosed down and sealed in preparation for flood events; this procedure prevents wastewater leakage from these facilities during flood events (Flannery, pers. comm., 2008). The facilities proposed on the Nicolaus property and Singh Unit are not experimental or unproven – they are facilities that are used in similar

parks and that can be properly maintained to protect water quality and public safety during flood events. Furthermore, the current project planning involves conceptual designs and environmental review; State Parks will consider the best facilities, technologies and processes for the project facilities at the time of project implementation.

Reichenberg, Denise

From: Matthew Friedman [matthew_friedman@dot.ca.gov]
Sent: Thursday, February 07, 2008 6:04 AM
To: Reichenberg, Denise
Cc: scott.morgan@opr.ca.gov
Subject: DEIR (SCH 2007082160) Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Facilities Development Plan

Dear Ms. Reichenberg,

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) (SCH 2007082160) for the Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Facilities Development Plan.

Implementation of the proposed plan would aid in the recovery of special-status species, increase public access to State Park facilities and increase recreational opportunities.

Based upon minimal impacts to the State Highway System, we have no comments.

Matt Friedman, Transportation Planner
Caltrans District 3
703 B St.
Marysville, CA 95901
(530) 741-4004

S1-1

**Letter
S1
Response**

**State of California Department of Transportation, District 3
Matt Friedman, Transportation Planner
Received February 7, 2008**

S1-1

Thank you for your comment. It is acknowledged that Caltrans finds value in the project due to recovery of special-status species, an increase in public access to State Park facilities and increase in recreational facilities and that Caltrans has no comments on the Draft EIR, based on the minimal impacts to the State Highway system.

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653-5791



March 7, 2008

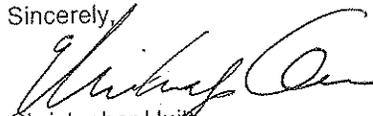
Denise Reichenberg, Sector Superintendent
California Department of Parks and Recreation
525 Esplanade
Chico, California 95926

Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Recreation
Facilities Development Project
State Clearinghouse (SCH) Number: 2007082160

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. You may refer to the California Code of Regulations, Title 23 and Designated Floodway maps at <http://recbd.ca.gov>. Please be advised that your county office also has copies of the Board's designated floodways for your review. If indeed your project encroaches on an adopted flood control plan, you will need to obtain an encroachment permit from the Central Valley Flood Protection Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

If after careful evaluation, it is your assessment that your project is not within the authority of the Central Valley Flood Protection Board, you may disregard this notice. For further information, please contact me at (916) 574-1249.

Sincerely,


for Christopher Hujik
Staff Environmental Scientist
Floodway Protection Section

Enclosure

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

S2-1

Encroachment Permits Fact Sheet

Basis for Authority

State law (Water Code Sections 8534, 8608, 8609, and 8710 – 8723) tasks The Central Valley Flood Protection Board ("The Board") with enforcing appropriate standards for the construction, maintenance, and protection of adopted flood control plans. Regulations implementing these directives are found in California Code of Regulations (CCR) Title 23, Division 1.

Area of The Central Valley Flood Protection Board Jurisdiction

The adopted plan of flood control under the jurisdiction and authority of The Board includes the Sacramento and San Joaquin Rivers and their tributaries and distributaries and the designated floodways.

Streams regulated by The Board can be found in Title 23 Section 112.

Information on designated floodways can be found on The Board's website at <http://www.recbd.ca.gov/maps/index.cfm> and CCR Title 23 Sections 101 - 107.

Regulatory Process

The Central Valley Flood Protection Board ensures the integrity of the flood control system through a permit process (Water Code Section 8710). A permit must be obtained prior to initiating any activity, including excavation and construction, removal or planting of landscaping within floodways, levees, and 10 feet landward of the landside levee toes. Additionally, activities located outside of the adopted plan of flood control but which may foreseeable interfere with the functioning or operation of the plan of flood control is also subject to a permit of The Board.

Details regarding the permitting process and the regulations can be found on The Board's website at <http://recbd.ca.gov/> under "Frequently Asked Questions" and "Regulations," respectively. The application form and the accompanying environmental questionnaire can be found on The Board's website at <http://www.recbd.ca.gov/forms/index.cfm>.

Application Review Process

Applications when deemed complete will undergo technical and environmental review by The Board and/or Department of Water Resources staff.

Technical Review

A technical review is conducted of the application to ensure consistency with the regulatory standards designed to ensure the function and structural integrity of the adopted plan of flood control for the protection of public welfare and safety. Standards and permitted uses of designated floodways are found in CCR Title 23 Sections 107 and Article 8 (Sections 111 to 137). The permit contains 12 standard conditions and additional special conditions may be placed on the permit as the situation warrants. Special conditions, for example, may include mitigation for the hydraulic impacts of the project by reducing or eliminating the additional flood risk to third parties that may be caused by the project.

Additional information may be requested in support of the technical review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include but not limited to geotechnical exploration, soil testing, hydraulic or sediment transport studies, and other analyses may be required at any time prior to a determination on the application.

Environmental Review

A determination on an encroachment application is a discretionary action by The Board and its staff and subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.). Additional environmental considerations are placed on the issuance of the encroachment permit by Water Code Section 8608 and the corresponding implementing regulations (California Code of Regulations – CCR Title 23 Sections 10 and 16).

In most cases, The Board will be assuming the role of a "responsible agency" within the meaning of CEQA. In these situations, the application must include a certified CEQA document by the "lead agency" [CCR Title 23 Section 8(b)(2)]. We emphasize that such a document must include within its project description and environmental assessment of the activities for which are being considered under the permit.

Encroachment applications will also undergo a review by an interagency Environmental Review Committee (ERC) pursuant to CCR Title 23 Section 10. Review of your application will be facilitated by providing as much additional environmental information as pertinent and available to the applicant at the time of submission of the encroachment application.

These additional documentations may include the following documentation:

- California Department of Fish and Game Streambed Alteration Notification (<http://www.dfg.ca.gov/1600/>),
- Clean Water Act Section 404 applications, and Rivers and Harbors Section 10 application (US Army Corp of Engineers),
- Clean Water Act Section 401 Water Quality Certification, and
- Corresponding determinations by the respective regulatory agencies to the aforementioned applications, including Biological Opinions, if available at the time of submission of your application.

The submission of this information, if pertinent to your application, will expedite review and prevent overlapping requirements. This information should be made available as a supplement to your application as it becomes available. Transmittal information should reference the application number provided by The Board.

In some limited situations, such as for minor projects, there may be no other agency with approval authority over the project, other than the encroachment permit by The Board. In these limited instances, The Board may choose to serve as the "lead agency" within the meaning of CEQA and in most cases the projects are of such a nature that a categorical or statutory exemption will apply. The Board cannot invest staff resources to prepare complex environmental documentation.

Additional information may be requested in support of the environmental review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include biological surveys or other environmental surveys and may be required at anytime prior to a determination on the application.

S2-1

Based on consultation with the Central Valley Flood Protection Board (CVFPB), the project site is located outside of CVFPB's jurisdiction. The CVFPB's jurisdiction in the vicinity of the project site ends at River Road, which is the westerly boundary of the project. However, the project site is located within Butte County's jurisdiction (roughly equivalent to the 100-year floodplain). A Memorandum of Agreement Concerning Flood Plain Management (MOA) between Butte County and the State Reclamation Board (now called CVFPB), was entered into in 1995 and amended in 1999. Paragraph #8 of the MOA specifically pertains to State and federal proposed activities in Zone II (Butte County's jurisdiction; roughly equivalent to the 100-year floodplain). Pursuant to paragraph #8 of the MOA, the County may decide not to regulate an activity, but can notify the CVFPB at which time the CVFPB may exercise their right to require an encroachment permit application.

There is a Sacramento River Reclamation District (SRRD) that was formed in Butte County. Although SRRD claims jurisdiction over the activities of the State in the proposed project, State Parks believes that this District does not have any regulatory control. Section 3.D of the MOA Amendments (November 13, 1999) states, "Formation of the Sacramento River Reclamation District is acknowledged, but the County shall not designate its regulatory responsibility to the District without approval of The Reclamation Board, which is not being given at this time. However, the County may allow the District to have an advisory role to the County in exercising its regulatory authority. See MOA Text, Paragraph 15."

State Parks shall coordinate with CVFPB and Butte County and submit an application for a floodway encroachment permit to the appropriate agency.



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

March 18, 2008

Denise Reichenberg
California Department of Parks and Recreation
525 Esplanade
Chico, CA 95926

Subject: Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Recreation Facilities
Development Project
SCH#: 2007082160

Dear Denise Reichenberg:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on March 17, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

S3-1

S3-2

**Document Details Report
State Clearinghouse Data Base**

SCH# 2007082160
Project Title Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Recreation Facilities
Lead Agency Development Project
Parks and Recreation, Department of

Type EIR Draft EIR
Description Proposal to implement the Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Recreation Facilities Development Project on two parcels known as the Singh Unit and Nicolaus property along the Sacramento River. The Nicolaus property is currently owned by State Parks and located within BSRSP. The Nicolaus property is currently owned by TNC, but would be transferred to State Parks, as part of the proposed project, prior to implementation of habitat restoration activities and recreation facilities development.

Lead Agency Contact

Name Denise Reichenberg
Agency California Department of Parks and Recreation
Phone (530) 895-4304 **Fax**
email
Address 525 Esplanade
City Chico **State** CA **Zip** 95926

Project Location

County Butte
City Chico
Region
Cross Streets River Road and Sacramento Avenue
Parcel No. USGS Ord Ferry, CA USGS 7.5 min
Township 22N **Range** 1W **Section** **Base**

Proximity to:

Highways near 32 and 45
Airports
Railways SPRR
Waterways Sacramento River, Big Chico Creek, Mud Creek
Schools Chico Unified School District
Land Use The project site is currently in agricultural production.
General Plan: OFC - orchard and field crops, 5-40 acres
Zoning: A-160, agriculture with a minimum parcel size of 160 acres

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Other Issues; Recreation/Parks; Vegetation; Water Quality; Wetland/Riparian

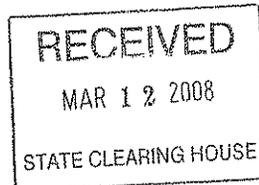
Reviewing Agencies Resources Agency; Regional Water Quality Control Bd., Region 5 (Redding); Department of Parks and Recreation; Native American Heritage Commission; Public Utilities Commission; Office of Historic Preservation; Department of Health Services; Cal Fire; Department of Fish and Game, Region 2; Department of Water Resources; Department of Conservation; California Highway Patrol; Caltrans, District 3; Central Valley Flood Protection Board

Date Received 01/31/2008 **Start of Review** 01/31/2008 **End of Review** 03/17/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653-5791



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March 7, 2008

Denise Reichenberg, Sector Superintendent
California Department of Parks and Recreation
525 Esplanade
Chico, California 95926

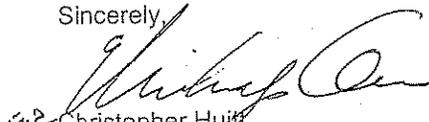
Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Recreation
Facilities Development Project
State Clearinghouse (SCH) Number: 2007082160

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. You may refer to the California Code of Regulations, Title 23 and Designated Floodway maps at <http://recbd.ca.gov>. Please be advised that your county office also has copies of the Board's designated floodways for your review. If indeed your project encroaches on an adopted food control plan, you will need to obtain an encroachment permit from the Central Valley Flood Protection Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

S3-3

If after careful evaluation, it is your assessment that your project is not within the authority of the Central Valley Flood Protection Board, you may disregard this notice. For further information, please contact me at (916) 574-1249.

Sincerely,


for Christopher Hult
Staff Environmental Scientist
Floodway Protection Section

Enclosure

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

**Letter
S3
Response**

**California Governor's Office of Planning and Research
State Clearinghouse and Planning Unit
Terry Roberts, Director, State Clearinghouse
Received March 18, 2008**

- S3-1 It is acknowledged that the State Clearinghouse submitted the Draft EIR to selected agencies for review. State Parks has received, and is responding to comments, from State agencies as documented in this Final EIR.
- S3-2 It is acknowledged that State Parks has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA.
- S3-3 Please refer to response to Comment S2-1.

RECEIVED 3/11/08



BOARD OF SUPERVISORS

ADMINISTRATION CENTER
25 COUNTY CENTER DRIVE - OROVILLE, CALIFORNIA 95965
TELEPHONE: (530) 538-7631

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Second District

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Third District

CURT JOSIASSEN, Chair
Fourth District

KIM K. YAMAGUCHI
Fifth District

March 11, 2008

Denise Reichenberg
Sector Superintendent
California Department of Parks and Recreation
Northern Buttes District/Valley Sector
525 Esplanade
Chico, California 95926

Re: **California Department of Parks and Recreation, Draft Environmental Impact Report, Bidwell-Sacramento River State Park, Habitat Restoration and Outdoor Recreation Facilities Development Project, Butte County, California (SCH No. 2007082160)**

Dear Ms. Reichenberg:

The Butte County Board of Supervisors is writing to you to state its strong objection to the proposed Bidwell-Sacramento River State Park project and to notify the State that sufficient notice was not received by the Butte County Board of Supervisors, the representative for all environmental and project notices for the County. In fact, no notice was received by the Board of Supervisors; the project and the Draft EIR were brought to the Board's and staffs' attention inadvertently through the noticing by staff from the Sacramento River Conservation Area Forum. The failure to consult with and provide adequate notice to the County for comments is a violation of Public Resources Code Sections 21104, 21153 and CEQA Guideline Section 15086.

L1-1

L1-2

Butte County finds the proposed project to be completely inappropriate for the proposed location and incompatible with surrounding agricultural properties. The County is extremely concerned with several aspects of the proposed project and contends that the process, procedures, and erroneous factual data used for a baseline with respect to the Draft EIR submitted by the California State Parks Department does not meet the requirements of the California Environmental Quality Act (CEQA). The County's concerns include, but are not limited to, a complete disregard for local land use policies, development in a flood plain, inundation of sewage disposal systems in flood events, compatibility with agricultural operations, additional requests for assistance/response from Sheriff and Fire personnel and control of long term camping. The County provides the following comments and concerns with respect to the Draft EIR for the above referenced project, despite the limited time staff had for review:

L1-3

L1-4

L1-5 to
L1-10

L1-11

DEPARTMENT OF DEVELOPMENT SERVICES COMMENTS:

The analysis of the regulatory setting in numerous sections of the Draft EIR fails to mention or consider applicable goals, policies and programs of the adopted Butte County General Plan. Specifically, the Draft EIR fails to consider the following:

- | | |
|--|--------------|
| <p>A. Noise – Discussion on noise, one of the effects found not to be significant and eliminated from further analysis in the Draft EIR, includes reference to a Butte County General Plan Standard but fails to disclose or analyze the effect against adopted policies. Butte County Noise Element Policy 5 states “[c]ontrol recreation activities that have the potential to cause objectionable noise.” The Sheriff’s Department has commented (see below) that similar recreational facilities have resulted in noise complaints and demand for law enforcement services.</p> | <p>L1-12</p> |
| <p>B. Safety – The following findings, policies and implementations from the Safety Element of the Butte County General Plan must be considered in assessing and mitigating potential impacts, including:</p> <ul style="list-style-type: none">▪ 2.1 Policy – Encourage adequate fire protection services in all areas of population growth and high recreation use.▪ 2.1 Implementation – Identify present and future limits of adequate fire protection services. Guide development to those areas through zoning and development review processes.▪ Finding 4 – Fire protection facilities are marginal in some areas of the County. | <p>L1-13</p> |
| <p>C. Agricultural Resources - Section 4.1, Agriculture, of the Draft EIR, in its analysis of the regulatory setting acknowledges just one policy of the many goals, policies, and programs contained in the Agricultural Element of the Butte County General Plan. An understanding of Butte County’s regulatory setting, as expressed through the General Plan and Butte County Code, are key to determining the significance of the impacts of the proposed project on conversion of agricultural lands. The Butte County Agricultural Commissioner has submitted comments on the impacts of the proposed project on agriculture and the loss of prime agricultural lands (see below). The Commissioner’s comments, together with an understanding of the regulatory setting, make it clear that the proposed project will result in the significant and unavoidable impact of conversion of prime agricultural lands to non-agricultural uses.</p> | <p>L1-14</p> |
| | <p>L1-15</p> |
| | <p>L1-16</p> |
| <p>Relevant goals, policies and programs from the Agricultural Element of the Butte County General Plan include the following:</p> | |
| <ul style="list-style-type: none">• Program 2.3 – “Where development approval, other than residential, is proposed on lot(s) adjacent to an agricultural operation or Orchard and Field Crops land use category, the Zoning Ordinance shall require a natural or man-made buffer between the development and agricultural land use. The buffer shall be totally on the lot(s) where development is proposed. A buffer could be a topographic feature, a substantial tree stand, a water course or similarly defined feature. Agricultural uses may be permitted in the buffer area. This program does not apply to additions and remodeling to legally existing development.” Butte County has codified the requirement for agricultural buffer setbacks (Butte County Code §24-286) and generally requires a structural setback distance of 300 feet from all property lines. The setback must be provided on the project property, not on adjacent properties. | <p>L1-17</p> |
| <ul style="list-style-type: none">• Program 2.8 – “New residences and/or conversion of agricultural land to non-agricultural land shall only occur when full mitigation of impacts to the extent under law are provided | <p>L1-18</p> |

including, but not limited to, roads, drainage, schools, fire protection, law enforcement, recreation, sewage, and lighting.”

L1-18
Cont'd

- Program 2.9 – “Continue to support the Chico Greenline policies.” These policies provide “[i]t shall be the policy of Butte County to conserve and protect for Agricultural Use the lands of the Chico Area that are situated on the Agricultural Side of the Chico Area Greenline.” (Butte County General Plan Land Use Element LUE-83).
- Goal 3 – “Support the management of agricultural lands in an efficient, economical manner, with minimal conflict from non-agricultural uses.”
 - Policy 3.1 – “Apply the County’s *Right to Farm* Ordinance to all non-agricultural land use approvals, including building permits, within or adjacent to designated agricultural areas.” The Ordinance declares it is the policy of the County “to conserve, protect, enhance, and encourage agricultural operations on agricultural land within the unincorporated area of the County” and limits the ability to consider agricultural uses as nuisances.

L1-19

L1-20

D. Conversion of Agricultural Lands

- **Draft EIR 4.2.4 IMPACT ANALYSIS** (page 4.2-4)
4.2-a Change of Land Use from Agricultural Land to Restored Native Riparian Habitat and Developed Recreational Facilities. The proposed project would restore agricultural acreage to native riparian habitat and develop outdoor recreation facilities, effectively removing the land from agricultural production. However, the proposed project would neither be irreversible nor cause serious degradation or elimination of the physical or natural conditions that provide the site’s values for farming. The proposed project would not stop or hinder the agricultural practices that occur on neighboring properties. This impact is considered less than significant.

Comment:

The above analysis suggests that the permanent infrastructure of several miles of paved roads, paved walkways, drainage facilities, water and sewage facilities, bathrooms, offices, maintenance buildings, paved parking lots, an amphitheatre, etc. as described in detail in Appendix D Recreational Facilities, including RV Campground, Vehicle Campground, Walk-in Tent Campground, State Park Headquarters are somehow impermanent.

L1-21

Following this rationale, if a developer were to pave over 70 acres of Prime Farmland, this would not constitute a loss of farmland because the paving “could” be torn up. The State is suggesting that the extensive facilities proposed on this site will be torn up. If that is the case, the project description must include a full reclamation plan, including funding mechanism to achieve the goal of eventually returning this land to its current Prime Agricultural state. Lacking such a plan, the County contends that the land would be irreversibly lost to as a prime agricultural land resource.

- **Page 4.2-6 of the Draft EIR states:**
“Similarly, the term “urban and built up land” is also used in the California DOC’s FMMP. The proposed habitat restoration and outdoor recreation facilities do not fit this definition of

urban and built-up land. Therefore, the planned uses do not qualify as "conversion" to development."

Comment:

This statement makes an erroneous leap in logic, reasoning that if the physical changes resulting from this project that irreversibly remove lands from agricultural production are not strictly "urban" in nature, no conversion has taken place. This same logic would lead the State to conclude that it would be possible to engage in normal farming operations on the land thus converted by this project to RV Campground, Vehicle Campground, Walk-in Tent Campground, and State Park Headquarters. The Draft EIR incorrectly concludes that the development of extensive infrastructure to allow the proposed project would not have an adverse physical impact in conversion of agricultural lands as the project does not comprise urban and built-up land."

L1-22

• **Draft EIR Page 4.2-4**

As the EIR accurately cites from Appendix G of the State CEQA Guidelines, a lead agency should determine that a project would cause potentially significant environmental impacts. As cited from the "Agriculture Resources" section of the Appendix G, a lead agency should determine that significant environmental impacts to agricultural resources will result from a project when the project would:

1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Important Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract; or
3. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Important Farmland, to non-agricultural use.

Comment:

This project would convert at least 163 acres designated Prime Farmland from high producing agriculture to a non-agricultural, recreational use.

L1-23

The proposed non-agricultural, recreational use is in conflict with existing Butte County Agricultural 40-acre minimum zoning designation. Under that local jurisdiction zoning designation, the proposed non-agricultural, recreational uses are not allowed.

This project would result in irreversible changes to the environment on this site that would attract numerous sensitive human receptor tourists and recreational users to the general area, which is exclusively used for intensive agricultural production. Normal and customary agricultural practices employ chemical products that are highly toxic to human sensitive receptors. The imposition of these sensitive human receptors into a zone of intensive agricultural production will result in regulatory restrictions on the normal and customary agricultural practices that can be used in commercial agricultural production. This is likely to result in agricultural operations in the lands adjacent to the project becoming economically unviable for agricultural production. It is reasonable to conclude that this will likely result in the cessation of agricultural operations. It is reasonable to conclude that, once farming

L1-24

operations are no longer economically viable, pressures on land to convert to urban and industrial/commercial uses increases, resulting in the eventual loss of Prime Farmland.

L1-24
Cont'd

- **Page 4.2-7 of the Draft EIR states:**
“Indirect Conversion of Agricultural Land. As described above, the proposed habitat restoration and recreational facilities are non-urban uses that would be protective of and compatible with adjacent agricultural land. Additionally, the project would not include the extension of utility lines or new utility connections, which would potentially open new development pressures.

However, during the scoping process for this project, neighboring private agricultural landowners expressed concerns regarding indirect effects of the project on their land. The project has considered and incorporated measures to avoid indirect impacts to neighboring agricultural lands as follows.”

Comment:

This section of the EIR inaccurately characterizes the proposed development as “non-urban” in nature and impacts. The physical changes resulting from this project are similar in nature and resulting impacts to “urban” uses. This project would impose the urban-like structures necessary for an RV Campground, Vehicle Campground, Walk-in Tent Campground, and State Park Headquarters on an area which currently has none of these impacts. The EIR has inaccurately concluded that this extensive development of urban-like infrastructure to allow this new use would not have significant and irreversible impacts on the site and surrounding agricultural uses.

L1-25

As discussed above, this project would result in irreversible changes to the environment on this site that would attract numerous sensitive human receptor tourists and recreational users to the general area, which is exclusively used for intensive agricultural production. Normal and customary agricultural practices employ chemical products that are highly toxic to human sensitive receptors. The imposition of these sensitive human receptors into a zone of intensive agricultural production will result in regulatory restrictions on the normal and customary agricultural practices that can be used in commercial agricultural production. This is likely to result in agricultural operations in the lands adjacent to the project becoming economically unviable for agricultural production. It is reasonable to conclude that this will likely result in the cessation of agricultural operations. It is reasonable to conclude that, once farming operations are no longer economically viable, pressures on land to convert to urban and industrial/commercial uses increases, resulting in the eventual loss of Prime Farmland.

L1-26

The EIR inaccurately states that: “The project has considered and incorporated measures to avoid indirect impacts to neighboring agricultural lands as follows.” No mitigation measures of any kind are provided the Section 4.2 of the EIR. The EIR does not identify any mitigation measures to address the loss of prime agricultural land and to mitigate impacts to surrounding agricultural land, which the County has detailed above.

L1-27

E. Impact to Lands under Williamson Act Contract

- Draft EIR Page 4.2-10:

Land Use Compatibility with Agriculture and Williamson Act Contracts. The proposed habitat restoration and outdoor recreational uses at the project site would be compatible with surrounding agriculture land uses, based on existing federal and state laws and programs for farmland protection. As described in Impact 4.2-a, the Federal FPPA indicates that non-agricultural uses are urban uses, which detract from agricultural land values in the rating system, while “non-urban uses,” which create or protect agricultural land values, include non-paved parks and recreational areas. Based on the characteristics of the proposed habitat restoration and outdoor recreation facilities, the project would qualify as non-urban uses, which the FPPA considers to be protective of and compatible with agricultural values. The Williamson Act also contains numerous provisions that recognize the compatibility between agricultural and recreation/open space uses. The definitions included in the statute are the first indication of such compatibility. It defines an “agricultural preserve” as an area devoted to agricultural use, recreational use, open space use, or any combination thereof (California Government Code Section 51201(d)). Also, “recreational use” is defined as the use of the land in its agricultural or natural state by the public, with or without charge, for a range of listed uses, including, but not limited to walking, hiking, picnicking, camping, swimming, boating, fishing, and other outdoor sports (California Government Code Section 51201(n)). Finally, “compatible use” is defined as any use determined to be compatible with the agricultural, recreational, or open space use of the land within the preserve (California Government Code Section 51201(e)). The habitat restoration and recreational facilities proposed are considered compatible with agriculture and therefore should have no significant adverse effects on neighboring farmland production. Furthermore, per the goals and guidelines under Park Plan Overall Goal AO-4, State Parks has incorporated design features (e.g., grassland buffers) into the habitat restoration and recreation facility plans to minimize land use incompatibilities and has/will coordinate with public and private landowners in the project vicinity to minimize land use conflicts. Park Plan guidelines also address fire protection and law enforcement at the Park (see Chapter 3, “Description of the Proposed Project”) to minimize incompatibilities with active agricultural operations on adjacent properties.

The definitions described above are reinforced in Section 52105 of the Williamson Act, which states that land devoted to recreational use...may be included within an agricultural preserve (California Government Code Section 51205). In outlining the purpose of the Williamson Act, the statute states that the discouragement of premature and unnecessary conversion of agricultural land to urban uses is a matter of public interest (California Government Code Section 51220(c)); there is no reference to other non-urban uses, such as low-intensity rural outdoor recreation, such as those that result from the proposed project. The clearest evidence for compatibility between agriculture and the habitat restoration and recreational facilities proposed at the project site are found in the principles of compatibility presented in Section 51238.1 of the statute. It states that uses approved on contracted lands, such as those proposed for the project site, will not significantly compromise the long-term agricultural capability of the subject contracted parcel in agricultural preserves (California Government Code Section 51238.1(a)(1)). The proposed project, and goals and guidelines of the Park Plan, strive to maintain physical conditions of the land that create resource values, including future agricultural and open space capabilities. Therefore, the habitat restoration and recreational facilities proposed are considered compatible with surrounding agriculture land

use this impact is considered less than significant.

Comment:

The EIR has inaccurately assessed the nature of the proposed development as being “non-urban” in nature. As previously discussed, this project clearly does not “create or protect agricultural land values”. To the contrary, this project results in the complete elimination of agriculture on the site and negative impacts on the ability of surrounding agricultural producers to engage in farming. As previously discussed, it is reasonable to conclude that, once farming operations are no longer economically viable, pressures on land to convert to urban and industrial/commercial uses increases, resulting in the eventual loss of Prime Farmland.

L1-28

The EIR inaccurately describes the Williamson Act, its regulatory structure, its implementation, and the impacts that this project will have on land subject to Williamson Act contract. The Williamson Act program is a locally administered program, subject to State regulations. The Williamson Act contract on the subject land is between the County of Butte and the current landowner. The operative regulations regarding Williamson Act contracts in Butte County is the January 23, 2007 Resolution 07- 021 of the Board of Supervisors of the County of Butte, Exhibit A (copy here attached). The proposed project has not complied with the regulatory setting detailed in those rules and procedures that provide for Butte County’s discretionary consideration of the conversion of Williamson Act-contract land to an alternate use. Neither the State of California nor the landowner has consulted with the Butte County Williamson Act Advisory Committee regarding this project, nor does the project or Draft EIR reference or address the local regulations of Butte County which govern the implementation of the Williamson Act in Butte County. Butte County’s local regulations (Butte County Resolution 07- 021, Exhibit) are fully consistent with State Williamson Act enabling statutes. While Section California Government Code Section 52105 of the Williamson Act does allow the local jurisdiction to determine if a recreational use may be included within an agricultural preserve, no such action has been requested by the landowner.

L1-29

PUBLIC WORKS COMMENTS:

In conformance with Federal Emergency Management Agency criteria, Butte County has adopted specific requirements for development within a designated flood plain (Article IV of Chapter 26 of the Butte County Code). These Code requirements were enacted to protect the public health and safety as well as any new structures. The requirements include flood proofing or elevating the lowest floor of structures above the base flood elevation (BFE) and protection of water and sewage disposal systems.

L1-30

A. The Draft EIR (Appendix D) indicates that structures will be elevated approximately 1 foot above grade to provide for improved flood protection, while the Hydrologic analysis (Appendix B) indicates the flood depth between 2’ and 10’. There is no indication that the proposed structures (showers; bathrooms; Headquarters; entry plaza; and RV electrical, water and sewer hookups) and their contents will be protected from flooding.

L1-31

B. There is insufficient information to determine if the sewerage disposal systems will be appropriately placed outside the 10-year flood plain or properly engineered to prevent infiltration of floodwaters into the systems or prevent contamination of the floodwaters from the systems. A sample concern being the design of a shower system that will not allow infiltration or contamination when it is under 1’ to 9’ of floodwaters.

L1-32

- | | |
|---|---|
| <p>C. The Flood Neutral Hydraulic Analysis contained in Appendix B, makes the following assumptions: The project is located on the Sacramento River between River Mile (RM) 193.5 (near Big Chico Creek) and RM 195 (near West Sacramento Avenue; Hydraulic Analysis Section 3.4 indicates the simulated flows used are 170,000 cfs for the Sacramento River and 15,000 cfs from Stony Creek (enters the Sacramento River near RM 190 downstream of the project); the two river gages in this area are Hamilton City near RM 199.5 and Ord Ferry near RM 184. These assumptions do not appear to accurately model the project.</p> <ul style="list-style-type: none"> ▪ The analysis notes that the project will remove berms from the west side of the Sycamore Mud Creek facility but fails to address the over 20,000 cfs in flows coming in below the Hamilton City gage and impacting the project from Pine Creek, Rock Creek, Sycamore Mud Creek, Lindo Channel and Big Chico Creek. ▪ The analysis assumes flood waters will flow through the project and does not address the backwater effects when the Sacramento River is high and the flows from Pine Creek, Rock Creek, Sycamore Mud Creek, Lindo Channel and Big Chico Creek need to develop head in order to flow into the River. The flood plain shown in their analysis does not conform to the FEMA flood plain or actual flooding in the area since it magically stops at the east (left) bank of Sycamore Mud Creek instead of flooding a large area north of Big Chico Creek and east of Sycamore Mud Creek. This area is subject to frequent flooding. ▪ The analysis indicates an almost constant water depth in the before and after conditions, but fails to note that most of the campground area, including all the roads, is being elevated a minimum of 1' to protect from flooding. Since they do not show water surface elevations in their report, either the water depth is consistent and the water surface is 1' higher or the water surface is consistent and they are showing 1' too much depth. <p>D. The project plan contained in Appendix D indicates both sites will have trails for bicycle and pedestrian use but these sites are separated by two privately owned properties currently in agricultural uses. There is no trail connecting the sites forcing the public out onto a very narrow River Road, which has no paved shoulders or bike lanes. At a minimum the Project should construct a path or trail separate from the County maintained River Road to provide for public safety.</p> <p>E. The County road that provides access to the proposed project area, River Road, is a very narrow, winding County roadway that may not be able to accommodate the large recreational vehicles that would be attracted to the proposed project.</p> | <p>L1-33</p> <p>L1-34</p> <p>L1-35</p> <p>L1-36</p> <p>L1-37</p> <p>L1-38</p> |
|---|---|

AGRICULTURE COMMISSIONER COMMENTS:

The Project proposes to convert prime agricultural land to non-agricultural use. Existing farming practices on the site will cease, orchards will be removed, substantial non-agricultural infrastructure will be put in place, and the site will be developed to facilitate the permanent occupation of the land by the general public for recreational use. Specific concerns are as follows:

- | | |
|--|---------------------------|
| <p>A. There are commercial agricultural operations, under pesticide permit, on three boundaries of the project site. Impacts and mitigation measures concerning these operations are not adequately addressed in the Draft EIR.</p> <p>B. In Section 4.2 – Agricultural Resources (4.2.1 and 4.2.2), the Draft EIR relies on a number of procedural and regulatory technicalities found in Federal and State farmland protection policies to</p> | <p>L1-39</p> <p>L1-40</p> |
|--|---------------------------|

justify conversion and development of this prime agricultural land. There are no clearly stated conclusions, but there are many equivocations and implied, vaguely conclusive, statements. A detailed examination of the language in this section is necessary and could not be done in the short timeframe given the Agricultural Commissioner's Office for review.

L1-40
Cont'd

- C. The Draft EIR acknowledges the site to be prime agricultural land but defaults to a variety of questionable land use definitions and terminology in an attempt to persuade reviewers that the project is not actually converting productive prime agricultural land to non-agricultural use.
- D. Overall, the Draft EIR demonstrates a lack of acknowledgement regarding the impacts that the proposed change in land use will impose on the surrounding agricultural properties and the possible health and safety risks the users of the proposed facility will be exposed to. The project proposes to convert 163 acres of prime agricultural land to non-agricultural use. The land in question is squarely positioned in the County General Plan and designated and zoned as commercial agriculture. The Draft EIR fails to propose any mitigation measures in the Agricultural Resources Section. In short, the impacts to agricultural resources are understated and not adequately addressed.
- E. The conclusions in the Impact Analysis (Section 4.2.4) appear to be flawed. The conclusions are heavily biased to the benefit of the proposed project and a detailed examination of these statements is necessary.
- F. The proposed project ignores Butte County's Right to Farm Ordinance (Butte County Code §35-2(b)) as described above.

L1-41

L1-42

L1-43

L1-44

According to *Laurel Heights Improvement Assn. V. Regents of University of California (1988)*, "An EIR is intended to alert the public and its responsible officials to environmental changes caused by an environment altering project; additionally it is also intended to demonstrate to an apprehensive citizenry that the agency has in fact analyzed the implications of its actions..." Based upon the above observations, the Agricultural Commissioner finds the Draft EIR to be grossly inadequate and finds that it fails to meet the fundamental legislative intent embodied by CEQA.

L1-45

PUBLIC HEALTH COMMENTS:

- A. **Sewage:** Sewage disposal for the outdoor recreation facility is proposed to be provided by vault privies and a new septic system with leach field. Both the vault privies and septic system are located within a flood zone.

The flood frequency anticipated in the recreation area is once every 2 to 4 years, with a depth of water during flood events anticipated being between 2 and 8 feet, and with a flow velocity of 1 to 1.5 feet/second. Therefore, it is anticipated that the vault privies and septic system will be threatened with inundation by floodwater at regular intervals of roughly every 2 to 4 years.

L1-46

Sewage should be disposed of in a manner that prevents its discharge from entering waters of the State of California. The proposal lacks detail regarding the design of the RV hookups, the RV dump station, and the proposed septic system. In addition, the proposal includes no analysis of the adequacy of the existing farm septic system that is proposed to be used by the office. These design details are especially important due to the environmental sensitivity of the project site.

Vault privies have significant potential to threaten public health and water quality during flood events. Locating vault privies and discharging wastewater systems in areas prone to regular flooding is not appropriate. Although design considerations such as bulkheading and elevating the facilities so as to remain above the floodplain can partially mitigate concerns about groundwater inundation, the height and velocity of floodwater projected for this project make such mitigations impractical.

L1-46
Cont'd

Likewise, best management practices dictate that discharging wastewater systems should not be located within areas prone to flooding. Although Butte County Code §26-26 requires all sewage disposal systems within a 10-year flood plain to be designed by an engineer, even engineered systems can be damaged by floodwaters and result in discharge of untreated or under-treated wastewater directly to surface and groundwaters.

- B. **Potable Water:** The proposal states the intent to utilize two existing agricultural wells as the potable water source for the recreation area. The State Division of Drinking Water, Environmental Management, will regulate the water source for this project, which will serve the public. The construction standards for potable water wells to serve the public are such that it is likely that the existing agricultural wells will not be satisfactory for this purpose.

L1-47

- C. **Hazardous Materials:** The proposed project includes storage of hazardous materials at the new Park headquarters on the Nicolaus property in a location subject to routine flooding. This may result in release of hazardous materials to surface water in a flood event, an impact which may exceed the threshold of significance discussed in Appendix G of State CEQA Guidelines.

L1-48

The project will require submittal of a Hazardous Materials Release Response Plan to Butte County Environmental Health if it involves storage or handling of hazardous materials in quantities:

- (1) Equal to, or greater than, a total weight of 500 pounds or a total volume of 55 gallons.
- (2) Equal to, or greater than, 200 cubic feet at standard temperature and pressure, if the substance is compressed gas.

SHERIFF'S COMMENTS:

The Sheriff has concerns regarding the Draft EIR and the proposed project. On page 3-23, "Law Enforcement," the Draft EIR indicates "Law enforcement services are provided concurrently by State Parks and local law enforcement agencies, namely the Butte County Sheriff's Office for the portion of the BSRSP in Butte County. Park security is the primary responsibility of the Park Ranger serving the Park." The Sheriff has extreme concerns for public safety at the proposed project due to the growing budget challenges at the State-level and the fact that the State has been unable to provide adequate law enforcement resources at other State projects that lie within Butte County.

L1-49

- A. Based upon the County's experience with other recreational areas, such as the Department of Water Resources' Lake Oroville Project and PG&E's DeSabra-Centerville Project, it is predicted that this project will result in increased law enforcement calls for service due to the number of visitors that will be using the campground, day use areas, nature trails, and river access points. Based upon historic call types at other similar projects, the calls will most likely include thefts and vandalisms, assaults, river rescues, traffic related issues, and drug and alcohol offenses. Given the

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|--|-------------------------|
| <p>current level of staffing in the Sheriff's Department, response to these additional calls will reduce the Department's ability to handle its current call volume.</p> | <p>L1-49
Cont'd</p> |
| <p>B. Additionally, the Sheriff's Department has concerns that the proposed recreational and camping use will conflict with the nearby agricultural use, resulting in increased law enforcement calls for service to handle trespassing, vandalism, and loud noise complaints. Based upon the County experience with other recreational areas, such as the Oroville Wildlife Area, there is potential for local gang members to frequent the area and use the area for meetings and parties.</p> | <p>L1-50</p> |
| <p>C. Other criminal justice related impacts on the County are not discussed or addressed. The drain on County resources does not end once a call is responded to and an arrest made. The arrestees are then held in the County jail (at County cost), prosecuted by the County District Attorney (at County cost), defended by the County Public Defender (at County cost), and sentencing reports and follow-up for the State Court are provided by the County Probation Department (at County cost). These additional criminal justice costs are also incurred by the County if a law enforcement agency other than the County Sheriff makes an arrest, including State law enforcement.</p> | <p>L1-51</p> |

FIRE DEPARTMENT COMMENTS:

- | | |
|--|--------------|
| <p>A. The Draft EIR, on page 3-23, states that the closest fire station is Station 43. The County closed Station 43 in 2000; the site is now occupied by Chico Station 6. The closest fire station and the first due engine, through an automatic aid agreement between Butte County and the City of Chico, would be Chico Station 6 located at 2544 State Route 32. For multiple engine responses, County Stations 41 (13871 Hwy 99, Chico), 42 (10 Frontier Circle, Chico), and 44 (2334 Fair Street, Chico) would respond respectively. Response times from the various stations are as follows: Chico Station 6 (approximately 6 minutes 15 seconds), County Station 41 (approximately 9 minutes 11 seconds), County Station 42 (approximately 12 minutes 6 seconds), and County Station 44 (approximately 14 minutes 41 seconds). Butte County is statutorily responsible for fire, life and safety incidents at the site due to its location in the Local Responsibility Area. Historic data for the past three (3) years indicates there have been approximately 45 calls over the three-year period in the Scotty's Boat Landing and Hwy 32/River Road area. The County anticipates that number to rise if the project is approved as proposed.</p> | <p>L1-52</p> |
| <p>B. The Draft EIR, on page 3-23, discusses implementation of Park Plan Goals and Guidelines. Missing in the discussion is mention of vegetation management that will lessen the danger and impact of fires if they occur. The plan states that it will return the project area to a historically natural state, including annual grasses, oaks and some brush species that are all more fire prone than the orchards currently in the project area.</p> | <p>L1-53</p> |
| <p>C. The roads within the park appear to be wide enough for emergency equipment, though the Fire Department is concerned about the turning radius and the single point for ingress and egress. The Department suggests that an exit road be added as part of the proposed project.</p> | <p>L1-54</p> |
| <p>D. The increased vehicle traffic and foot traffic within the park area will increase the demands for EMS, rescue, Haz-mat, and fire suppression. Due to the travel time for local fire and rescue resources to respond, State Park employees should be trained on how to use an Automated Electronic Defibrillator (AED) and have one on site.</p> | <p>L1-55</p> |
| <p>E. Due to the location and the close proximity of the Sacramento River an emergency road access to the river should be considered for water rescues.</p> | <p>L1-56</p> |

OTHER COMMENTS:

In addition to County staffs' concerns, the County has received communications from the general public that should be addressed. Two of the communications are attached and, in summary, include:

- A. Concerns that the State has stated that it can only review the environmental impacts caused by its project to its property and that the State will not take into consideration the impact upon the county, neighboring properties, residences and farming operations. *The County is very concerned if such statements have been made since they would be in violation of the California Environmental Quality Act.* L1-57
- B. Concerns that the hydrology reports are not accurate. *Once again, the County has concerns that if the facts are incorrect the analysis is flawed.* L1-58
- C. Restoration of areas back to riparian habitat may cause roadway erosion that does not currently exist. L1-59
- D. There will be an increase in traffic on a roadway that is already less than two lanes with no shoulder and is commonly used by cyclists thereby increasing the probability of vehicle vs. pedestrian accidents that the Butte County Sheriff's Office and Fire Department will have to contend with. In order to mitigate this impact, the Project would have to widen the roadway and add striping with dedicated pedestrian crossings and speed control signage. L1-60
- E. There is no safe river access anywhere near the proposed campground. L1-61
- F. The proposed campground and walking trails are situated with two privately owned parcels in between them. There may be an increase in trespass calls to the Sheriff's Department. L1-62
- G. The State has confirmed that the proposed park area floods on an annual basis. It does not seem concerned with the impact of storm water contamination or what will happen to all of their structures and waste when the flood waters carries them downstream onto private property or County roads. The cleanup costs will be left for the property owners and the County. L1-63
- H. Concerns regarding the impact on existing agricultural uses that mirror the concerns stated earlier by the Agricultural Commissioner. L1-64
- I. The State of California is proposing a development that defies the principal of the Greenline and is in conflict with the Butte County General Plan. L1-65
- J. The State is proposing a project that would not be allowed if proposed by a private landowner; a proposal for a revenue-generating campground. If a private individual wanted to put an RV park on a parcel zoned AG 40 on the west side of the Greenline, they would not be able to. L1-66
- K. The fact that this project is even being considered, given the current proposal to shut down an existing facility only 15 minutes away (Woodson Bridge State Park) and the totally inappropriate location of this new facility is puzzling. Why would the State invest the resources and funds to build a new facility, when it is proposing closing others throughout the State? L1-67

In conclusion, based upon the specific goal of the California Environmental Quality Act (CEQA) "for California's public agencies to identify the significant environmental effects of their actions and either a) avoid those significant environmental effects, where feasible or b) mitigate those significant environmental effects, where feasible," the County finds the Draft EIR to be completely inadequate because it contains inaccurate information and ignores major environmental impacts. The California State Parks' website states L1-68

"the California Environmental Quality Act is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible." The California State Parks' fails to meet the requirements of CEQA in its Draft Environmental Impact Report on the proposed project. **Please provide any response to this letter and all future notices to: Butte County Board of Supervisors, 25 County Center Drive, Oroville, CA 95965.**

L1-68
Cont'd

L1-69

Thank you for your consideration in this matter. Brian Haddix, Chief Administrative Officer, will be contacting you to further discuss the County's concerns, due to the fact that the County did not receive notice of the public hearing held in February 2008 on this issue. If you would like to contact Mr. Haddix directly, he can be reached at (530) 538-7224.

L1-70

Sincerely,



Curt Jostassen
Chair, Butte County Board of Supervisors

cc: Brian Haddix, Butte County Chief Administrative Officer
Bruce Alpert, County Counsel
Tim Snellings, Butte County Department of Development Services
Henri Brachais, Cal Fire/Butte County Fire Department
Phyllis Murdock, Butte County Public Health Department
Mike Crump, Butte County Public Works Department
Richard Price, Agricultural Commissioner
Perry Reniff, Butte County Sheriff
Governor Arnold Schwarzenegger
Mike Chrisman, Secretary, State Resources Agency
Ruth Coleman, Director, California State Parks
Stephanie K. Meeks, Executive Director, The Nature Conservancy
Cynthia Bryant, Director, The Governor's Office of Planning and Research

Enclosed:

- E-mail from Justin and Jamee Mendonca to Supervisor Dolan and Mr. Crump (2/29/08)
- Letter from Clint Maderos to Supervisor Dolan (2/24/08)
- Letter from the Butte County Farm Bureau (9/25/07)
- Butte County Resolution 07-021, Williamson Act Exhibit A

From: Moghannam, Kathleen
Sent: Friday, February 29, 2008 2:04 PM
To: McCracken, Shari; Alpert, Bruce; Snellings, Tim; Reniff, Perry
Subject: FW: Proposed River Road Campground
This was forwarded to Board members and CAO today and will be included in Board Correspondence.

From: Jamee Silveira [mailto:jsilveira@ur.com]
Sent: Friday, February 29, 2008 12:02 PM
To: Moghannam, Kathleen; Crump, Mike
Cc: info@chicogreenline.com
Subject: Proposed River Road Campground

Kathleen, could you kindly ensure that this correspondence is forwarded to all supervisors?

Dear Supervisors and Mr. Crump,

My husband and I have been attending the public information meetings regarding the EIR on the proposed Bidwell-Sacramento River State Park on River Road. The State of California has not been receptive to our concerns during this phase because they continue to state the they can only review the environmental impacts caused by their project to their property. They will not take into consideration the impact upon our county, neighboring properties, residences and farming operations.

L1-71

We would appreciate the opportunity to share our concerns:

- The hydrology reports are not accurate. They only take into consideration the water flow from the Sacramento River. There are three other tributaries that flood the area (more regularly than the river) that are not in the projections. The reports also do not consider the fact that there are two parcels in between the Nicolaus and Singh properties that will not be restored back to natural habitat. Therefore they cannot state that their EIR is feasible.

L1-72

There could be a considerable impact to River Road and the river bank at the washout if the river is restored back to riparian habitat and allowed to "meander". *Is Butte County prepared to maintain and protect their roadway to erosion?*

L1-73

- There will be an increase of traffic on a roadway that is already less than two lanes, this traffic would include RV's and trucks pulling boats and travel trailers. This roadway is commonly used by cyclists, there is no shoulder. There will be an increase of pedestrian traffic due to the proximity of the campground to the river. There is great probability for vehicle vs. pedestrian accidents that the Sheriff's office will have to contend with. Or, the county will have to widen the roadway and add striping with dedicated pedestrian crossings and speed control signage. There is not a safe river access anywhere near the proposed campground. There is potential for an increase in medical calls and water rescues; all at the expense of the county.

L1-74

L1-75

L1-76

- The proposed camp ground (with walking trails) is situated with two privately owned parcels in between them. There will be an increase in trespass calls to the Sheriff's department, as the Parks Department has indicated that they to not have an obligation to control where their patrons walk. "The landowners are more than welcome to place no trespassing signs on their property if they feel that people would use private property for access."

L1-77

- The state has confirmed that the proposed park area floods on an annual basis. They do not seem concerned with the impact of storm water contamination or what will happen to all of their structures and waste when the flood waters carries them downstream onto private property or county roads. The cleanup costs will be left for the property owners or county.

L1-78

- Due to the fact that we are actively farming our property (well beyond the green line) we have addressed set-back concerns

L1-79

file://K:\AD\SHARI\Projects\Bidwell-Sac River Campground\FW Proposed River Road Campground.htm 3/4/2008

with the State Parks. They have conceded to plant native grasses with a 100' set back to our orchard; this does in fact *marginally* satisfy the environmental affects of riparian habitat and native grasses to a dedicated orchard. However, there are normal farming practices that are not compatible with the RV and camping lifestyle; ie. air blast spraying, chopping, mechanical pruning, aerial applications, and harvesting. All of these functions cause dust, loud noise, the potential of exposure and may not be performed between the hours of 8 a.m. and 5 p.m. Therefore, we have great concern that we will not be able to continue to farm the orchard at 100% of its' potential on property that is zoned solely for agricultural use.

L1-79
Cont'd

The State of California is proposing a development that defies the principal of the greenline. They were able to remove this property from the Williamson act because the re-forestation and riparian habitat are "not permanent" they could easily be converted back to farm ground.

L1-80

Even though this project will in fact restore natural habitat, the state is failing to put an emphasis on the reality that this is a revenue generating campground all at very little overhead or long term cost effect to them.

L1-81

If a private individual (such as ourselves) wanted to put an RV park on a parcel zoned AG 40 and outside of the greenline, we would not be able to. Is this campground part of the general plan? Does it set a precedent for Butte County that the greenline means nothing?

L1-82

If this project continues there will be great fiscal impacts on Butte County.

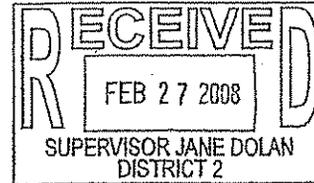
L1-83

We have great concern regarding this endeavor and implore you to review the EIR at http://www.parks.ca.gov/?page_id=24873, consider our comments and reply to the State of California in writing by March 17th.

Justin and Jamee Mendonca

*4393 Chico River Road
Chico, CA 95928
530-899-1040
530-570-9061 cell*

Clint Maderos
Clint Maderos Backhoe Service
12102 River Road
530-345-8665
530-514-8665



Supervisor Jane Dolan
196 Memorial Way
Chico CA 95926

February 24, 2008

Dear Jane Dolan,

I am writing to call your attention to a development close to your district, but of concern to Butte County land use issues. I recently received a DEIR in the mail from the California Department of Parks and Recreation. The subject of the DEIR is the Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Recreation Facilities Development Project. The plan laid out is disturbing due to the negative impacts it will have on my orchard income and my day-to-day quality of life.

The State Parks plan to put a large campground on 170 acres of existing walnut orchard, and plant a dense jungle of indigenous trees for riparian habitat. The land was purchased by the Nature Conservancy and is contiguous to the entire southern edge of my property. They also plan to restore habitat on another 40 acre existing walnut orchard. The two parcels are separated by an 80 acre property, half of which is existing orchard. Additionally, they plan to install a day use area on my western property line. I am deeply concerned about the negative impact I foresee this plan will have on me and my life for several reasons.

- At issue is water hydrology, i.e. Mud Creek/Rock Creek flood water patterns will be altered in the process of transferring agricultural development into restored natural habitat. The effect I predict can be likened to the installation of a fine screen or sieve installed in a large drain. I predict water will remain standing in my orchard at a higher elevation for longer periods of time.
- Mud Creek, Rock Creek/Kusal Slough, Lindo Channel, Chico Creek, which all border the easterly boundary of this proposed project were not included in the DEIR Survey. This DEIR is incomplete without analysis of the flood water patterns from the above creeks. They flood these properties annually.
- They have proposed a 100 foot grassland buffer zone on the southern property line; this will be insufficient.
- There is no buffer zone planned for the Day Use Area, which will be set 65 feet from my front window.

L1-84

L1-85

L1-86

L1-87

RECEIVED

FEB 29 2008

COUNTY OF BUTTE
PUBLIC WORKS DEPT.

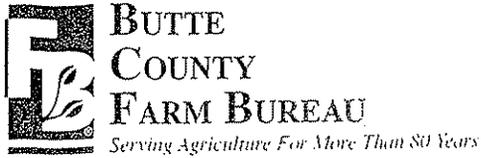
- They have proposed a 100 foot grassland buffer zone on the southern property line; this will be insufficient. | L1-87
- There is no buffer zone planned for the Day Use Area, which will be set 65 feet from my front window. | Cont'd
- The existing Day Use Area 600 ft from my home is a constant source of late night noise by revelers, more frequently on the weekends. Placing this in such close proximity to my home, the only occupied home in the area of the study, is utterly unreasonable and unfair to me. | L1-88
- There is an existing State Park campground 15 miles north of this proposed plan site, Woodson Bridge State Park. The State Park Sector Superintendent Denise Reichenberg, acknowledged at the public hearing, February 19, 2008, that this campground is not consistently operating at full occupancy. | L1-89
- The public hearing I attended would not address the social consequences this plan may have on me, or the consequences to the neighborhood, or to the larger surrounding area. | L1-90
- Numerous concerns presented by Sacramento River Reclamation District have been ignored. | L1-91
- Numerous concerns from other neighboring landowners were not adequately addressed in the scoping comments because they were not notified of the plan by mail. The DEIR does not analyze the impacts of the park on orchards east of the plan. | L1-92
- It is deeply disturbing that this invasive plan was put in motion without a mailed notification to alert me. This reveals a fundamental lack of courtesy on a human level that is dumbfounding. | L1-93
- | L1-94

I would like to speak with you about the specifics regarding the concerns I have regarding the negative impact this plan will have on me and the neighboring orchards in your district. Please get in touch with me at 530-514-8665, or 530-345-8665. I thank you for your attention to this matter, and I look forward to hearing from you.

Sincerely yours,



Clint Maderos



September 25, 2007

Mrs. Denise Reichenberg
Superintendent – Valley Sector
California State Parks
525 Esplanade
Chico, California 95926

Dear Mrs. Reichenberg,

The Butte County Farm Bureau (BCFB) would like to submit the following comments for the proposed Bidwell-Sacramento River State Park: Habitat Restoration and Outdoor Recreation Facilities Development Project (Project):

It is the opinion of the BCFB that state, local and federal agencies should not acquire agricultural land for the purpose of fish, wildlife, and habitat protection or public recreation. Furthermore we also believe the definition of “recreational activities” as defined under the California Land Conservation Act (Williamson Act), should exclude uses that result in the cessation of agricultural pursuits on contracted land or that have negative impacts on adjacent agricultural lands.

L1-95

According to the Butte County Department of Development Services, a significant portion of the Project is currently listed under the Williamson Act. Again, it is the opinion of the BCFB that Williamson Act contracted land should not be acquired by a government entity or joint powers authority to expand parks or wildlife refuges. These uses are incompatible with the continued agricultural use of surrounding agricultural properties.

Additionally it should be noted that according to the Butte County Right to Farm Ordinance (35-2(b)), “Where nonagricultural land uses extend onto agricultural land or exist side by side with agricultural operations, agricultural operations are frequently the subject of nuisance complaints. As a result, some agricultural operations are forced to cease or curtail their operations and many others are discouraged from making investments in improvements to their operations, all to the detriment of adjacent agricultural uses and the economic viability of the county’s agricultural industry as a whole. It is the purpose and intent of this chapter to reduce the loss to the county of its agricultural resources by limiting the circumstances under which properly conducted agricultural operations on agricultural land may be considered a nuisance.”

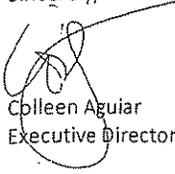
L1-96

As a result of the above comments, it is the opinion of the BCFB that the Project would not benefit the proposed area location and will only create a negative impact to the economic viability of the surrounding agricultural properties.

L1-97

Should you require further explanation of the above comments, please contact us at (530) 533-1473 or at buttecfb@sbcglobal.net. We thank you for the opportunity to comment on this proposed project.

Sincerely,



Colleen Aguiar
Executive Director

Exhibit A Resolution 07-021



BOARD OF SUPERVISORS
COUNTY OF BUTTE, STATE OF CALIFORNIA

Resolution No. 07-021

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF BUTTE,
SUPERSEDING AND REPEALING RESOLUTION 00-49, AFFIRMING THE PURPOSE,
AMENDING ADMINISTRATIVE PROCEDURES AND UNIFORM RULES, INCLUDING
COMPATIBLE USES FOR LAND SUBJECT TO LAND CONSERVATION ACT
(WILLIAMSON ACT) CONTRACT**

WHEREAS, the Board of Supervisors of the County of Butte, State of California, on December 5, 1967, established the agricultural preserves pursuant to the Land Conservation Act of 1965; and

WHEREAS, the Land Conservation Act of 1965 (Williamson Act) requires that uniform rules be established including compatible uses; and

WHEREAS, the Legislature periodically amends the rules of the program; and

WHEREAS, it is the desire of the Board of Supervisors to update its administrative procedures and rules applicable for the processing of contracts and agreements regarding all land subject to Land Conservation Act Contracts; and

WHEREAS, the Board of Supervisors, after conducting a public hearing and having reviewed the evidence presented at said public hearing, and considering the recommendation of the Land Conservation Act Advisory Committee, does hereby find it to be in the public interest to adopt the revised Butte County Administrative Procedures and Uniform Rules for Implementing the California Land Conservation (Williamson) Act as described herein in Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors affirms and establishes the following purposes for use of the Williamson Act in Butte County:

1. To conserve land for viable agricultural production and open space; and
2. Preserve agricultural land and open space lands by discouraging premature and unnecessary conversion to urban uses; and
3. To create incentives for additional agricultural landowners to participate in and enjoy the benefits of the Williamson Act program; and
4. To minimize residential conflicts in agricultural preserve areas.

NOW, THEREFORE, IT IS RESOLVED that the Board of Supervisors does hereby establish regulations governing lands subject to agricultural preserves and land conservation contracts in accordance with the California Land Conservation Act of 1965, also known as the Williamson Act, being Chapter 7 (commencing with section 51200) of part 1 of Division 1 of

1

Chapter 5 of the Government Code, in the unincorporated area of the County of Butte, as set forth in Exhibit "A" attached hereto and by this reference made a part thereof;

BE IT FURTHER RESOLVED that Resolution No. 00-49 is hereby superseded and repealed.

PASSED AND ADOPTED by the Butte County Board of Supervisors this 23rd day of January 2007 by the following vote:

AYES: Supervisors Connelly, Kirk, Josiassen, Yamaguchi and Chair Dolan
NOES: None
ABSENT: None
NOT VOTING: None

JANE DOLAN, Chair
Board of Supervisors

ATTEST:

PAUL MCINTOSH, Chief Administrative Officer
and Clerk of the Board of Supervisors

By: _____
Deputy

EXHIBIT "A" OF RESOLUTION 07-021
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF BUTTE

*Butte County Administrative Procedures and Uniform Rules for
Implementing the California Land Conservation (Williamson) Act*

January 23, 2007

Policy, Procedures and Rules Declaration

Butte County's objective in implementing the California Land Conservation Act of 1965 (also referred to in these rules and procedures as the Williamson Act) Chapter 7, commencing with Section 51200, of Part 1, of Division 1, of Title 5, of the California Government Code is the promotion of agricultural productivity and the preservation of agricultural land and open space lands by discouraging premature and unnecessary conversion to urban uses.

The County's Resolution to implement the Williamson Act provides a common set of rules and procedures that apply to the standards and categories of property eligibility, the permitted and compatible land uses and restrictions on Williamson Act contract lands, procedures for creation and termination of Williamson Act contracts, and procedures for compliance monitoring and enforcement.

A Williamson Act contract is an agreement entered into voluntarily and with full knowledge of the benefits and requirements of the Williamson Act, by and between the property owner and the County, to restrict the use of the land for agricultural, open space and compatible uses for a minimum term of ten (10) years, in return for a reduction in property taxes on the land.

RULE 1 GENERAL PROVISIONS

- A. **Short Chapter Citation.** These rules and procedures shall be known and may be cited as the "Butte County Williamson Act Uniform Rules and Procedures". In these rules and procedures the terms Land Conservation Act and Williamson Act are used interchangeably.
- B. **General Rules for Interpretation.** Terms used in these rules and procedures shall be as defined in Section 51201 of the California Government Code, or other applicable codes as referenced herein. Words in the present tense shall include the future; the singular shall include the plural; the word "shall" is mandatory and not directory. Whenever reference is made to any portion of these rules and procedures

or any other ordinance, resolution or law, the reference shall apply to all amendments and additions now or hereafter made.

- C. **Regulations.** Regulations set forth in this document and the provisions of the California Land Conservation Act of 1965 as set forth in the Government Code, must be complied with. In the case of inconsistency the more restrictive of the two shall apply. The rules and procedures described and detailed in this document are also referred to herein as "regulations".
- D. **Designation of the Lead Department.** The Butte County Department of Development Services, Planning Division shall be the lead County department for all Williamson Act program management, inclusion applications, Williamson Act contract non-renewals, and contract cancellations.

RULE 2 REGULATION OF USES

- A. **General.** Use of land under a Williamson Act contract shall be in accordance with State Williamson Act regulations, and these policies, rules and procedures. The determination of consistency of a use with the Williamson Act does not in itself entitle the landowner to that use. The proposed use is also subject to all County, State, and federal laws and regulations. Where there is a conflict between these rules and procedures and other governmental laws and regulations the more restrictive shall prevail.
- B. **Determination of Compatibility of Uses with the Williamson Act.**

A use may be allowed on Williamson Act contracted land when the Board of Supervisors determines the use to be compatible with the Williamson Act, per the three principles of compatibility in Section 51238.1(a), and consistent with these rules and procedures. A determination of compatibility may be made in one of the following ways:

 - 1. At the request of the Director of the Department of Development Services, the LCA Committee will convene and assess the compatibility of a proposed use. The Committee shall make a determination of compatibility or non-compatibility for the proposed use with the Williamson Act. For conditional uses, the Committee may recommend conditions or mitigations that would be required to make the use compatible with the Williamson Act. Compatibility determinations of the LCA Committee shall be reported to the Board of Supervisors as recommendations.
 - 2. A determination of compatibility may be made in one of the following ways:
 - a. On a case-by-case basis, the Director of the Department of Development Services or her/his designee shall review all requests for an initial determination of compatibility of a use

with the Williamson Act and these rules and procedures. The Director's initial determination shall be reported to the LCA Committee by informational memorandum and agendaized for review. The LCA Committee shall review the Director's determination and make a recommendation to the Board of Supervisors.

b. In cases where the Director of Development Services determines that a compatibility finding is not clear, the Director shall refer the case directly to the LCA Committee. The Committee may make a determination of compatibility or non-compatibility for the proposed application in the form of a recommendation to the Board of Supervisors.

3. While the LCA Committee makes determinations of compatibility of uses with the Williamson Act, consideration of land use entitlement applications, including but not limited to use permits and mining permits, are the responsibility of the Butte County Planning Commission. In such cases, the Planning Commission approval is "conditional", pending a Board of Supervisors determination of the compatibility of the use with the Williamson Act per Section 51238.1. In the case of use compatibility determinations related to a land use entitlement application, the Board's determination is reported to the Planning Commission by informational memorandum.

RULE 3 QUALIFYING USES ON WILLIAMSON ACT LAND

A. **Uses that Qualify as Primary Agricultural Uses.** Per Section 51238.1 the Board of Supervisors has determined that the following uses are compatible with the Williamson Act. The determination that the uses listed below are compatible with the Williamson Act does not in itself entitle the landowner to these uses. The uses listed below are also subject to all County, State, and federal laws and regulations. The more restrictive regulation, whether Williamson Act or other government code shall apply. Except as otherwise provided in these rules and procedures, the following uses qualify as compatible uses on land for inclusion in the Williamson Act. The LCA Committee shall, on a case by case basis as necessary, consider and make a recommendation to the Board concerning whether a proposed use is consistent with uses including but not limited to the following compatible uses:

1. General farming, ranching, horticulture, commercial livestock production (including hog ranches, dairies, dairy and beef cattle feedlots), commercial poultry production, and similar activities (except as limited by Rule 3.C. below).
2. Livestock pastures and grazing.
3. Aquaculture facilities.
4. Operation of apiaries.
5. Cultivation of tree, vine, row and field crops.

6. Growing of ornamental and agricultural nursery stock.
7. Greenhouse structures.
8. Growing of Christmas trees.
9. Prime agricultural lands fallow for not more than three years out of five.
10. Processing, packing, selling and/or shipping of agricultural products per Butte County Zoning Code Section 24-9- (b) (3).
11. Customary agricultural buildings, structures, and necessary equipment for the maintenance and support of the uses listed above.
12. One single-family residence or modular home for persons working in direct support of agricultural production on the Williamson Act contracted land. One such residence is allowed on each legally-created parcel within the contracted lands that conforms to minimum acreage standards in TABLE ONE of Rule 5.
13. Agricultural Employee Housing facilities (including manufactured homes) to accommodate only agricultural employees and their families. This agricultural worker housing is allowed in the Butte County "Agricultural" zoning districts only pursuant to zoning code Section 24-90 (a) (5).
14. The drilling for hydrocarbon, including the installation and use of such equipment, structures, and facilities as are necessary per Section 51238, so long as these activities do not interrupt or impair the primary agricultural use or secondary approved compatible use on the land.
15. Water storage reservoirs and irrigation areas which are required for the direct support of the agricultural operations on Williamson Act contracted land. Private recreational lakes are not compatible uses on Williamson Act land.

B. Accessory Uses to Primary Agricultural Uses. Per Section 51238.1 the Board of Supervisors has determined that the following are compatible accessory uses, as long as they are incidental, related, appropriate, and clearly subordinate to the primary agricultural use (as provided in Rule 3 A) which do not significantly alter or inhibit the primary use on the land. The accessory uses listed below must also be in conformance with all County, State, and federal laws and regulations and may require a use permit. Except as otherwise provided in these rules and procedures, the following accessory uses qualify as compatible uses on land for inclusion in Williamson Act. The Director of Development Services or the LCA Committee (per procedures in Rule 2 B) shall, on a case by case basis as necessary, consider and make a determination whether a proposed use is consistent with uses including but not limited to the following compatible uses:

1. Those uses normally associated with a single-family residence use and are in conjunction with or incidental to the residential use, including but not limited to a garage, workshop, shed, garden,

private swimming pool, private tennis court, gazebo, spa, etc, and as amended by zoning code.

2. Warehousing and storage of agricultural products.
3. Accessory buildings and uses pertinent to the commercial agricultural uses, including facilities to process only the agricultural commodities.
4. A stand or a display for the sale of agricultural commodities produced on the premises including the incidental sale of agricultural products produced off-site.
5. Private airport or aircraft landing facilities which are directly supportive of the agricultural operations on the Williamson Act contracted land (example: crop seeding, dusting and fertilizing).
6. Recreational uses not requiring any permanent improvements or facilities and not interfering materially with agricultural operations. This includes seasonal hunting and fishing uses with no permanent facilities, provided that any recreational vehicles and travel trailers shall be used for occupancy during non-cropping seasons only.
7. The processing and sale of firewood from orchard operations.
8. Public utility transmission and delivery lines per Section 51238.
9. Animal rendering plants and agricultural waste composting facilities.
10. Game bird production.
11. Specialized Animal Facilities: are defined as confinement care or keeping establishments for agricultural and other animals including but not limited to: husbandry of fur-bearing animal species; riding academies, accessory equestrian facilities and large scale horse raising, and kennels. Riding academies, accessory equestrian facilities and kennels require a use permit per Butte County Code Section 24-90(c) and/or the determination of the Director of the Department of Development Services. Specialized Animal Facilities may not predominate, preclude, or negatively impact primary qualifying agricultural uses on Williamson Act-contracted land. When a use permit is required, the LCA Committee shall make a recommendation to the Board of Supervisors concerning whether the proposed use is compatible with the primary use, pursuant to Section 51238.1 and Rule 5.D.

The difference between grazing/pasture and feedlot operations is defined as follows:

1. **Animal Feedlot:** a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered animal feedlots.
 2. **Grazing/Pasture:** areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetative cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices. Those areas of supplemental feeding or watering devices within a pasture do not constitute a feedlot.
- C. **Conditionally-Permitted Uses on Williamson Act Land.** All such uses must comply with Section 51238.1. Some uses listed in this rule (Rule 3) are uses that, without conditions or mitigations would not be in compliance with the Butte County Zoning Code or with Section 51238.1(a). Section 51238.1 (c) details the four findings that must be made before a conditional use permit may be granted for such uses.

Uses Allowed Only by Use Permit: Although the following uses may be found to be consistent with the Williamson Act, Butte County Code also requires that the Planning Commission approve a use permit for these uses. For each proposed use an application for a use permit shall be reviewed and verified by the Development Services Department. The Development Services Department will coordinate with the LCA Committee Chairperson to schedule a meeting of the LCA Committee for review. The LCA Committee shall consider the compatibility of the application with the Williamson Act, consistency with these rules and procedures, and shall make a recommendation to the Board of Supervisors concerning compatibility with the Williamson Act. The Board of Supervisors determines if a conditionally permitted use is compatible with the Williamson Act, per the three principles of compatibility in Section 51238.1(a). In such cases, the Planning Commission approval is "conditional", pending a Board of Supervisors determination of the compatibility of the use with the Williamson Act per Section 51238.1. By informational memorandum, the Development Services Director informs the Planning Commission of the Board of Supervisors determination.

1. **Public and quasi-public uses** (Butte County Code Section 24-90 (c) 1), including wireless telecommunication facilities, structures and buildings that conform to Sections 51238 and 51291.
2. **Veterinary hospitals and/or clinics.**
3. **Use of Williamson Act land for seasonal hunting, hunting clubs, and wildlife observation facilities** that do not interrupt or impair the primary agricultural use or approved accessory use on the land

(Butte County Code Section 24-90 (c) 4). Physical structures in support of the uses allowed by this rule may be permitted where the LCA Committee determines that said structures do not interrupt or impair the primary agricultural use or approved accessory use on the land.

4. **Surface mining mineral extraction, quarries, and all other mines** (not including asphalt and concrete batch plants). Mining is defined as any use requiring a mining permit as defined under Chapter 13 of the Butte County Code. For any mining use, the Board of Supervisors (on an individual case basis) must determine if it is possible to make the required statutory findings of compatibility under either Section 51238.1 or 51238.2. The mining proponent must provide all necessary documentation and analysis as may be required by the Department of Development Services in supporting such findings for LCA Committee, Planning Commission, and Board of Supervisors consideration. All mining must demonstrate compliance with the Surface Mining and Reclamation Act by a mining use permit and reclamation plan approved by the Butte County Planning Commission.

Mining is a compatible use with the Williamson Act under limited circumstances. In most cases, for the application to be complete, the Williamson Act contract must be terminated by nonrenewal or cancellation (Rule 6) prior to commencing a mining project. The Board may approve the following when the corresponding Williamson Act findings can be made:

- a. Phasing of a mining project on adjacent, non- Williamson Act contracted land while the nonrenewal process runs its course.
- b. Williamson Act contract rescission (Section 51256) a landowner may enter an agreement with the local government to rescind the contract on the land proposed for mining and simultaneously place other land in the same county, of equal or greater size and value, in a permanent agricultural conservation easement. Such contract rescissions require the approval of the Director of the Department of Conservation per Section 51256.1.
- c. Determination of mining as a compatible use meeting Section 51238.1(a) criteria for prime land or Section 51238.1(c) for non-prime land. The use of mineral resources shall comply with Section 51238.2. The Board must find the following:
 - That the activity will not significantly impair the Williamson Act contractual commitment to preserve prime land or non-prime land for open space use.
 - That the Williamson Act contracted land must be returned according to the SMARA reclamation standards for its previous prime or non-prime condition. Any reclamation of contracted land to "open space" use must meet the definition in Section 51201(o) per Rule 4 below.

D. **Other Uses Approved by the Board of Supervisors.** The following uses may be approved by the Board of Supervisors as compatible uses consistent with Section 51238.1 if the use does not significantly impair the primary agricultural use which qualifies the land for Williamson Act contract.

1. The following open space uses may be approved by the Board of Supervisors, after consideration by the LCA Committee:
 - a. Wildlife & biotic habitat area per Section 51201(j).
 - b. Managed wetlands area per Section 51201(l).
 - b. Recreational uses per Section 51201(n).
 - c. Scenic highways corridor (per Section 51201(i)).
2. Any other use which the Board of Supervisors, after consideration by the LCA Committee, determines to be substantially similar in nature to any of the uses listed above and which enhance other qualifying uses with no significant impact on the agricultural or open space characteristics of the subject or adjacent agricultural land, and are otherwise in compliance with the principles of compatibility as set forth in Section 51238.1.

RULE 4 QUALIFYING OPEN SPACE USES ON WILLIAMSON ACT LAND

The Board of Supervisors may approve the following "open space" uses for inclusion in a Williamson Act contract by the procedure described in Rule 5. C. below:

- A. **General Qualifying Criteria for Open Space Use.** General categories of qualified "open space" uses on Williamson Act land per Section 51205 include: managed wetlands, wildlife habitat area, recreational use, and land in a scenic highway corridor.
- B. **Required Open Space Use Findings.** To qualify as an allowed open space use, the Board of Supervisors must make the finding that the applicant's land is used for the preservation of important open space land for: wildlife habitat, managed wetlands, scenic highway corridors, or recreational uses.
- C. **Review and Approval of Open Space Uses Applications:**

The LCA Committee shall consider and make a recommendation to the Board concerning the consistency of any application with these rules and procedures. This assessment and the recommendations of the LCA Committee shall be submitted to the Board of Supervisors by the Development Services Department. The Board of Supervisors may approve Williamson Act contracts established for open space purposes, when the land is used for the purposes specified in Section 51205.
- D. **Conversion to Open Space Use:** The conversion from Agricultural use to an open space use requires execution of a new or amended contract. If the landowner is unwilling to enter into a new or amended contract, the Board of Supervisors may non-renew any contract for lands which have been converted to an open space use.

E. Procedure Regarding Existing Conservation Easements:

As instances of existing habitat conservation easements on Williamson Act land come to the attention of the County, the County will consult with the California Department of Fish and Game (CF&G) in determining if the land in question could be determined to meet the following Williamson Act (Section 51201(j)) definition of a "wildlife habitat area":

A "wildlife habitat area" is a land or water area designated by a board or council, after consulting with and considering the recommendation of the Department of Fish and Game, as an area of great importance for the protection or enhancement of the wildlife resources of the state.

If the Board of Supervisors finds that the land meets this definition, they may approve a new or amended Williamson Act contract with the landowner to reflect the change in use on the property to bring the contract into conformance with the regulations of the Williamson Act and the current uses on the land. Land shall be considered for inclusion as wildlife habitat only after a wildlife habitat area resource management plan (per Rule 5.B.1.e) has been approved by the Board of Supervisors. In many cases, the conservation easement documents recorded with the grantee conservation easement holder (e.g. CF&G, NRCS, USDA, Fish & Wildlife, etc) may contain adequate detail to serve as the required resource management plan to be recorded with the contract amendment.

RULE 5 WILLIAMSON ACT (Land Conservation Act) CONTRACTS

A. General Provisions.

1. **Agricultural Preserves.** In 1967, the Butte County Board of Supervisors established ten agricultural preserve areas that cover the County. Land that meets the criteria detailed in these policies, procedures and rules may be eligible for Williamson Act contracts.
2. **Zoning and General Plan Land Use Designations.** Parcels for inclusion must be consistent with applicable General Plan and zoning designations. Table ONE of this rule sets minimum incoming acres per contract and minimum parcel size.
3. **Primary Uses.** Only those parcels that are primarily used for agricultural production, wildlife habitat area (51201(j) and 51206) or open space use (51201 (o)) as respectively established in Rule 4 of these rules and procedures are eligible for inclusion in a Williamson Act contract.
4. **Qualifications for Williamson Act Contract.** To qualify for a Williamson Act contract, land shall be in an agricultural preserve, and be comprised of a single parcel of land, or two or more contiguous parcels, when such parcels are under the same ownership or are owned by immediate family

members and are managed as a single unit.

- a. **Minimum Parcel Size.** The minimum parcel size required for inclusion in a Williamson Act contract shall be that set forth in Table One of this rule when the parcel can sustain an agricultural use. All parcels smaller than the contract minimum size shall be legally combined or merged to comply with TABLE ONE of Rule 5, concurrently with approval of the contract.
- b. **Parcels in Different Ownership.** In considering a contract for parcels under different ownership, the LCA Committee may recommend, and the Board require that a management plan and agreement satisfactory to the Committee be recorded between the owners to ensure sustainable agricultural management of all land under contract for the duration of the contract.
- c. **Combining Parcels.** When parcels are combined under the same contract, each individual parcel must comply with the minimum acreage requirement, by type of use, as set forth in Table One of this rule. Each parcel must also currently be utilized for or proposed to be utilized for agricultural or open space uses as provided in these rules and the California Land Conservation Act.
- d. **Incompatible Uses.** The application process for inclusion in the Williamson Act requires the applicant to disclose all existing and proposed uses and structures on the land proposed for inclusion. Land occupied by incompatible uses or incompatible structures must be separately described for non-inclusion. The LCA Committee may recommend, and the Board may determine that the impacts of incompatible uses or structures render additional portions of the proposed land inappropriate for inclusion in the Williamson Act.
- e. **Application Process.** All applications must be submitted to the Department of Development Services on or before September 15 of each year to be eligible for a Williamson Act contract to become effective during the following year. Applications shall be submitted upon the forms to be supplied by the Planning Division of the Department of Development Services and must be deemed to be complete, prior to October 1, in order to be eligible for actual consideration by the LCA Committee and the Board.
- f. **Easement Exchange.** Substitution for a portion of contract lands may occur pursuant to Section 51256 and 51257.
- g. **Adding Lands to a Williamson Act Contract.** Land may be added to an existing Land Conservation Agreement. Any parcel added must meet the minimum acreage requirements in Table One of this rule or be legally combined with an existing parcel within the agreement per the Subdivision Map Act and local regulations.

- h. **Lands Bordering Cities and in Special Planning Areas.** When considering inclusion of lands within urban spheres of influence, lands within specific plan areas and lands within special planning areas, the LCA Committee and the Board of Supervisors shall consider whether such lands are subject to specific plans, special plans and/or joint planning memorandums of understanding and similar policies.
5. **Minimum Parcel Size and Acreage for Williamson Act Contracts.** The required minimum acreage for each application is based on the type of agricultural activity and shall be as follows:

TABLE ONE:

Type of Activity	Minimum Incoming Acres per Contract and Minimum Parcel Size
Orchards (vineyards, kiwi, fruit, nut and similar crops)	20
Field Crops (irrigated row-crops, small grains, and similar crops)	80
Irrigated Pasture or Irrigated Rice Production	80
Open Space Uses	80
Dry Land Grazing	160

- a. Parcels must also meet or exceed minimum lot sizes established by the applicable base Butte County zoning district. Minimum parcel size applies to incoming Williamson Act contract parcels, parcels eligible for home building permit, and parcels eligible for sale or transfer. When possible, land owners may merge adjacent parcels to attain the minimum acreage required in Table ONE. When the minimum parcel acreage in TABLE ONE of this rule is greater than that set forth in the text of the property's original Williamson Act inclusion contract, the less restrictive (smaller) minimum parcel size shall apply.
- b. The acreage limitations in TABLE ONE above shall apply to the use of the subject lands on the date of signing the Land Conservation Agreement. After the signing of the Land Conservation Agreement, the type of crop or agricultural use

may be changed at the sole discretion of the landowner. However, at a minimum the use must remain consistent with the level of agricultural activity on which contract approval was based. Any changes in use are subject to the qualifying compatible uses described in Rule 3 herein.

- c. Land shall be permitted to be divided into parcels that do not meet the minimum parcel sizes provided in these rules and procedures only when such division is for the purpose of transferring ownership from one immediate family member to another in accordance with Section 51230.1 and Rule 7. D. Subsequent sale of such parcels to nonfamily members is contrary to Williamson Act policy and to these rules.
- d. The minimum parcel size required for establishing a residential use or for selling parcels in the Williamson Act devoted to orchards, open space and dry land grazing shall be as established in Table One except when the minimum parcel acreage in Table One of this rule is greater than that set forth in the text of the property's original Williamson Act inclusion contract. In such cases, the less restrictive (smaller) minimum parcel size shall apply.
- e. All parcels smaller than the Williamson Act contract minimum size shall be legally merged to comply with Table One above, concurrently with approval of a contract for inclusion into the Williamson Act.
- f. Two percent (2%) deviations from the specified Williamson Act contract acreage minimum in TABLE ONE above may be allowed subject to review by the LCA Committee and approval by the Board of Supervisors.

6. Terms of Williamson Act Contracts.

- a. The Williamson Act contract shall be binding upon, and inure to the benefit of, all successors in interest of the property owner in accordance with Section 51243.
- b. The Williamson Act contract shall be for an initial term of ten years. The ten year term shall automatically renew on January 1 of each year, unless a notice of non-renewal is submitted per Rule 6.A. and B.
- c. All Williamson Act contracts shall have a common anniversary date of the 31st day of December. A land conservation contract

must be executed on or before such date to be in effect for the next succeeding tax year.

- d. The Williamson Act contract shall limit the uses of the land to those provided for in these rules and procedures.
 - e. The Williamson Act contract shall require that the land be managed in accordance with any applicable resource management plan(s). If a plan amendment is approved, the amended plan shall be deemed automatically incorporated into the contract as though fully set forth therein without the need for a contract amendment.
7. **Material Breach.** In addition, and without altering the applicability of the provisions of this paragraph, the Owner acknowledges the specific material breach provisions and remedies of Section 51250, a copy of which will be attached to the Williamson Act contract as Exhibit B. Section 51250(b) defines a material breach on land subject to a Williamson Act contract as a commercial, industrial or residential building(s), exceeding 2,500 square feet that is not permissible under the Williamson Act contract, local uniform rules or ordinances. This regulation only applies to structure(s) that have been permitted and constructed after January 1, 2004. Section 51251 allows a local government or landowner to bring any action to enforce any contract, including but not limited to, enforcement by specific performance or injunction.

B. Procedures for a Williamson Act Contract

1. **Application for Williamson Act Contract or Contract Amendment.**
To enter into or to amend a land conservation contract, an application executed by all persons having legal and equitable interests in the land shall be submitted to the Development Services Department on a form prescribed by that Department. In addition to the application, applicable fees as established in Chapter 3 of the Butte County Code shall be submitted to the Department on or before September 15 of the calendar year for the contract to become effective January 1 of the succeeding year.

The application shall include the following:

- a. A copy of a recorded map or assessor's parcel map showing the subject real property as a single parcel or parcels when such parcels are under the same ownership, or are owned by immediate family members, and are managed as a single unit.
- b. A legal description of all individual parcels and the names and addresses of all the owners of legal or equitable interest in the property.
- c. Any resource management plan(s) pursuant to Rule 4.

- d. Payment of applicable Williamson Act Inclusion Agreement application fee.
- e. Any additional information the LCA Committee may require, in order enabling the Committee to determine the eligibility of the land involved for a Williamson Act contract.
- f. Any one or a combination of the following, pursuant to the provisions of Rule 4 and this rule:
 - **Agricultural Use.** A statement by the applicant describing the type and quantity of the commercial agricultural use including but not limited to how the parcel or parcels of land are to be commercially utilized for the production of food or fiber. This statement should include methods of production, acreage, improvements, a description and/or map of all appurtenant structures, accessory uses, and any other information that describes the nature and scope of the commercial agricultural use.
 - **Open Space for Wildlife Habitat Area.** Lands shall be considered for inclusion only after a wildlife habitat area resource management plan has been approved by the Board of Supervisors, subsequent to compliance with Section 51201(j) regarding the land's value as an area for the protection or enhancement of the wildlife resources of the state. A wildlife habitat area resource management plan may be approved by the Board of Supervisors prior to the Williamson Act contract.

Section 51201(j) defines a "wildlife habitat area" as: "a land or water area designated by a board or council, after consulting with and considering the recommendation of the Department of Fish and Game, as an area of great importance for the protection or enhancement of the wildlife resources of the state".

- **Open Space for Managed Wetland Area.** Lands shall be considered for inclusion only after a managed wetland area resource management plan has been approved by the Board of Supervisors, subsequent to the Board's determination of compliance with Section 51201(l). A managed wetland area resource management plan may be approved by the Board of Supervisors prior to the Williamson Act contract.

Section 51201(l) defines a "managed wetland area" as: "an area, which may be an area diked off from the ocean or any bay, river or stream to which water is occasionally admitted, and which, for at least three consecutive years

immediately prior to being placed within an agricultural preserve pursuant to this chapter, was used and maintained as a waterfowl hunting preserve or game refuge or for agricultural purposes.”

- **Open Space for Recreational Use.** Lands shall be considered for inclusion only after a resource management plan has been approved by the Board of Supervisors for recreational use facilities for use by the public. A master plan for providing recreational use may be approved by the Board of Supervisors prior to the Williamson Act contract, pursuant to 51201(n).
 - **Open Space for Scenic Corridor.** Lands shall be considered for inclusion only after a resource management plan for a scenic corridor has been approved by the Board of Supervisors in accordance with a specific plan adopted by the county for the scenic route that has been approved by the State Department of Transportation Advisory Committee on a Master Plan for Scenic Highways. A resource management plan for a scenic highway corridor may be approved by the Board of Supervisors prior to the Williamson Act contract.
2. **Review of Williamson Act Application.** An application to enter into or amend a Williamson Act contract shall be received by the Development Services Department. The Development Services Department shall coordinate with the LCA Committee Chairperson to then schedule a meeting of the LCA Committee for review and recommendation to the Board of Supervisors. The LCA Committee shall consider the consistency of the application with these rules and procedures. The recommendation of the LCA Committee shall be submitted to the Board of Supervisors by the Development Services Department.
 3. **Action on Williamson Act Contract Application.** The Development Services Department shall submit a report to the Board of Supervisors containing the recommendation of the LCA Committee concerning the contract. Upon receipt of the report, the Clerk of the Board shall schedule the matter for public hearing and give notice as provided in Section 24-25.40 of the Butte County Code and in Sections 51232 and 51233. The Board of Supervisors shall render its decision to deny, modify or approve the application for entering into or modifying a Williamson Act contract within 60 days after receipt of the report from the Development Services Department. Upon approval of the application, the Chairman of the Board of Supervisors shall be authorized to sign the contract on behalf of the County.
 4. **Recordation of Williamson Act Contract.** Within 20 business days of approval of the contract by the Board of Supervisors, the Clerk of the Board shall record the contract, which shall describe the land subject thereto, with the County Recorder and distribute copies of the recorded

contract to the landowner, the Department of Conservation, County Assessor, Development Services Department and Agricultural Commissioner.

5. **Changing Uses on Contracted Land.** No part of these rules and procedures allow the landowner, during the course of the Williamson Act contract, to change uses on the land to uses that are incompatible with these rules and procedures and the Williamson Act.

6. **New Contract Required Upon Granting of Entitlements.**
In granting of any of the following discretionary entitlements, the County reserves the right to require rescission of the current Williamson Act contract and/or signature of a new or amended contract which incorporates all Butte County Williamson Act rules and procedures in force at the time:
 - a. Tentative Parcel Map
 - b. Tentative Subdivision Map
 - c. Use Permit
 - d. Lot Line Adjustment
 - e. Merger of Parcels

RULE 6 TERMINATION OF WILLIAMSON ACT CONTRACTS

- A. **Nonrenewal of Williamson Act Contract.** Non-renewal is always the preferred means of terminating a contract. On each anniversary date of a Williamson Act contract, the original ten year term of the contract is automatically renewed unless notice of nonrenewal is given in accordance with the California Land Conservation Act for all or a portion of the property subject to the contract (Section 51244). When notice is provided on or before September 30 the contract shall expire nine (9) years from December 31 of the year that a timely notice was provided (Section 51245). Upon recordation of the notice of nonrenewal, the valuation formula under the Revenue and Taxation Code changes for property tax assessment purposes. The land use restrictions, however, remain the same until the contract expires.

The County prior to the expiration date of the contract shall not approve applications for converting the use of the land to uses that do not comply with the restrictions of the contract. A notice of nonrenewal filed by the County or a property owner with respect to land subject to an existing contract or a contract entered into pursuant to these rules may be withdrawn only upon the consent of the County and the issuance of a new contract in accordance with these rules and any additional conditions required by the County. Any request for withdrawal of a notice of nonrenewal shall include an application for a new contract that complies with the rules and procedures in effect at that time.

- B. **Notice of Partial Non-renewal.** Notice of partial non-renewal for lands within a Land Conservation Agreement. If only a portion of the lands within an agreement are non-renewed, the remaining contract lands must conform to the minimum acreage requirements in TABLE ONE of Rule 5. It is the applicant's responsibility to provide accurate legal descriptions of the area to be non-renewed and the area to remain in the contract.
- C. **Rescission of Williamson Act Contract.** In accordance with the Land Conservation Act, the landowner and the County may upon their mutual agreement rescind a contract in order to simultaneously enter into a new Williamson Act contract in order to facilitate a lot line adjustment in accordance with Sections 51254 or 51257.
- D. **Immediate Cancellation of Williamson Act Contract.** In accordance with the Land Conservation Act, a landowner may petition the County for a tentative immediate cancellation of a contract to terminate the contract on all or a portion of the property. The Board of Supervisors may only approve cancellation of the contract under extraordinary circumstances as provided in Section 51282.
1. To cancel a Williamson Act contract, a petition signed by all parties having a legal or equitable interest in the property shall be submitted to the Development Services Department on a form prescribed by that Department with the applicable fees established in Chapter 3 of the Butte County Code. It will be the responsibility of the applicant to provide all necessary supporting documentation and analysis, as required by the Development Services Department, that the required statutory findings can be met (per Section 51282). It is the applicant's responsibility to provide accurate legal descriptions of the area to be cancelled and any area to remain in contract.
 2. The petition for cancellation shall be referred by the Development Services Department to the Department of Conservation and the LCA Committee for review, comments, and recommendation to the Board of Supervisors. The petition shall also be referred to the County Assessor for determination of the cancellation valuation of the subject property.
 3. Any application for immediate cancellation shall require that the Board of Supervisors make either consistency findings per Section 51282. (a) (1) or public interest findings per Section 51282. (a) (2).
 4. Cancellation of a portion of the contract must result in remaining contract parcels that conform to the minimum acreage requirements of TABLE ONE, Rule 5.
 5. Immediate cancellation allowing minor acreage adjustments of no more than one percent (1%) of the contracted land under the applicant's ownership may be permitted to reconcile building encroachments, irregular fence lines and historic uses through lot

line adjustments, subject to review by the LCA Committee and approval by the Board of Supervisors. Such cancellations do not require that the Board make the statutory findings per Section 51282. (a) (1) or Section 51282. (a) (2).

6. The Development Services Department shall submit a report to the Board of Supervisors containing the recommendation of the LCA Committee concerning the cancellation of the contract and the certified statement from the Assessor concerning the cancellation valuation of the land. Upon receipt of the report, the Clerk of the Board shall schedule the matter for public hearing and give notice as provided in Section 24-25.40 of the Butte County Code and in Section 5128. The Board of Supervisors shall render its decision to deny, approve or conditionally approve the petition for cancellation in accordance with the Land Conservation Act.
 - a. Upon approval of a requested cancellation and recordation of a certificate of cancellation of contract, the valuation formula under the Revenue and Taxation Code changes for property tax assessment purposes and the land will be taxed at its current fair market value. In accordance with Section 51203, if either the Department of Conservation or the landowner believes that the current fair market valuations are inaccurate; either party may request formal review from the County Assessor. The procedures for formal review and any recomputation of the cancellation fee are specified in Government Code Section 51203. [SB 1820 effective Jan. 1, 2005].
 - b. Cancellation of a Williamson Act contract is subject to the payment of a cancellation fee equal to 12.5 percent of the cancellation valuation of the property to the Department of Conservation (pursuant to Section 51283) as determined by the County Assessor based upon the current fair market value of the land as though it were free of the contractual restrictions in accordance with Section 51283. Cancellation of a Williamson Act contract also requires the landowner to make a cancellation fee payment to the County of Butte equal to 12.5% of the cancellation valuation of the property (per Section 51283), as authorized by Section 51240.
- E. **Annexation and Contract Termination.** Per Government Code including but not limited to Sections 51235, 51243.5, 51236 and 51256, annexation of land under Williamson Act contract does not terminate the contract. If a city annexes land subject to a Williamson Act contract, the city succeeds to all rights, duties and powers of the county under the contract. The city protest provision of the California Land Conservation Act of 1965 has been eliminated effective January 1, 1991. Unless a city filed a valid protest before January 1, 1991, the city cannot terminate a contract upon annexation of the property to the city. A city protest made prior to January 1, 1991, is valid only if there is a record of the filing of the protest and the protest identifies the specific affected contract and subject parcel.

- F. **Public Acquisition.** Williamson Act contracts become void for land that is acquired by a federal, state or local government agency for necessary public uses and facilities. The California Land Conservation Act of 1965 contains policies and restrictions to avoid public acquisition of lands in agricultural preserves, with special emphasis on restricting acquisition of land subject to Williamson Act contracts or containing prime agricultural land. State and local government agencies are required to refer proposals to acquire land in agricultural preserves to the State Department of Conservation for their review and response prior to acquisition.
- G. **Correction of Errors.** Adjustments of contracted lands allowing removal or addition of acreage may be permitted in order to correct surveying errors and similar defects, including but not limited to errors in the legal description of contracted lands, after review by the LCA Committee and approval by the Board of Supervisors, where substantial evidence in the record indicates that it was not the intent of either the Board of Supervisors or the landowner to include the lands subject to the error or errors in the contract at the time the contract was executed.

RULE 7 DIVISION OF WILLIAMSON ACT LAND

- A. **Division of Land, General.** There shall be no division of land, lot line adjustment, or merger of parcels subject to a Williamson Act contract that would defeat the intent of the Williamson Act to preserve land in agriculture, open space or recreational use. The Butte County Board of Supervisors finds that divisions of land under Williamson Act contract must comply with Government Code Section 66474.4 and shall be allowed only when all of the five conditions in Rule 7.B are fulfilled. While the LCA Committee oversees the Williamson Act, the Butte County Planning Commission is empowered to approve tentative parcel map, tentative subdivision map, waiver of parcel map, and other land use entitlements applications applicable to this section.
- B. **Land Division Procedures.** Applications for division of land subject to a Williamson Act contract shall be processed in the manner prescribed in Chapter 20 of the Butte County Code, except that for all such applications a determination of compatibility with the Williamson Act shall be made per the procedures prescribed in Rule 2. B. A Planning Commission condition of approval will require modification of the existing contract (at the LCA Committee's recommendation) or rescission of the contract in order to simultaneously enter into a new or amended contract conforming to all rules and procedures in effect at that time. A new or amended contract may be required if the division would change parcel boundaries, and parcel legal description(s). Per Rule 2.B, as part of the process of determining the compatibility of the project with the Williamson Act, the Board of Supervisors must make the following findings regarding land divisions on Williamson Act land:

1. The proposed division will not impair the use of the land for the production of food, fiber, livestock or wildlife habitat, as provided in the contract.
2. Each parcel created by the division or lot line adjustment shall conform to minimum acreage under TABLE ONE of Rule 6.
3. The land division or, lot line adjustment conforms to the Butte County General Plan, state laws and all other applicable County Codes and standards.
4. The land division or lot line adjustment is not for the creation of residential development that does not directly support agricultural production on the contracted land.
5. Any parcel merger (Government Code Article 1.5 Merger of Parcels) shall comply with Rule 5. A. 5. c. and with Butte County Code Section 20-180.3.

C. **Lot Line Adjustment and Parcel Merger.** Per County Code Section 20-95.1 (lot line adjustments) and Section 20-180.3. (parcel mergers) the Director of Development Services may approve lot line adjustments and parcel mergers. On a case-by-case basis, the Director or her/his designee shall review all applications for lot line adjustment or parcel merger to determine the compatibility of the proposed action with the Williamson Act and these rules and procedures. The Director shall determine whether a proposed lot line adjustment or parcel merger is substantially compatible and compliant with the Williamson Act and with these rules. The Director's determination shall be reported to the LCA Committee as a recommendation, by memorandum, and agendaized for consideration by the Committee. In cases where the Director of Development Services determines that a compatibility finding is not clear, the Director shall refer the case directly to the LCA Committee. The LCA Committee shall consider the Director's determination and make a recommendation to the Board of Supervisors concerning the compatibility of the proposed lot line adjustment with the Williamson Act.

D. **Transfer of Ownership to Family Member.** Land shall be permitted to be divided into parcels that do not meet the minimum parcel sizes provided in these rules only when such division is for the purpose of transferring ownership from one immediate family member to another in accordance with Section 51230.1, and per Butte County zoning code minimum parcel size. The Board of Supervisors finds that the transfer of one or more of the parcels so created to a person who is not an immediate family member is a breach of the Williamson Act contract. Pursuant to such unlawful transfer a notice of nonrenewal shall be filed for all portions of the land subject to the existing contract. The Board may also pursue other remedies as authorized by law. No residential buildings

shall be erected on parcels that fail to meet the standards for minimum acreage specified in TABLE ONE of Rule 5. An exception for agricultural labor housing shall comply with the provisions of the California Section 51230.2.

RULE 8 CONTRACT MONITORING & ENFORCEMENT

- A. **Enforcement Responsibility.** The Director of the Department of Development Services (DDS) shall enforce the provisions of these rules and the regulations of the Williamson Act, and shall determine the existence of any violations of any resource management plan as approved by the Board of Supervisors. The Director will bring his/her findings to the LCA Committee for review. The LCA Committee shall review these findings and make recommendations to the Board of Supervisors when appropriate. The Board of Supervisors shall consider the recommendations of the LCA Committee in determining any enforcement action.
- B. **Monitoring of Williamson Act Contracts.**
The county shall actively monitor the agricultural preserve program by periodically reviewing the continuing eligibility of properties and checking for contract violations. Methods for identifying and reviewing the continuing eligibility of properties and uses include:
1. The Development Services Department will review and assess referrals (e.g., new property transfers) from the Assessor's Office, Building Department, and other sources for potential contract violations.
 2. With proper notice to the landowner, the Department of Development Services may schedule an inspection of the land under contract to verify compliance at any time.
 3. In the course of its normal operations, the Assessor's Office conducts random field checks of properties for:
 - a. Existing agricultural uses and land capability to determine if they comply with qualification standards.
 - b. Oversight for potential contract violations.
 4. The Williamson Act contract shall provide for a biennial review for compliance with the terms and conditions of a land conservation contract. Such review would be implemented at the discretion of the Director of Development Services, as indicated by the needs of the program. Such review would be implemented when general monitoring (1. and 2. above) indicates a trend in non-compliance. This process may include the submittal of a report from the

contracted property owners to the Department of Development Services. The form, supplied by the Department of Development Services, may include information that demonstrates compliance with compatible land uses and any resource management plan approved by the Board of Supervisors. Failure to comply with a biennial compliance review survey may be considered a breach of contract and the County may file a notice of nonrenewal of the contract or seek other remedies as authorized by law.

- C. **Violation and Enforcement.** A violation of these rules shall be enforced as provided for in this rule and as provided for in the California Land Conservation Act.
- D. **County-Initiated Notice of Nonrenewal.** In addition to other remedies authorized by law, a notice of nonrenewal of a Williamson Act contract may be filed by the Board of Supervisors for land determined to be out of compliance with these rules, as determined by the Board of Supervisors after consideration of the recommendation of the LCA Committee in accordance with this rule.
- E. **Additional Remedies.** The remedies provided for in this rule are cumulative and in addition to any other remedies otherwise authorized by law.

- L1-1 Please refer to Common Response 1, “Opposition to the Proposed Project.”
- L1-2 Please refer to Common Response 2, “Adequacy of CEQA Public Noticing.”
- L1-3 Please refer to Common Response 1, “Opposition to the Proposed Project,” and Common Response 4, “Impacts to Agricultural Operations,”
- L1-4 Please refer to Common Response 3, “Adequacy of CEQA Document.”
- L1-5 The project is proposed by, and would be implemented by, State Parks. State agencies are not subject to local or county land-use plans, policies, and zoning regulations (Hall vs. City of Taft [1952] 47 Cal.2d 177; Town of Atherton v. Superior Court [1958] 159 Cal.App.2d 417; Regents of the University of California v. City of Santa Monica [1978] 77 Cal. App.3d 130).

Under CEQA, an EIR must consider the extent to which a project is inconsistent with “applicable general plans” (State CEQA Guidelines Section 15125, subd. [d]; see also State CEQA Guidelines Appendix G, IX[b]). In this case, because State Parks is a State agency that is not subject to local land-use regulations, land-use plans, policies and regulations adopted by Butte County are not applicable to the project. For this reason, this EIR need not, as a matter of law, consider such plans, policies, and regulations.

Nevertheless, in the exercise of its discretion, State Parks does reference, describe, and address local land-use plans, policies, and regulations that are applicable to the project. State Parks takes this approach because it is recognized that such plans, policies, and regulations reflect the local community’s policy decisions with respect to appropriate uses of land in the area. Consideration of these plans, policies and regulations therefore assists State Parks in determining whether the proposed project may conflict with nearby land uses that could result in potentially significant environmental impacts.

Please refer to the following sections of the EIR, which discuss local policies/regulations that are applicable to the project:

- ▶ Section 4.1, Noise: discussion of the Butte County General Plan Noise Element, noise standards, and noise control requirements;
- ▶ Section 4.2, Agricultural Resources (as revised in this Final EIR): discussion of Butte County General Plan Agricultural Element, Butte County Williamson Act Procedures (County Resolution No. 07-021), Butte County Right to Farm Ordinance, Chico Area Greenline and Butte County Crop reports.
- ▶ Section 4.3, Hydrology, Water Quality, and Geomorphology: discussion of Memorandum of Agreement between Butte County and the Central Valley Flood Protection Board regarding floodplain jurisdiction in the project area;
- ▶ Section 4.6, Air Quality: analysis conducted in accordance with Butte County Air Quality Management District’s guidelines and consultation.

- L1-6 Please refer to Common Response 1, “Opposition to the Proposed Project,” and Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- L1-7 Please refer to Common Response 8, “Safety of Facilities During Flood Events.”
- L1-8 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-9 Please refer to “Fire Protection” in Section 3.4.2 of this EIR, which states:

“Wildland fire protection in California is the responsibility of either the State, local government, or the federal government. The project site, neighboring agricultural lands and BSRSP are located within a Local Responsibility Area (LRA). Local Responsibility Areas include incorporated cities, cultivated agriculture lands, and portions of the desert. Fire protection in LRAs is typically provided by city fire departments, fire protection districts, counties, and by the California Department of Forestry and Fire Protection (CAL FIRE) under contract to local government” (CAL FIRE 2007).

Fire hazard in the LRA is evaluated by CAL FIRE. California law requires CAL FIRE to identify areas based on the severity of fire hazard that is expected to prevail there. These “zones” are based on factors such as fuel (material that can burn), slope and fire weather. There are three zones, based on increasing fire hazard: medium, high and very high. CAL FIRE uses an extension of the State Responsibility Area Fire Hazard Severity Zone model as the basis for evaluating fire hazard in the LRA. The model evaluates property using characteristics that affect the probability of the area burning and potential fire behavior in the area. Many factors are considered such as fire history, existing and potential fuel, flame length, blowing embers, terrain, weather and likelihood of buildings igniting. The LRA hazard rating reflects flame and ember intrusion from adjacent wildlands and from flammable vegetation in the urban area (CAL FIRE 2007). The project site is designated as a “non-wildland fuels (e.g., rock, agriculture, water)” fire hazard zone. The neighboring BSRSP lands are designated as a “moderate” fire hazard zone (CAL FIRE 2006).

Butte County is statutorily responsible for fire, life and safety incidents at the project site due to its location in the Local Responsibility Area. The Butte County Fire Department contracts with the California Department of Forestry and Fire Protection (CAL FIRE) to administer fire prevention and suppression in Butte County. The program includes full-time firefighters as well as a capably-trained contingent of volunteers who respond to every type of emergency. The closest fire station to the project site, and the first due engine, through an automatic aid agreement between Butte County and the City of Chico, would be Chico Station 6 located at 2544 State Route 32. For multiple engine responses, County Stations 41 (13871 Hwy 99, Chico), 42 (10 Frontier Circle, Chico), and 44 (2334 Fair Street, Chico) would respond. Response times from these stations are as follows:

- ▶ Chico Station 6: approximately 6 minutes 15 seconds
- ▶ County Station 41: approximately 9 minutes 11 seconds
- ▶ County Station 42: approximately 12 minutes 6 seconds
- ▶ County Station 44: approximately 14 minutes 41 seconds

Historic data for the past three (3) years indicates there have been approximately 45 calls over the three-year period in the Scotty’s Boat Landing and Hwy 32/River Road area.

Implementation of Park Plan Goal AO-2.3 and Guidelines AO-2.3.1 and AO-2.3.2 would facilitate monitoring and patrolling of the Park, which would provide the opportunity to

respond to potential causes of wildfire (e.g., illegal fires). In addition, Park Plan Guideline AO-3.3-2 would restrict the use of campfires, further minimizing potential wildfire ignition, and Park Plan Guideline VU-3.7-4 would ensure the provision of information to visitors on Park rules regarding fire safety. Given these goals and guidelines, the increase in the risk of wildland fire is not expected to be substantial. Further, all facilities would be designed in compliance with the California Building Code, which requires fire safety features.”

Please also refer to “Law Enforcement” in Section 3.4.2 of the EIR, which states:

“Law enforcement services are provided concurrently by State Parks, California Highway Patrol and local law enforcement agencies, namely Butte County Sheriff Department for the portion of BSRSP in Butte County. Public safety and emergency services are the primary responsibility of the State Park Peace Officers who are California Penal Code 830.2(f) and have full law enforcement authority in the State of California. These Peace Officers patrol State Parks and enforce California Code of Regulations Section 4320 (a), (b), and (c) Peace and Quiet. Additionally, consistent with the Park Plan Goal AO-4.4, State Parks will work with private land owners in proximity to BSRSP to minimize conflicts associated with the mixed public and private land ownership in the area.”

L1-10 The recreation facilities in the proposed project would become part of BSRSP and the facilities would be managed in accordance with BSRSP management goals and guidelines, which are discussed in detail in Section 3.2, “Park-wide Management Goals and Guidelines,” of the Park Plan, from which this EIR is tiered. Park-wide management goals and guidelines, which are applicable to the entire Park regardless of subunit purpose and/or location, are management approaches for achieving the Declaration of Purpose and Vision Statement (see Section 3.1 of the Park Plan).

The goals and guidelines for BSRSP are organized into three main categories: (1) environmental resource management, (2) visitor use and opportunities, and (3) administration and operations. These components must be integrated with one another for successful implementation of the Park Plan. Please refer to Section 3.2 of the Park Plan for the complete list of goals/guidelines.

L1-11 Please refer to Common Response 2, “Adequacy of CEQA Public Noticing.”

L1-12 The existing noise environment at the Singh Unit and Nicolaus property is defined by active agricultural operations at the onsite orchards, which generate noise associated with farming activities (vehicles, farm equipment, people working, etc.), as well as neighboring agricultural operations, local roadway traffic on River Road, and recreational activities associated with Bidwell-Sacramento River State Park. The noise analysis prepared for the project (see Section 4.1.2 of the EIR) was conducted with respect to the Butte County General Plan Noise Element, with consideration given to the Findings, Policies, and Implementation section, although the State is not bound by the local laws. The County does not have a noise ordinance and Butte County Code contains no noise standards. Additionally, the policies outlined in the Noise Element do not identify quantifiable noise criteria. As such, noise exposure due to the project, and surrounding noise that may affect the project, were evaluated against the land use compatibility standards presented in Chart NO-4 of the Butte County General Plan Noise Element. As presented in Section 4.1.2 of the EIR, in accordance with Park Plan Guideline AO-3.3-3, State Parks would advise its contractors to meet Butte County’s noise control requirements for construction activity. Noise control measures, as provided by Butte County Planning Department staff, are provided in the EIR. As for long-term stationary-source noise, the noise levels generated at the campgrounds, headquarters, and day use area would be approximately 52–56 dBA L_{dn} , from a distance of 50

feet. Noise levels would further attenuate the farther away the sensitive receptor. Therefore, as explained in Section 4.1.2 of the EIR, the resultant noise level would likely be less than the ambient noise level at the nearest sensitive receptor, and would not exceed the “normally acceptable” standard of 60 dBA L_{dn} . As shown in Table 4.1-2 of the EIR, project-generated traffic would result in a traffic noise level of approximately 55 dBA L_{dn} along River Road, which would not exceed Butte County’s 60 dBA L_{dn} standard at any noise-sensitive receptors. It should also be noted that, in response to comments on the Draft EIR, the RV campsites have been removed from the Recreation Facilities plans, which would further reduce project-generated stationary-source noise and operational traffic noise.

Please also refer to “Law Enforcement” in Section 3.4.2 of the EIR. Public safety and emergency services are the primary responsibility of the State Park Peace Officers who are California Penal Code 830.2(f) and have full law enforcement authority in the State of California. These Peace Officers patrol State Parks and enforce California Code of Regulations Section 4320 (a), (b), and (c) Peace and Quiet. Additionally, consistent with the Park Plan Goal AO-4.4, State Parks will work with private land owners in proximity to BSRSP to minimize conflicts associated with the mixed public and private land ownership in the area. Furthermore, the hours of operation for the day use area (located on River Road across from a residence) would be restricted from sunset to sunrise and the entry/exit to the area would be gated.

- L1-13 Please refer to response to Comment L1-9.
- L1-14 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-15 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-16 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-17 Please refer to Common Response 4, “Impacts to Agricultural Operations,” and Common Response 7, “Buffer Zones.”
- L1-18 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-19 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-20 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-21 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-22 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-23 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-24 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-25 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-26 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-27 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-28 Please refer to Common Response 4, “Impacts to Agricultural Operations,” and Common Response 5, “Impacts to Lands Under Williamson Act Contract.”

- L1-29 Please refer to Common Response 5, “Impacts to Lands Under Williamson Act Contract.”
- L1-30 Please refer to Common Response 8, “Safety of Facilities During Flood Events.”
- L1-31 Please refer to Common Response 8, “Safety of Facilities During Flood Events.”
- L1-32 Please refer to Common Response 8, “Safety of Facilities During Flood Events.”
- L1-33 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- L1-34 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- L1-35 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- L1-36 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- L1-37 The existing BSRSP subunits are geographically separated. The proposed project would provide greater connectivity via new trails connecting the Nicolaus property to the Indian Fishery Subunit and the Singh Unit to the Big Chico Creek Riparian Area as illustrated in Exhibit 3-9 of the EIR and Exhibit 3-1 of the Park Plan, from which this EIR is tiered. As addressed in Section 4.1, “Transportation and Traffic,” of the EIR, the project would result in a less-than-significant impact related to traffic and circulation. Because River Road is under the jurisdiction of Butte County, any changes to River Road, such as the addition of bicycle lanes, would be made at the discretion of the County.
- L1-38 The Recreation Facilities Plan for the project has been revised, as shown in Appendix D of this EIR, to remove RV campgrounds from the proposed project. Because the project would no longer provide RV campgrounds, it is assumed that the project would not result in a significant increase in RVs traveling on River Road.
- L1-39 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-40 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-41 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-42 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-43 Please refer to Common Response 4, “Impacts to Agricultural Operations,” and Common Response 5, “Impacts to Lands Under Williamson Act Contract.”
- L1-44 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-45 Please refer to Common Response 3, “Adequacy of CEQA Document.”
- L1-46 Please refer to Common Response 8, “Safety of Facilities During Flood Events.”
- L1-47 The text in Section 3.4.2, “Public Access and Recreation Facilities,” Section 4.1, “Utilities and Public Services,” and Impact 4.3-e, “Change in Water Demand and Available Water Supply,” of the EIR has been edited to reflect the following:
- The Singh Unit has one groundwater well with a current capacity of approximately 500 gallons per minute (Luster 2007). There are five groundwater wells on the Nicolaus property. Four of the

wells are intended for agricultural use; however, only one of the agricultural wells (located in the north-central part of the property) is used to water the entire orchard. This well has a current capacity of approximately 1,800-2,000 gallons per minute (Luster 2007). The other three agricultural wells are drilled and cased and could be functional, although they do not currently have pumps or motors. The fifth well is the existing domestic water source, with a capacity of approximately 25 gallons per minute, which is located adjacent to the existing farm house. This domestic water well would continue to be used to provide potable water to the BSRSP headquarters (relocated to be in the farm buildings) and the recreational facilities on the Nicolaus property. An onsite water treatment facility would be installed to maintain acceptable water quality levels from this domestic groundwater well as regulated by the State Division of Drinking Water.

L1-48 As described in Section 4.1 of the EIR, no hazardous materials are stored on the Singh Unit. However, there are four above-ground storage tanks on the Nicolaus property: one 500-gallon diesel above-ground storage tank, one 500-gallon gas above-ground storage tank, one 1000-gallon waste oil above-ground storage tank, and one 1000-gallon diesel above-ground storage tank. All four of these storage tanks would be removed and disposed in accordance with all state and federal rules and regulations as part of the proposed project. There is also an existing chemical storage shed on the Nicolaus property, in the farm complex, that is on a concrete slab and contains hazardous materials (Round Up, fertilizers, Abound, Goal, malathion, Dipel, rodenticide, Kocide, and Manex).

The proposed project would not involve activities that could generate hazardous emissions, but small quantities of hazardous materials such as propane, pesticides, fertilizers, and herbicides would be stored in the storage shed in the farm complex (the relocated Park headquarters) and occasionally used on the project site. However, replacing the existing agriculture land use with restored riparian habitat would result in a decrease in pesticide and herbicide applications. All transport, storage, and use of hazardous materials would be conducted in accordance with all state and federal rules and regulations.

Because the project would not involve the storage or handling of hazardous materials in quantities equal to, or greater than, 500 pounds, 55 gallons, or 200 cubic feet at standard temperature and pressure (for compressed gas), the project would not require the preparation of a Hazardous Materials Release Response Plan. If such quantities of hazardous materials are to be stored or handled at the project site in the future, State Parks would prepare and submit a Hazardous Materials Release Response Plan to Butte County Environmental Health.

L1-49 Please refer to response to Comment L1-9.

L1-50 Recreational and camping activities encroaching on noise-sensitive land uses (i.e., residential) can exhibit a potential to elevate noise levels in the immediate vicinity. As described in Section 4.1.2 of the EIR, the predominant noise source associated with recreational and camping activities would be generated by parking activities. Methodologies used to calculate noise levels generated by parking activities account for vehicle arrival, limited idling, occupants exiting the vehicle, door closures, conversations among passengers, occupants entering the vehicle, startup, and departure of the vehicle. Parking activities associated with the project would be less than 56 dB L_{dn} , 50 feet from the acoustical center of activity. The center of parking activities on the Nicolaus property would be more than 1,500 feet from the residential land use to the north. Stationary noise sources (i.e., parking lot activities, generators, and construction noise) generally attenuate at a rate of 6 dB to 7.5 dB per doubling of distance. Assuming an attenuation rate of 6 dB per doubling of distance, recreational and campground parking lot noise levels would be reduced to less than 35 dB L_{dn} at the residence north of the Nicolaus parcel. Thus, the resultant noise level

would likely be less than the existing ambient noise level at this receptor and not exceed the “normally acceptable” standard of 60 dBA L_{dn} established by Butte County General Plan Noise Element for low-density residential land uses. As a result, parking activity noise would be less than significant. Further, in response to comments on the Draft EIR, the RV campgrounds were removed from the recreation facilities plans (Appendix D). The EIR analysis of parking noise included RV parking spaces and is, therefore, very conservative. With removal of the RV campground, the parking noise would be further reduced.

Noise levels generated by human speech are typically not feasible to address due to the intermittent and highly variable nature. Human speech levels range from 50 dB to 70 dB at a distance of three feet, with typical speech patterns limiting sound generation to less than 50 percent of the conversation period. However, assuming elevated levels of 70 dB were being produced for the duration of an hour, noise levels generated by constant human speech would be 46 dB L_{eq} at a distance of 50 feet. Assuming an attenuation rate of 6 dB per doubling of distance, noise levels attributed to human speech would attenuate to less than 16 dB L_{eq} at a distance of 1,500 feet. Should sustained levels occur for the duration of a 24-hour period, noise levels attributed to human speech generated by recreation and camping activities on the Nicolaus parcel would not exceed 25 dB L_{dn} at the neighboring residence. This noise level would likely be less than the existing ambient noise level at this receptor, would not exceed the “normally acceptable” standard of 60 dBA L_{dn} established by Butte County General Plan Noise Element for low-density residential land uses, and this impact would be less than significant.

These predictions do not account for shielding provided by intervening topography, dense vegetative habitats, atmospheric absorption, or source directionality. As a result of such shielding, noise levels could be reduced by an additional 3 dB to 10 dB.

Please also refer to Common Response 4, “Impacts to Agricultural Operations.”

L1-51 Please refer to response to Comment L1-9.

L1-52 Section 3.4.2, “Fire Protection,” of the EIR has been edited as follows:

“Wildland fire protection in California is the responsibility of either the State, local government, or the federal government. The project site, neighboring agricultural lands and BSRSP are located within a Local Responsibility Area (LRA). Local Responsibility Areas include incorporated cities, cultivated agriculture lands, and portions of the desert. Fire protection in LRAs is typically provided by city fire departments, fire protection districts, counties, and by the California Department of Forestry and Fire Protection (CAL FIRE) under contract to local government (CAL FIRE 2007).”

Fire hazard in the LRA is evaluated by CAL FIRE. California law requires CAL FIRE to identify areas based on the severity of fire hazard that is expected to prevail there. These “zones” are based on factors such as fuel (material that can burn), slope and fire weather. There are three zones, based on increasing fire hazard: medium, high and very high. CAL FIRE uses an extension of the State Responsibility Area Fire Hazard Severity Zone model as the basis for evaluating fire hazard in the LRA. The model evaluates property using characteristics that affect the probability of the area burning and potential fire behavior in the area. Many factors are considered such as fire history, existing and potential fuel, flame length, blowing embers, terrain, weather and likelihood of buildings igniting. The LRA hazard rating reflects flame and ember intrusion from adjacent wildlands and from flammable vegetation in the urban area (CAL FIRE 2007). The project site is designated as a “non-wildland fuels (e.g., rock, agriculture, water)” fire

hazard zone. The neighboring BSRSP lands are designated as a “moderate” fire hazard zone (CAL FIRE 2006).

Butte County is statutorily responsible for fire, life and safety incidents at the project site due to its location in the Local Responsibility Area. The Butte County Fire Department contracts with the California Department of Forestry and Fire Protection (CAL FIRE) to administer fire prevention and suppression in Butte County. The program includes full-time firefighters as well as a capably-trained contingent of volunteers who respond to every type of emergency. ~~The CDF Butte County Unit, Station #43 is located in west Chico at 2544 SR 32 and would likely be the first to respond to a call for fire prevention or protection at the project site. The closest fire station to the project site, and the first due engine, through an automatic aid agreement between Butte County and the City of Chico,~~ would be Chico Station 6 located at 2544 State Route 32. For multiple engine responses, County Stations 41 (13871 Hwy 99, Chico), 42 (10 Frontier Circle, Chico), and 44 (2334 Fair Street, Chico) would respond. Response times from these stations are as follows:

- ▶ Chico Station 6: approximately 6 minutes 15 seconds
- ▶ County Station 41: approximately 9 minutes 11 seconds
- ▶ County Station 42: approximately 12 minutes 6 seconds
- ▶ County Station 44: approximately 14 minutes 41 seconds

Historic data for the past three (3) years indicates there have been approximately 45 calls over the three-year period in the Scotty’s Boat Landing and Hwy 32/River Road area.”

Implementation of Park Plan Goal AO-2.3 and Guidelines AO-2.3.1 and AO-2.3.2 would facilitate monitoring and patrolling of the Park, which would provide the opportunity to respond to potential causes of wildfire (e.g., illegal fires). In addition, Park Plan Guideline AO-3.3-2 would restrict the use of campfires, further minimizing potential wildfire ignition, and Park Plan Guideline VU-3.7-4 would ensure the provision of information to visitors on Park rules regarding fire safety. Given these goals and guidelines, the increase in the risk of wildland fire is not expected to be substantial. Further, all facilities would be designed in compliance with the California Building Code, which requires fire safety features.”

L1-53

As discussed in Section 4.1 of the EIR, introducing new recreational facilities on the project site would increase the risk of wildland fires. In addition, riparian habitat restoration could increase the fuel load on the project site. Increased fuel load and increased recreational facilities that increase human activity, including campfires, would result in an increased risk for wildfires. The project site’s designation by CAL FIRE would change from a “non-wildland fuels (e.g., rock, agriculture, water)” fire hazard zone to a “moderate” fire hazard zone. Campfires would be allowed in designated areas within the proposed campgrounds on the Nicolaus property, consistent with Park Plan Guideline AO-2.3-2. Additionally, Park Plan Goal AO-2.3 and Guidelines AO-2.3-1 and 2.3-2 facilitate monitoring and patrolling of BSRSP, which would provide the opportunity to control and respond to potential illegal fires. Park Plan Guideline VU-3.7-4 would also be implemented to ensure Park visitors are provided information regarding fire safety. BSRSP also has an existing Wildfire Management Plan that addresses wildfire threats within the Park and the project would operate in compliance with this Plan. It is also worthy to note that State Parks has not had a wildfire result from a campfire at a Park (Tobias 2008).

L1-54

State Parks shall ensure that the access roads for the proposed project conform to the Fire Department’s emergency access requirements. To minimize development and provide for habitat

restoration, State Parks would prefer to keep the single access road. It should also be noted that the RV campground has been removed from the project plans.

- L1-55 State Park Peace Officers are trained in the use of Automated Electronic Defibrillators (AEDs). AEDs will be kept with the trained Peace Officers.
- L1-56 The proposed project is located east of River Road, which runs in a north-south direction between the project site and the Sacramento River. The proposed project would not involve actions to the west of River Road beyond removal of the existing BSRSP headquarters facilities/equipment from the day use area on River Road. Therefore, no road access would be provided by this project to the Sacramento River. Per the BSRSP General Plan, State Parks may provide additional trail access to the river in the future, but has no plans for new road access to the river in this area.
- L1-57 Please refer to Common Response 3, “Adequacy of CEQA Document.”
- L1-58 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- L1-59 Section 4.3 of the EIR addresses hydrology, water quality, and river geomorphology in the project area and the potential effects of the proposed project. As explained in Impact 4.3-b, increasing vegetation densities (habitat restoration) and changing land cover types (recreation facility development) on the floodplain would alter water velocities in the existing floodway of the project area, possibly changing sediment transport, channel scouring, and meander migration. However, per the revised Flood Neutral Hydraulic Analysis provided in Appendix B of this EIR, any potential changes in velocities would be too small to substantially affect channel hydraulics or lead to erosive forces that could affect this already dynamic system. The largest change in velocity (approximate increase of 2.0 feet per second) would be within the swale proposed in the western portion of the Singh Unit (in a north-south alignment), which would convert orchard to meadow. Other small increases to water velocity (approximately 0.25 – 1.0 feet per second) would be related to the meadow buffers along the northwestern corner and portions of the eastern boundary of the Singh Unit and the southwestern corner of the Nicolaus property, as well as within the oak savannah habitat and small portions of the recreation facilities on the Nicolaus property. Additionally, the Flood Neutral Hydraulic Analysis shows decreases in water velocity (approximately 0.25 feet per second) along River Road at the western boundary with the Singh Unit. These minor changes would not be expected to substantially alter sediment transport and deposition within the project area. Therefore, the project is not anticipated to cause roadway erosion that does not currently exist. Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis,” for further information.
- L1-60 Please refer to “Transportation and Traffic” in Section 4.1 of the EIR. The existing average daily traffic volume on River Road, which provides access to the project site, is approximately 1,241 vehicles (Butte County Public Works Engineering Division 2002). The proposed project would increase recreational facilities in BSRSP and may attract additional visitation, which would increase vehicular trips along local roadways serving the Park. Based on trip generate rates (used to prepare the air quality analysis, see Appendix E), the new campgrounds, park headquarters and day use facilities would generate a maximum of 678 additional vehicle trips per day during peak season. The daily traffic volume on River Road would increase to approximately 1,919 vehicles. Most of the vehicle trips along local roadways would occur during weekends, particularly holiday weekends, and very few of the trips are expected during the peak commuter hours when LOS levels are of greatest concern. Park Plan Goal VU-3.2 and Guidelines VU-3.2-1 and 3.2-2 also facilitate the provision of public transportation to the Park. Furthermore, Goal AO-2.3 would facilitate coordination with Caltrans. Consistent with the Park Plan analysis of Impact TRANS, the proposed project would result in a less-than-significant impact related to traffic and

circulation. The project effects on traffic and circulation have been adequately covered in the Park Plan. No further analysis is required and no mitigation measures are imposed.

Additionally, it should be noted that vehicle trips would be further reduced because, in response to comments on the Draft EIR, the RV campground has been removed from the recreation facilities plans. Therefore, the increase to traffic volume on River Road would be reduced. Because the removal of RV campgrounds would further reduce the project effects on traffic and circulation, this impact remains less than significant and no mitigation or further analysis is required.

L1-61 There is existing river access within BSRSP as described in Table 3-1 of the EIR. There are boat launches within the Irvine Finch River Access Subunit and the Pine Creek Landing Subunit that facilitate motor boating, kayaking, canoeing, tubing, and fishing. In addition, there is a small boat launch and day use area located in the Big Chico Creek Subunit of BSRSP, south of the project site, which facilitates kayaking, canoeing and fishing. The proposed trails on the Singh Unit would connect to trails within Big Chico Creek Subunit, which lead to the boat launch area.

L1-62 The boundaries between the project site, which would be part of State Park's BSRSP, and private property would be clearly posted, consistent with Guideline AO-1.1-2 and AO-4.4-1 of the Park Plan. The northern boundary of the Singh Unit and the four corners (NW, NE, SW, SE) of Nicolaus property have been surveyed and marked (April 2008). The survey plat has been recorded with Butte County. State Parks would post "Park Boundary" signs as well as "No Trespass" signs along the project site boundaries with private lands. State Parks plans on locking the gate at the proposed day use area (located at the current site of the BSRSP headquarters on River Road) from sunset to sunrise. Additionally, State Parks will consider additional measures to prevent trespass such as appropriate fencing or natural barriers, subject to regulatory approval.

Please refer to "Law Enforcement" in Section 3.4.2 of the EIR. Public safety and emergency services are the primary responsibility of the State Park Peace Officers who are California Penal Code 830.2(f) and have full law enforcement authority in the State of California. These Peace Officers patrol State Parks and enforce California Code of Regulations Section 4320 (a), (b), and (c) Peace and Quiet. Additionally, consistent with the Park Plan Goal AO-4.4, State Parks will work with private land owners in proximity to BSRSP to minimize conflicts associated with the mixed public and private land ownership in the area.

Please also refer to Common Response 4, "Impacts to Agricultural Operations."

L1-63 Please refer to Common Response 8, "Safety of Facilities During Flood Events."

L1-64 Please refer to Common Response 4, "Impacts to Agricultural Operations."

L1-65 Please refer to Common Response 4, "Impacts to Agricultural Operations."

L1-66 Please refer to Common Response 4, "Impacts to Agricultural Operations."

L1-67 The possible closure of Woodson Bridge State Recreation Area (SRA) is in no way related to the proposed BSRSP Habitat Restoration and Recreation Facilities Development Project. The Woodson Bridge SRA is proposed for temporary closure due to State budget cuts, which affect State Parks' general fund. Whether or not Woodson Bridge SRA is closed will depend on the fiscal allowances to State Parks in the final State budget.

Funding for the planning and environmental review (CEQA process) of the proposed BSRSP Habitat Restoration and Recreation Facilities Development Project is not dependent upon the

State budget or State Parks' general fund. The planning and environmental review is funded by a CALFED Ecosystem Restoration Program (CALFED ERP Program) grant (ERP-02-P16D) (see Section 1.4 of the Draft EIR). The mission of the CALFED ERP Program is to develop a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the San Francisco Bay/Sacramento-San Joaquin Delta.

The CALFED ERP grant does not provide funding for implementation of the BSRSP Habitat Restoration and Recreation Facilities Development Project. Therefore, implementation of the proposed project will be dependent upon future funding, which could be in the form of grants or other sources of funding. It is not known at this time when funding will be available for project implementation or what the funding source will be. Once the project is constructed, operations and maintenance of the restored habitat and recreation facilities would be subject to State Parks operating funds.

- L1-68 Please refer to Common Response 3, "Adequacy of CEQA Document."
- L1-69 This Final EIR and responses to comments on the Draft EIR, as well as any future notices for this project, will be sent to the Butte County Board of Supervisors as well as all of the Butte County contacts listed in Common Response 2, "Adequacy of CEQA Public Noticing."
- L1-70 State Parks will continue to coordinate with Butte County to address the County's concerns as feasible.
Please refer to Common Response 2, "Adequacy of CEQA Public Noticing."
- L1-71 Please refer to Common Response 3, "Adequacy of CEQA Document," and Common Response 4, "Impacts to Agricultural Operations."
- L1-72 Please refer to Common Response 6, "Revised Flood Neutral Hydraulic Analysis."
- L1-73 Please refer to response to Comment L1-59.
- L1-74 Please refer to response to Comment L1-60.
- L1-75 Please refer to response to Comment L1-61.
- L1-76 Please refer to response to Comment L1-9.
- L1-77 Please refer to response to Comment L1-62.
- L1-78 Please refer to Common Response 8, "Safety of Facilities During Flood Events."
- L1-79 Please refer to Common Response 7, "Buffer Zones," and Common Response 4, "Impacts to Agricultural Operations."
- L1-80 Please refer to Common Response 4, "Impacts to Agricultural Operations," and Common Response 5, "Impacts to Lands Under Williamson Act Contract."
- L1-81 Most campgrounds in State Parks do not generate enough revenue to pay for operation and maintenance of the campground. Public safety and emergency services are the primary responsibility of the State Park Peace Officers serving the Park. Please also refer to responses to Comments L1-12, L1-50, L1-52, L1-53, L1-54, L1-55, L1-60 and L1-62, which address concerns regarding noise, fire protection, emergency access, traffic, and law enforcement.

L1-82 Please refer to Common Response 4, “Impacts to Agricultural Operations.”

L1-83 As explained in Section 4.2, “Socioeconomic Considerations,” of this EIR, the CEQA Guidelines provide that “economic or social information may be included in an EIR or may be presented in whatever form the agency desires” but that “economic or social effects of a project shall not be treated as significant effects on the environment” (CEQA Guidelines Section 15131). Therefore, although social and economic consequences are not in of themselves environmental impacts under CEQA, Section 4.2 discusses socioeconomic considerations related to agricultural production resulting from implementation of the proposed project.

Combined, the Singh Unit and Nicolaus property represent a total of 189 acres of designated Irrigated Farmland (see Section 4.2.1 of the EIR). Of this amount, a total of 170 acres are currently planted in walnuts and almonds. If this total acreage was removed from production for native vegetation restoration or rural outdoor recreation uses, it would constitute a very small portion of total agricultural lands in walnut and almond production in Butte County (approximately 0.2% of Butte County’s almond and walnut orchards and approximately 0.04% of land in agricultural production). Reducing agricultural production value by this proportion would have a minor, if not unnoticeable, economic effect in the county. The cessation of agricultural production can also cause an indirect economic ripple effect on secondary service and supply businesses supporting agriculture. However, because of the small relative contribution of the project site to agricultural production in the county, the combined direct and indirect economic effect of removing agricultural production from these lands would be minor.

L1-84 Please refer to Common Response 1, “Opposition to the Proposed Project.”

L1-85 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”

L1-86 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”

L1-87 Please refer to Common Response 7, “Buffer Zones.”

The proposed day use area, located west of River Road and across from the residence north of the Nicolaus parcel, would replace the existing BSRSP headquarters and day use area. In response to comments on the Draft EIR, the revised Conceptual Public Access and Recreation Plan (see Appendix D of this EIR) now includes only one point of entry/exit off of River Road, which is off-set from the driveway to the residence across River Road. In addition, vegetation would be planted along River Road to provide a vegetative buffer between the day use area and the road. Use of the day use area is not expected to substantially increase in comparison to the existing use, because the BSRSP headquarters offices will be moved from that site to the farm complex on the Nicolaus property and the parking capacity would not substantially increase. Furthermore, the hours of operation for the day use area would be restricted from sunset to sunrise and the entry/exit to the area would be gated.

L1-88 The proposed day use area, located west of River Road and across from the residence north of the Nicolaus parcel, would replace the existing BSRSP headquarters and day use area. This day use area would have capacity to accommodate five oversized vehicles (i.e., RV, Bus) and 12 regular passenger vehicles. For the proposed project to cause a significant noise increase, capacity at the day use area would need to double. However, parking capacity at the proposed day use facility would not substantially increase capacity in comparison to existing headquarters and day use area, and therefore would not significantly increase noise levels associated with the day use area. Based on the methodology outlined in Section 4.1.2 of the EIR, the proposed day use area would generate an average daily noise level of 52.4 dB L_{dn} , which would not exceed the “normally acceptable” standard of 60 dBA L_{dn} . Additionally, the project would include changing the

entry/exit to this day use area to a single point of access off of River Road, a gate at that entry point, vegetative screening along River Road, and limiting the hours of operation for the park from sunrise to sunset.

- L1-89 Please refer to response to Comment L1-67.
- L1-90 Please refer to Common Response 3, “Adequacy of CEQA Document,” and please refer to Section 4.2 of this EIR, “Socioeconomic Considerations.”
- L1-91 Please refer to responses to Comments L3-1 through L3-20.
- L1-92 Please refer to Common Response 2, “Adequacy of CEQA Public Noticing.” In addition, please refer to Appendix A of the EIR for a summary of scoping comments and responses.
- L1-93 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- L1-94 Please refer to Common Response 2, “Adequacy of CEQA Public Noticing.”
- L1-95 Please refer to Common Response 5, “Impacts to Lands Under Williamson Act Contract.”
- L1-96 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L1-97 Please refer to Common Response 4, “Impacts to Agricultural Operations,” and Common Response 5, “Impacts to Lands Under Williamson Act Contract.”



**BUTTE
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March 17, 2008

Mrs. Denise Reichenberg
Sector Superintendent
California Department of Parks and Recreation
Northern Buttes District/Valley Sector
525 Esplanade
Chico, California 95926

Re: California Department of Parks and Recreation, Draft Environmental Impact Report, Bidwell-Sacramento River State Park: Habitat Restoration and Outdoor Recreation Facilities Development Project

Dear Mrs. Reichenberg,

The Butte County Farm Bureau ("BCFB") is a member of the California Farm Bureau Federation representing approximately 2200 members throughout Butte County. The California Farm Bureau Federation ("Farm Bureau") is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the State of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 91,000 members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

L2-1

BCFB appreciates the opportunity to provide comments on the proposed Bidwell-Sacramento River State Park: Habitat Restoration and Outdoor Recreation Facilities Development Project ("Project") draft environmental impact report ("DEIR"). These comments supplement our previous CEQA Scoping Comments submitted on September 25, 2007. BCFB continues to be very concerned with several aspects of the proposed Project, including, but not limited to the Project's compatibility with agricultural operations and with the adequacy of the DEIR.

1. Inadequate DEIR

The DEIR fails to adequately evaluate and analyze many direct and indirect impacts resulting from the proposed Project. In particular, the DEIR disregards public safety concerns and fails to minimize flooding impacts. The proposed area sits in a flood zone that is subject to yearly seasonal floods. Additionally, although the DEIR acknowledges possible public safety issues resulting from the Project, mitigation

L2-2

measures, including a 24-hour call in line to report concerns, do not adequately protect the public. Butte County Sheriff and Fire would be responsible for responding and the number of public safety staff is already limited in our community. Further, the DEIR demonstrates a lack of understanding regarding the proposed Project's impacts to surrounding agriculture and fails to propose any mitigation measures to account for the significant change in land use.

L2-3

2. Viability of Surrounding Agriculture

The proposed Project would permanently remove existing prime agricultural land from future use. Even though the Project does not propose urban development, the proposed recreational facility will result in the loss of farmland, a valuable resource to the State of California. Additionally, the Project's land use change will have reasonably significant adverse impacts, including direct, indirect, and secondary effects, on the surrounding physical environment. As stated in Appendix G of the CEQA Guidelines, the Project *will* result in significant impacts to agricultural resources since it will:

L2-4

- Convert prime farmland to non-agricultural uses;
- Conflict with existing zoning for agricultural uses, including the current Williamson Act contract; and
- Involve changes to the existing environment that will result in the conversion of important farmland to non-agricultural uses.

L2-5

L2-6

Additionally, neighboring landowners would be negatively impacted. Surrounding agricultural lands may be prohibited from pesticide application and spraying, harvesting, and using standard equipment at certain times and may be subjected to illegal trespassing on private property by campers who think they can pick fresh almonds and walnuts. Posted signs and a call-in line without any patrol are not effective means to prevent trespass and interference. The DEIR's brief conclusions that the Project's impacts to agricultural resources are less than significant are insufficient, inadequate, and fail to thoroughly examine all direct, indirect, and secondary effects. The DEIR also fails to provide any mitigation measures for these significant impacts to agricultural resources. CEQA requires mitigation where feasible for significant effects on the environment.

L2-7

L2-8

The location of the proposed Project will create a negative impact to the economic viability of the surrounding agricultural properties, in addition to permanently converting prime agricultural land on the Project site. Converting prime agricultural land currently in orchard production and turning it into an outdoor recreation facilities development with public recreation facilities, day use areas, picnic areas, campgrounds, RV grounds, parking areas, and restrooms is a substantial land use change. A permanent conversion of agricultural resources includes a change that would "require expenditures of substantial development costs that would likely preclude future conversion back to agricultural uses if the opportunity for such conversion were to arise." (DEIR, 4.2-5.) The proposed Project will eradicate the existing orchard, compact the soil, and change the landscape. Given that both fruit and nut production are both monetarily expensive and time

L2-9

L2-10

intensive, it is very unlikely that the site would be converted back into orchard lands. Therefore, the Project's conversion of prime farmland is both permanent and will have a significant effect on the environment, both of which are not adequately analyzed or mitigated in the DEIR.

L2-10
Cont'd

3. Williamson Act

A significant portion of the Project is currently under a Williamson Act contract. Williamson Act contracted land should not be acquired by a governmental entity or joint powers authority to expand parks or wildlife refuges. These uses are incompatible with the continued agricultural use of surrounding agricultural properties. According to the Butte County Right to Farm Ordinance 35-2(b):

Where nonagricultural land uses extend onto agricultural land or exist side by side with agricultural operations, agricultural operations are frequently the subject of nuisance complaints. As a result, some agricultural operations are forced to cease or curtail their operations and many others are discouraged from making investments in improvements to their operations, all to the detriment of adjacent agricultural uses and the economic viability of the county's agricultural industry as a whole. It is the purpose and intent of this chapter to reduce the loss to the county of its agricultural resources by limiting the circumstances under which properly conducted agricultural operations on agricultural land may be considered a nuisance.

L2-11

Furthermore, the mere transfer of land to a governmental entity does not eradicate a Williamson Act contract, or abrogate any of the restrictions on use such as a contract imposes. As stated throughout the DEIR, the Nicolaus is property currently under Williamson Act contract and owned by The Nature Conservancy ("TNC"), and will be voluntarily transferred to the State Parks prior to Project development. This transfer will not attenuate any of the contract's obligations for the property to remain in agriculture, and any recreational facilities or other incompatible uses which are related to Project implementation will constitute a breach of the Williamson Act contract if they are undertaken prior to contract termination as a matter of course under non-renewal or a legally sufficient cancellation process.

Should you require further explanation of the above comments, please contact us at (530) 533-1473 or at buttecfb@sbcglobal.net. We thank you for the opportunity to comment on this proposed Project.

Sincerely,


Colleen Aguiar
Executive Director

**Letter
L2
Response**

**Butte County Farm Bureau
Colleen Aguiar, Executive Director
Received March 17, 2008**

- L2-1 Please refer to Common Response 3, “Adequacy of CEQA Document,” Common Response 4, “Impacts to Agricultural Operations,” and Common Response 5, “Impacts to Lands Under Williamson Act Contract.”
- L2-2 Please refer to Common Response 3, “Adequacy of CEQA Document” and Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- L2-3 Please refer to Common Response 4, “Impacts to Agricultural Operations,” and response to Comment L1-9.
- L2-4 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L2-5 Please refer to Common Response 5, “Impacts to Lands Under Williamson Act Contract.”
- L2-6 Please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L2-7 Please refer to Common Response 4, “Impacts to Agricultural Operations,” and Common Response 7, “Buffer Zones.”
- L2-8 Please refer to Common Response 3, “Adequacy of CEQA Document,” and Common Response 4, “Impacts to Agricultural Operations.”
- L2-9 Please refer to Common Response 4, “Impacts to Agricultural Operations,” and response to Comment L1-83.
- L2-10 Please refer to Common Response 4, “Impacts to Agricultural Operations,” and response to Comment L1-83.
- L2-11 Please refer to Common Response 5, “Impacts to Lands Under Williamson Act Contract.”

**MINASIAN, SPRUANCE,
MEITH, SOARES &
SEXTON, LLP**

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1681 BIRD STREET
P.O. BOX 1679
OROVILLE, CALIFORNIA 95965-1679

Writer's e-mail: pminasian@minasianlaw.com

PAUL R. MINASIAN, INC.
JEFFREY A. MEITH
M. ANTHONY SOARES
DAVID J. STEFFENSON
DUSTIN C. COOPER

WILLIAM H. SPRUANCE,
Of Counsel

MICHAEL V. SEXTON,
Of Counsel

TELEPHONE:
(530) 533-2885

FACSIMILE:
(530) 533-0197

March 17, 2008

*Via e-mail dreichenberg@parks.ca.gov
& U.S. Mail*

California Department of Parks
and Recreation
Northern Butte's District Valley Sector
525 Esplanade
Chico, CA 95926

**Re: Comments of the Sacramento River Recreation District to
Draft Environmental Impact Report (DEIR) Bidwell-Sacramento River
State Park Habitat Restoration and Outdoor Recreation Facilities
Development Project**

Ladies and Gentlemen:

The Sacramento River Reclamation District (SRRD) makes the following comments to the Draft Environmental Impact Report (DEIR) Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Recreation Facilities Development Project, which to some degree parallel previous comments made:

I. SRRD is a Responsible Agency. CEQA Requires Consultation Before the CEQA Document is Prepared.

We have written to you on September 21, 2007, September 5, 2006, December 29, 2005, December 2, 2005 and October 3, 2000. We have pointed out in each instance that being a Responsible Agency requires that the Lead Agency on these type of proposed projects and

L3-1

L3-2

conversions of real property under CEQA consult with the Responsible Agency in regard to floodway improvements, potential environmental impacts from changes in flood capacity or flow passage and in regard to means of avoiding significant environmental impacts, before preparation and during preparation of an EIR. Your idea of consultation, apparently, is to receive our letters, not respond and never communicate with SRRD, waiting for SRRD to appear after the DEIR has been prepared. This is not in conformance with California law, is a violation of CEQA, and creates a fundamental defect in the process which destroys the efficacy of CEQA. As can be seen in the DEIR, which does not even mention the functioning of the Mud Creek flood control levees designed by the Corps of Engineers which planned that the areas of the Nicolaus and Singh property would be open and farmed and without any significant barriers to flow in a westerly direction, your hydraulic modeling does not even reflect the functioning of an implemented Federal flood control project for Mud Creek, but instead focuses upon Sacramento River flows which are, as a flooding event, much less frequent and not a significant factor at all, in that it is recognized the back flows from the Sacramento River which occur long after peak flows of Mud Creek must be dispersed and fill these properties and then drain off when the Sacramento River levels are at flood stage. To demonstrate the irrelevance of what you have studied in this defective DEIR, it would have been equally relevant to study whether the sun is likely to come up each day and create a model to reflect that and ignore the impacts of building a skyscraper that blocks the sun for 3/4 of a day for a neighborhood.

L3-2
Cont'd

L3-3

L3-4

II. Mud Creek Provides for Passage of Flood Waters from Mud Creek Across Both the Singh Property and the Nicolaus Property. Your Project Will Impair the Functioning of the Army Corps of Engineers Mud Creek Project and Totally Ignores These Impacts.

These properties were farmed to walnuts, which walnut tree spacing and the maintenance of open space and of drainage swales through the property allowed the passage of water out of and from Mud Creek. There is a reason that there is on Mud Creek, a project levee on the west side of Mud Creek in the vicinity of these properties, and no levee on the east side. The reason is that flood flows must pass off and out of the channel in order to relieve pressure upon the west side levee of Mud Creek and not backup flows upstream and to provide for the orderly passage of flood flows. This is what the Army Corps of Engineers planned and built. The drainage swales and open space upon the Nicolaus property and the Singh property must be maintained to receive these Mud Creek flows and so that these properties can drain both the Sacramento River and Mud Creek when the Sacramento River flood flow levels decline.

L3-5

You have done a great deal of hydraulic modeling. However, the hydraulic modeling has nothing to do with the flows off of Mud Creek and ignores them totally. Instead, you model the effects of the Sacramento River backing into these properties. This is a rare event. As was

L3-6

pointed out at the oral hearing, and is obvious, flows out of Mud Creek occur much more often and have potentially greater damaging effects if these flows are not permitted to flow out of Mud Creek as the Army Corps of Engineers planned. You ignore this plan and function in your DEIR.

L3-6
Cont'd

Your plan calls for planted revegetation along the west bank of Mud Creek and the maintenance of a vegetative barrier on the west side of Mud Creek which will fill with debris, sediment and silt and prevent these natural and customary flows out of Mud Creek across these walnut orchards, backing water and debris into higher elevations of Mud Creek and potentially breaching the west side levee. Yet there is no discussion of these significant impacts or the mitigation measures available.

L3-7

III. Mud Creek is an Army Corps of Engineers Designed Project. This Project Interferes with and Threatens the Functioning of That Project.

By accepting maintenance of the Mud Creek Project, the County of Butte has agreed to maintain the flowage out of Mud Creek across the Nicolaus property and the Singh property. Your Project will block those flows eventually through the maintenance and perpetuation of vegetation barriers, the planting the vegetation and the accumulation of debris. Debris and sediment of this nature is routinely removed as a result of farming activities when property is farmed. There will no longer be any farming under your Project and no provision is made for the high flows in Mud Creek to have free passage across these lands as occurs presently. Your DEIR does not explain how Butte County, the maintaining agency of this Project, can approve the alternation of this Project plan. Blocking passage of these waters is a misdemeanor under Water Code section 720.

L3-8

L3-9

IV. You Have Not Examined the Environmental Impact of Blocking These Flows from Mud Creek upon Adjoining Agricultural Activities.

This is a significant environmental impact. Along the full easterly portion of the Nicolaus property, you propose to install a cottonwood riparian forest of 19.48 acres (see Map 3). The same revegetation, planting and barrier is proposed for the easterly side of the Singh property. Both of these properties are currently planted in walnuts, with large flowage spaces and capacity maintained to permit flows out of the Mud Creek facility. As a matter of fact, you propose the whole of the Singh property to become a riparian forest and show almost no grass meadow, which is the flowage pattern and resistance factor currently present on the these orchard properties (see Figure 2, page 3 of Hydraulic Model Appendix).

L3-10

This is a violation of the requirements of the Butte County adopted designated floodway ordinance requiring a permit for activities that are likely to significantly change flows or which potentially create deposits that may raise water levels and flowage velocity and mitigation by requiring removal of blockages or deposits is not even discussed as an alternate.

L3-10
Cont'd

V. Williamson Act.

Although the Nature Conservancy property or Nicolaus property is within the Williamson Act and subject to a recorded contract, you admit that the conversion of the Nicolaus property will, but for the fact that the property will be acquired by a public agency, result in a violation of the policies of the Williamson Act (pp. 4.2.4, 4.2.5), but after three pages, you state: "The proposed project would reestablish long-term processes and functions present in riparian habitat", and on page 4.2.9 state: "The provision is made for termination of a Williamson Act contract when land is acquired by a governmental entity". Nowhere, however, do you discuss the significant environmental impact upon the integrity and functioning of the Ag preserve system of the Williamson Act, allowing land to escape Williamson Act contract restrictions which require that land be farmed, as a term and condition of receiving the reduction in property tax benefit.

The only way a parcel of land can be extracted from the Williamson Act contract, is to elect to not renew the contract and wait ten years. Yet this project involves evasion of that requirement by Parks and Recreation acquiring the lands by purchase, then proposing to have the state, rather than Butte County, waive a cancellation penalty on the ten-year termination process. You do not discuss the effects of watering-down and discrediting an agricultural preservation program in Butte County, such as the Williamson Act, by allowing this private property owner, the Nature Conservancy, to escape the terms and conditions of the Williamson Act. As an example, there is a significant environmental impact on this program and the adjoining lands included in the Williamson Act, if the Williamson Act and its requirement that there be a slow and well-thought out conversion from agricultural to other uses through a ten-year termination process, can be avoided by a public agency acquiring title. The Williamson Act becomes a much less useful and trusted tool for protection of agriculture, and the benefits provided in protecting other agricultural lands from development such as you are planning and nuisance claims from your employees and campers and visitors by the reduction in property tax are totally lost to the surrounding agricultural lands.

L3-11

Your CEQA document ignores these impacts upon the Williamson Act program in Butte County and the integrity and reliability of that program in this and in other areas, and further ignores that unless the cancellation fee is collected, if the Department will not wait ten years to develop its non-agricultural uses, the taxpayers have effectively granted property tax reduction

benefits to the Nature Conservancy which they never repay to the citizens of the County or State of California, by preserving agricultural use during the ten-year termination period as was contracted to and agreed to by their predecessor.

The Nature Conservancy needs to pay a cancellation fee or a ten-year termination period must apply to maintain the integrity of the program and system. Looked at another way, this is a gift of public funds and has further direct environmental impact in that it discredits the Williamson Act and its organizational object to establish agricultural preserves which cannot be converted to other uses and which neighboring Ag operations can rely upon. None of these impacts are discussed.

A supplemental report describing the impacts upon the Williamson Act program within the geographical area and how they will be mitigated, together with a discussion of the impacts of discrediting the one successful measure of preserving agricultural uses and preventing urban-type intrusion used in this state is required.

VI. Does the DEIR Accurately Describe the “Project” in Regard to the Williamson Act?

Obviously, the secondary issue in regard to the Williamson Act is how does Nature Conservancy get authority to avoid the Williamson Act termination process and cancellation charges if they and Parks and Recreation do not wait the ten years? We believe a gift of public funds is occurring and that the California Parks and Recreation is part of an unlawful scheme to permit the avoidance of those charges and requirements. No application has been made to Butte County, the administering agency, for authority to cancel the project (Government Code §512881.2). No condemnation is occurring as provided in Government Code section 51295 which would remove the contract. The theory of Parks and Recreation that a ten-year termination in which no improvements could be constructed does not apply and can occur without completing the Butte County process described in Government Code section 51293 and that cancellation can be granted by the Department of Conservation itself, even though no eminent domain is occurring, is a device to give TNC additional monies in a purchase price and remove a substantial source of discounted values and limitation of use to farming from the land title for free to TNC.

The DEIR glosses over the provisions of Section 51291 of the Government Code and ignores that the County of Butte is the administering agency for the Williamson Act contracts within its jurisdiction. Unless the County of Butte after comments by the Director of Conservation makes the findings of Section 51292 that the plan of development of Parks and Recreation cannot be located on other lands, the State Director of Conservation never gets an

L3-11
Cont'd

opportunity to terminate the Williamson Act contract simply because the Department of Parks and Recreation buys the property.

The significance of the impacts on the environment, and upon the Williamson Act enforcement, can be seen in Government section 51290, which states that wherever practical, the location of state improvements shall be in areas other than agricultural preserves and shall be located on other land. In addition, Government Code section 51291 requires that the Secretary of Food and Agriculture, and the County of Butte, to approve of the acquisition of the land and of the termination for these purposes. That has not occurred. As far as we know, the notice and consultation requirements of these sections have not been complied with and are not discussed at all in the CEQA document. Government Code section 51295 provides for negation of the Williamson Act property conditions if the property is acquired by condemnation by the State of California. However, a friendly condemnation action between the State and TNC would give a right to other landowners to claim severance damages. It may be that the act of selling this property for the purposes of the Parks and Recreation Plan without approval of Butte County and as announced in the DEIR for the development of this project is, in and of itself, a violation of the Williamson Act and will subject the Nature Conservancy to a penalty in the amount of the cancellation fee, which will be at least several thousand dollars per acre. The Department of Parks and Recreation cannot indemnify or provide additional consideration to the Nature Conservancy for this violation and breach.

L3-11
Cont'd

IV. Conclusion.

A CEQA document that studies what the authors wish to study, which does not describe the project (changes to Army Corps of Engineers Mud Creek Plan; creating exceptions to Williamson Act Contract) and ignores the true impacts of the project, is insufficient to comply with the law. A CEQA document which ignores the flood flows from Mud Creek, the effect of building a vegetative levee or barrier between Mud Creek and this farmland and the Sacramento River, and which ignores the dilution and rendering of useless of the agricultural preserve program of the Williamson Act in this County, does not properly describe the Project being considered and does not identify significant environmental impacts and consider mitigation measures. If the Department of Parks and Recreation wishes to attempt to adopt an Overriding Consideration Determination in regard to the Williamson Act impacts, or the impacts upon the flood flows from Mud Creek potentially backing water on to other farmlands to the west and destroying the integrity of the Mud Creek levees opposite the Nicolaus and Singh properties, it may be able to do so, but not on the basis of this document.

L3-12

L3-13

The Williamson Act issues are clear, the Nicolaus property is within the Williamson Act, a cancellation fee is due and must be set by Butte County or a ten-year notice of nonrenewal

L3-14

California Department of Parks and Recreation – Northern Butte's District Valley Sector

Re: Comments of the Sacramento River Recreation District to Draft Environmental Impact Report (DEIR) Bidwell--Sacramento River State Park Habitat Restoration and Outdoor Recreation Facilities Development Project

March 17, 2008

Page -7-

must be given. Simply because title is changed from the Nature Conservancy to the State of California, does not escape a cancellation fee owed by the Nature Conservancy. The State of California cannot indemnify and protect a private landowner violating a Williamson Act, and purporting to cancel the contract, and there is no basis for concluding that the establishment of an RV park within an area is compatible with adjoining agricultural uses and serves to preserve agriculture.

L3-15

L3-16

There is a solution to this problem, which is to maintain farming on portions of this property, and the flowage capacity from Mud Creek, and to abandon the idea of creating a mobile home/recreational vehicle park within an agricultural preserve. Obviously, that would require California Department of Parks and Recreation to consult with Responsible Public Agencies, such as the County of Butte and the Sacramento River Reclamation District. Apparently, it is much more preferable to the Department of Parks of Recreation to pay millions of dollars to the Nature Conservancy for hydraulic studies of the Sacramento River, which when it does flood, has such vast impacts that there probably is little change in the areas of these properties, and yet to totally ignore the Mud Creek flows and the Army Corps of Engineers' design for the Mud Creek Project, which specifically provided for no levee on the west side of Mud Creek in these areas because it was understood Mud Creek would be able to flow across these open spaces. You are now proposing to plant dense vegetation in these open spaces and block those flows. Approval of the Army Corps of Engineers of the alteration of its Mud Creek Project is a pre-condition and studying the impacts of the alteration is a requirement of CEQA.

L3-17

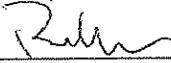
L3-18

L3-19

L3-20

Very truly yours,

MINASIAN, SPRUANCE,
MEITH, SOARES & SEXTON, LLP

By 

PAUL R. MINASIAN

PRM/vlh

cc: Board of Directors, Sacramento River Reclamation District
Clint Maderos
John Mendonza
Board of Supervisors, County of Butte (Bill Connelly, Jane Dolan, Maureen Kirk, Curt Josiassen & Kim Yamaguchi)
Stuart Edell, Butte County Department of Development Services
Bruce Alpert, Butte County Counsel
Gregg Werner, Nature Conservancy

- L3-1 The written correspondence referred to in the comment, as well as responses to the scoping comments, were all included in Appendix A, "Project Scoping," of the Draft EIR and are included again in Appendix A of this Final EIR.
- L3-2 The State CEQA Guidelines Section 15381 defines a responsible agency as, "a public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term 'Responsible Agency' includes all public agencies other than the Lead Agency which have discretionary approval power over the project." As explained below, the Sacramento River Reclamation District (SRRD) does not have discretionary approval over the proposed BSRSP Habitat Restoration and Outdoor Recreation Facilities Development Project. Therefore, SRRD is not a responsible agency.

As the State arm and trustee over floodways and the protection of the main river systems, the Central Valley Flood Protection Board (CVFPB) has jurisdiction to receive, review and approve those plans that affect its territory. As explained in Section 4.3.2 and Appendix A, "Scoping Comments and Responses," of the Draft EIR, the CVFPB's duties are mandated by the State legislature in Water Code Section 8520 et. seq. In particular, Water Code Sections 8533 and 8534 establish CVFPB's jurisdiction in regard to flood protection along the banks of the Sacramento River. However, a Memorandum of Agreement, dated November 3, 1999, between Butte County and the State Reclamation Board (now called the CVFPB), delegated regulatory authority for flood control in the proposed project area to Butte County (roughly equivalent to the 100-year floodplain). In the vicinity of the project site, CVFPB has jurisdiction within the 20-year Federal Emergency Management Agency floodplain; CVFPB's jurisdiction ends at River Road, which is the westerly boundary of the project. Therefore, the Nicolaus property and the Singh Unit are located within Butte County's floodway jurisdiction.

The MOA states that Butte County shall not delegate its responsibility for regulating floodplain management to the SRRD without the approval of the CVFPB (see MOA text, Section D and Section 15). This approval has not been granted (see MOA text, Section D). However, the County may allow SRRD to have an advisory roll to the County in exercising its regulatory authority (see MOA text, Section D and Section 15). Additionally, pursuant to Section 8 of the MOA, when Butte County learns of a proposed action that it may be without jurisdiction to regulate, the County shall notify the CVFPB. In that event, CVFPB may exercise its jurisdiction under Water Code 8710 to require an application for an encroachment permit. It should be noted that State Parks, a State agency, is not subject to local or County policies or regulations. The MOA recognizes this situation (i.e., Butte County does not have jurisdiction over a State agency), and therefore, the County can request that CVFPB assume jurisdiction.

As established in Water Code Section 8520 et. seq., as well as in the November 3, 1999 MOA, SRRD does not have discretionary approval over the proposed project; however, Butte County may, at its discretion, allow SRRD to have an advisory roll to the County. Pursuant to CEQA Guidelines Section 15381, because the SRRD does not have discretionary approval over the proposed project, it is not a responsible agency.

In regard to a floodway encroachment permit for the project, State Parks has initiated consultation with Butte County and CVFPB to determine the proper procedure for a floodway encroachment permit application to address the project's potential effects on the Sacramento River floodway (per Water Code Section 8710). State Parks shall apply for a floodway encroachment permit as directed by Butte County and CVFPB and shall not implement the proposed project until a permit is issued from the appropriate agency.

It should also be noted that the project-related impacts to flood hydrology, geomorphic processes, temporary and long-term water quality, and water supply are addressed in Impacts 4.3-a through 4.3-e of the EIR. With the implementation of Mitigation Measure 4.3-c, acquisition of appropriate regulatory permits and implementation of a storm water pollution prevention plan (SWPPP) and best management practices (BMPs), the project would result in less-than-significant impacts to flood hydrology, geomorphic processes, water quality, and water supply. The hydraulic modeling supporting the impact analysis is provided in Appendix B of the Draft EIR. The hydraulic modeling was revised in response to comments on the Draft EIR. The revised modeling analysis results led to a determination that the project would result in less-than-significant impacts to the flood level elevations and flood flow velocities in the project area. Please refer to Common Response 6, "Revised Flood Neutral Hydraulic Analysis," for more information regarding the revised hydraulic analysis and its results.

In addition, please refer to Common Response 2, "Adequacy of CEQA Public Noticing," and Common Response 3, "Adequacy of CEQA Document."

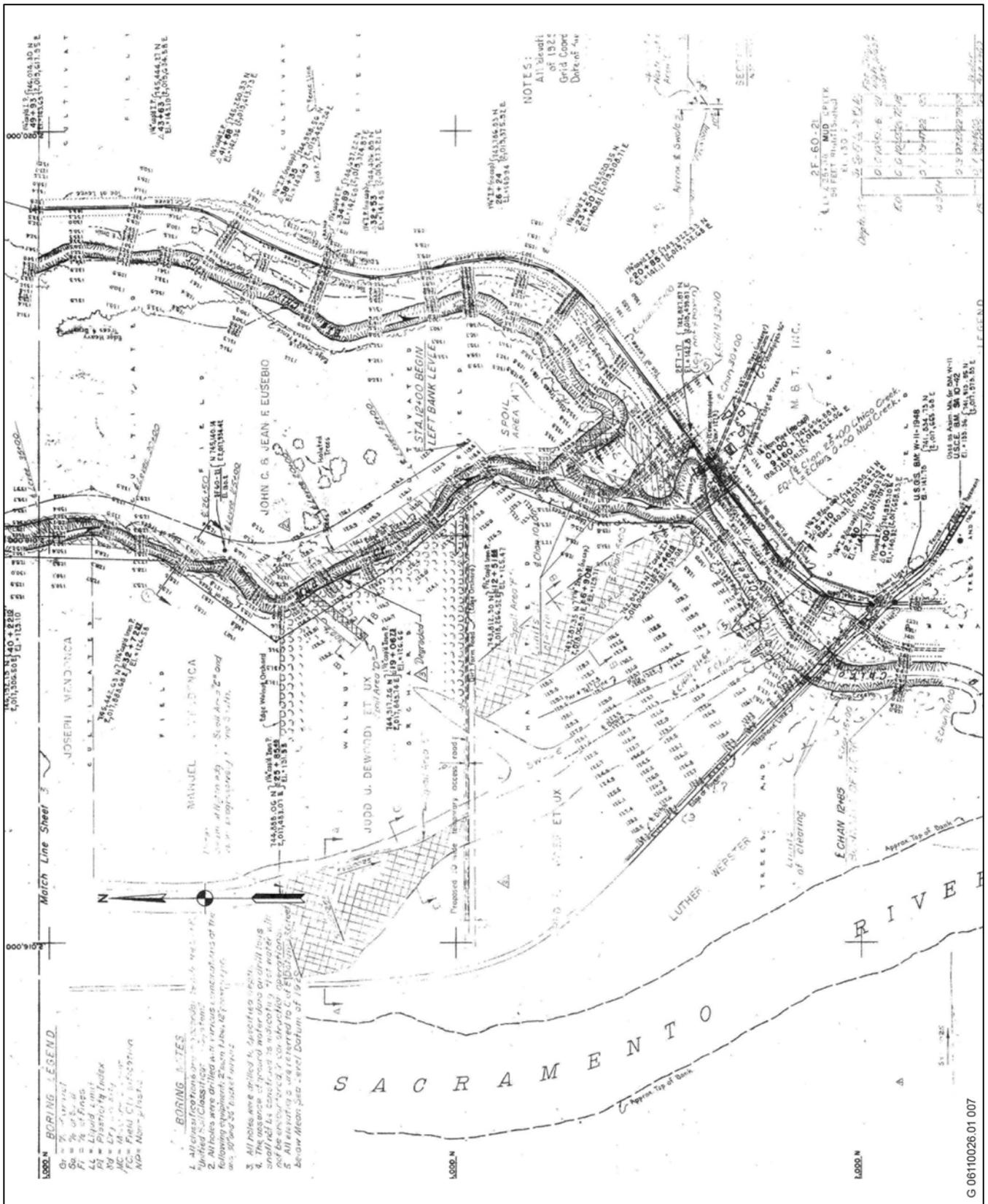
L3-3

The U.S. Army Corps of Engineers (USACE) flood control plans for the project site were obtained from Stuart Edell, Butte County Deputy County Surveyor and reviewed by TNC (pers. comm., Luster 2008). According to the 1961 Army Corps Mud, Big Chico, and Sandy Gulch Channel Improvement and Levee Construction Plan, landowner opposition to the plan resulted in USACE not building a levee on the west side of Mud Creek between Sacramento Avenue and the Sacramento River. Opposed landowners were primarily those owning land on the west side of Mud Creek between Sacramento Avenue and the Sacramento River. Therefore, there is no "design project" on the Nicolaus property or Singh Unit. The 1961 USACE report (Page 5, Section 11a) states:

"....Therefore, in view of the opposition of the local interests and in accordance with the request of the Reclamation Board, channel improvement and right bank levee construction in the above reach has been excluded from the plan of improvement."

The flood control system was built the way it is because local land owners did not want a levee on the west side of Mud Creek. USACE did not design the project with a levee on the Singh Unit in mind; therefore, it could be argued that the current berm on the eastern portion of the Singh Unit is counter to the project design.

Additionally, the historic east-west slough on the Singh Unit was filled with spoil material from the channel widening portion of the USACE project as illustrated in Exhibit 8-1. Additionally, the USACE plan addresses levee construction and channel widening for the tributaries; it does not contain any guidelines for land use on the dry sides of the levee (such as requiring that fields must be in agriculture).



Source: U.S. Army Corps of Engineers 1961

USACE 1961 Project Map

Exhibit 8-1

It should also be noted that the project-related impacts to flood hydrology, geomorphic processes, temporary and long-term water quality, and water supply are addressed in Impacts 4.3-a through 4.3-e of the EIR. With the implementation of Mitigation Measure 4.3-c, acquisition of appropriate regulatory permits and implementation of a SWPPP and BMPs, the project would result in less-than-significant impacts to flood hydrology, geomorphic processes, water quality, and water supply. The hydraulic modeling supporting the impact analysis is provided in Appendix B of the Draft EIR. The hydraulic modeling was revised in response to comments on the Draft EIR. The revised modeling analysis results led to a determination that the project would result in less-than-significant impacts to the flood level elevations and flood flow velocities in the project area. Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis,” for more information regarding the revised hydraulic analysis and its results.

- L3-4 Please refer to response to Comment L3-3, above, and Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- L3-5 Please refer to response to Comment L3-3, above.
- L3-6 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- L3-7 The Riparian Habitat Restoration Plans for the Singh Unit and Nicolaus property, provided in Appendix C of this EIR, do not call for any work on the banks of Mud Creek. Riparian habitat restoration would include removal of the berm on the Singh Unit west of Mud Creek and restoring cottonwood riparian forest along the eastern portions of the Singh Unit and Nicolaus property, also west of Mud Creek. Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- L3-8 Please refer to responses to Comments L3-2 and L3-3, above, and Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- L3-9 Please refer to response to Comment L3-2, above.
- L3-10 The project-related impacts to flood hydrology, geomorphic processes, temporary and long-term water quality, and water supply are addressed in Impacts 4.3-a through 4.3-e of the EIR. With the implementation of Mitigation Measure 4.3-c, acquisition of appropriate regulatory permits and implementation of a SWPPP and BMPs, the project would result in less than significant impacts to flood hydrology, geomorphic processes, water quality, and water supply. The hydraulic modeling supporting the impact analysis is provided in Appendix B of the Draft EIR. The hydraulic modeling was revised in response to comments on the Draft EIR. The revised modeling analysis results led to a determination that the project would result in less-than-significant impacts to the flood level elevations and flood flow velocities in the project area. Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis,” for more information regarding the revised hydraulic analysis and its results. In addition, please refer to response to Comment L3-2, above.
- L3-11 Please refer to Common Response 5, “Impacts to Lands Under Williamson Act Contract.”
- L3-12 Please refer to response to Comment L3-3, above, Common Response 3, “Adequacy of CEQA Document,” Common Response 5, “Impacts to Lands Under Williamson Act Contract,” and Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- L3-13 Please refer to Common Response 3, “Adequacy of CEQA Document,” Common Response 5, “Impacts to Lands Under Williamson Act Contract,” and Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”

- L3-14 Please refer to Common Response 5, “Impacts to Lands Under Williamson Act Contract.”
- L3-15 Please refer to Common Response 5, “Impacts to Lands Under Williamson Act Contract.”
- L3-16 In response to agency and neighbors’ comments on the Draft EIR, the recreation plans (see Appendix D of this Final EIR) have been revised to remove RV campgrounds from the Nicolaus property and to remove one of the entry points at the old BSRSP headquarters site (to be used as a day use area) and provide more of a vegetative buffer to the neighbor across River Road. In addition, please refer to Common Response 4, “Impacts to Agricultural Operations.”
- L3-17 As described above in response to Comment L3-16, in response to comments on the Draft EIR, the RV campgrounds have been removed from the recreation plans (see Appendix D of this Final EIR). In addition, please refer to Common Response 1, “Opposition to the Proposed Project,” Common Response 5, “Impacts to Lands Under Williamson Act Contract,” and Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- L3-18 Please refer to response to Comment L3-2.
- L3-19 Please refer to response to Comment L3-3.
- L3-20 Please refer to responses to Comments L3-2 and L3-3, as well as Common Response 3, “Adequacy of CEQA Document,”

Reichenberg, Denise

From: Patricia Puterbaugh [cohasset@shocking.com]
Sent: Monday, February 04, 2008 12:35 PM
Cc: Reichenberg, Denise; Germain Boivin; John Merz
Subject: BSRSP Habitat Restoration and Outdoor Rec Facilities Project

Feb. 4, 2008

Patricia Puterbaugh, Germain Boivin
Floral Native Nursery
2511 Floral Ave.
Chico, CA. 95973

Re: BSRSP Habitat Restoration and Outdoor Recreation Facilities Development Project,
Butte County California

We would like to give our support to the plan for habitat restoration and recreation plans for the Bidwell-Sacramento River State Park on the Singh Unit and the Nicolaus property along the Sacramento River. Our nursery has been promoting restoration and reclamation of habitat in Northern California for the last decade. We feel strongly that native plants and restoration will be a huge factor in flood prevention, fire safety, drought resistance and water conservation in our North state for the near and distant future.

As you are aware, riparian vegetation has been descimated in California, along with the wildlife and birds that depend on it. We are very pleased for the plan to restore this beautiful area back to its natural state. We also support the plan for camping and recreation facilities in this area. This will provide a unique opportunity for the public to enjoy and appreciate the Sacramento River and environs.

Please keep us posted on plans for this project.

Sincerely, Patricia and Germain

11-1

**Letter
11
Response**

**Patricia Puterbaugh and Germain Boivin
Floral Native Nursery
Received February 4, 2008**

I1-1

Support for the project is noted. State Parks will consider the environmental document, including public and agency comments, as well as the complete record for this project in rendering a project decision.

Clint Maderos
Clint Maderos Backhoe Service
12102 River Road
530-345-8665
530-514-8664

February 18, 2008

California Department of Parks & Recreation
RE: Bidwell River State Park
Habitat Restoration and Outdoor Recreation
Facilities Development Projects
DEIR

Dear People concerned with this plan,

I am Clint Maderos, owner of the 22 acre parcel of walnut orchard and home adjacent to the proposed site of the campground, and located approximately 35 feet from the proposed new Day Use Area. I became aware of the Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Recreation Facilities Development Project when I received the DEIR in the mail on Thursday January 31, 2008.

It is worthy of note that the initial announcement regarding this plan was published in the newspaper, and I was not informed with a letter. Clearly, the parties drafting this plan are aware of my name and address. I am pleased to learn that a NOP was filed with the State Clearinghouse, was posted on the State Parks website, as well that its' availability was advertised in the Chico Enterprise-Record on September 8, 2007. Unfortunately for me, that announcement escaped my notice. My name is not mentioned anywhere in the DEIR. Properties contiguous to the plan area owned by private citizens are not labeled by name. This privilege is reserved for citizens who have sold their properties to TNC. As a neighbor, I am impressed with the absence of a level of fundamental courtesy employed to date to communicate regarding a proposal that will no doubt have the greatest Environmental Impact on me, and life in my home, of all the citizens affected by this plan.

12-1

I would have to say that "Goal AO-4 Cooperate with local landowners, communities, and public agencies to foster coordinated management of public lands along the Sacramento River," and "Goal AO-4.4 Work with private landowners in proximity to the Park to minimize conflicts associated with the mixed public and private land ownership pattern in the area", as listed in the Introduction, have yet to be reached.

12-2

In the year 2006, George Nicolaus introduced me to a TNC representative and we engaged in an informal conversation regarding concerns I might have had about the sale of the parcel. At that time I expressed a need to create a buffer zone, but we did not discuss the depth of such a zone. No mention was made of a Day Use Area, or of a

12-3

campground that includes 25 RV sites, 15 vehicle campsites, and 10 walk-in tent sites, as well as a group campground large enough to accommodate 12 more RV's and a 20 person group fire ring. No amount of a buffer will mitigate the noise from this amount of human activity. I am accustomed to the speeding cars, the barreling trucks, and the gunshots from hunters on the adjacent Fish and Game lands. More noise will be produced by a campground, full or otherwise, and I will hear all of it.

12-3
Cont'd

Let's assume that concern for the level of noise that reaches me at my home day and night is not a serious problem, or germane, for now. I would like to address points of controversy not mentioned in the Summary (2.5 Areas of Controversy).

12-4

Table 2-1, Impacts 4.3 states "Modeling results predicted localized changes in flood stage elevations up to 0.10 foot. This small change does not represent an increase that would pose a significant risk to people, structures, or the operation of flood control infrastructure and does not violate existing regulations for risk to flood control infrastructure. Project-related changes in local and downstream flood hydrology would be less than significant." While computer modeling of flooding is impressive, when the 0.10 inches of water is inside your house, one might reconsider the assessment that no mitigation is required regarding the changes in local flood hydrology.

12-5

The assessment of flood hydrology in the DEIR deals with flooding from the Sacramento River and does not take into consideration flooding from Mud Creek or Rock Creek. Restoration will affect the flow of flood waters. Water flows through orchard faster than it will through vegetation, brush, and trees. Water will flow more slowly over raised campsite pads. More flood water will collect on my property as a result of this project, and will drain from it more slowly. This is a threat to the health of my orchard, and to my income.

12-6

Nowhere in this DEIR is addressed the fact that Mud Creek floods numerous times annually. What will be the effect of Mud Creek floods on the Maderos Property when the Nicolaus property is restored with a new, uncalculated volume of vegetation?

12-7

Flooding has occurred on my property, between 1995 and 1999, with water from the Sacramento River. The water entered my house on three different occasions, in three separate years. On three other occasions, the water reached the threshold of the doorway into my house. On each of these events the proposed campsite was entirely underwater.

12-8

Let me introduce the issue of the location for the new diesel ag pump that will be situated directly across the street from the new Day Use Area. The well is existing. The Maderos property, and the Maderos house, (not labeled in any of the photographs in the DEIR) is currently irrigated by water pumped on the Nicolaus property. When this is taken out of operation, my orchard will be irrigated from the well on my parcel, from the pump house that is clearly visible from the proposed new Day Use Area.

12-9

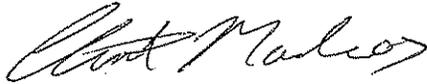
In this report no justification is made for the timing of this development, or for the placement of the Day Use Area, i.e. why place such a facility in the front yard of the one

12-10

neighbor to the project? Why now? What citizens are clamoring for a new campground that floods annually? Why not restore with habitat with no campground development, until such time that the land within the natural boundary of Mud Creek is acquired? I think this could be germane to reaching Goals AO-4 and AO-4.

I2-10
Cont'd

Deeply concerned,



Clinton A. Maderos

- I2-1 Please refer to Common Response 2, “Adequacy of CEQA Public Noticing.” It should be noted that names and address of private land owners are not provided in the environmental document to protect their privacy.
- I2-2 Please refer to Common Response 2, “Adequacy of CEQA Public Noticing.” In addition, please refer to Appendix A of the EIR for a summary of scoping comments and responses.
- I2-3 Please refer to Common Response 7, “Buffer Zones.”

In response to agency and neighbors’ comments on the Draft EIR, the recreation plans (see Appendix D of this Final EIR) have been revised to remove RV campgrounds from the Nicolaus property. In addition, the proposed day use area, located west of River Road, across from the residence north of the Nicolaus parcel, would replace the existing BSRSP headquarters and day use area. In response to comments on the Draft EIR, the revised Conceptual Public Access and Recreation Plan (see Appendix D of this EIR) now includes only one point of entry/exit off of River Road, which is off-set from the driveway to residence across River Road, and vegetation would be planted along River Road to provide a vegetative buffer between the day use area and the road. Use of the day use area is not expected to substantially increase in comparison to the existing use, because the headquarters offices will be moved from that site to the farm complex on the Nicolaus property and the parking capacity would not substantially increase. Furthermore, the hours of operation for the day use area would be restricted from sunset to sunrise and the entry/exit to the area would be gated.

- I2-4 The existing noise environment at the Singh Unit and Nicolaus property is defined by active agricultural operations at the onsite orchards, which generate noise associated with farming activities (vehicles, farm equipment, people working, etc.), as well as neighboring agricultural operations, local roadway traffic on River Road, and recreational activities associated with Bidwell-Sacramento River State Park. The proposed day use area, located west of River Road, across from the residence north of the Nicolaus property, would replace the existing BSRSP headquarters and day use area. For the proposed project to cause a significant noise increase, capacity at the day use area would need to double. However, parking capacity at the proposed day use facility would not substantially increase capacity in comparison to existing headquarters and day use area, and therefore would not significantly increase noise levels associated with the day use area. Additionally, the hours of operation for the day use area would be restricted from sunset to sunrise, limiting the potential for noise generation during more sensitive nighttime hours.

The proposed day use area located at the existing park headquarters would have capacity to accommodate five oversized vehicles (i.e., RV, bus) and 12 regular passenger vehicles. Based on the methodology outlined in Section 4.1.2 of the EIR, the proposed day use area would generate an average daily noise level of 52.4 dB L_{dn} , which would not exceed the “normally acceptable” standard of 60 dBA L_{dn} . Additionally, replacing the existing headquarters as a day use facility would include changing the entry/exit to a single point of access off of River Road, a gate at that entry point, vegetative screening along River Road, and limiting the hours of operation for the park from sunrise to sunset. Please refer to Appendix D of this Final EIR for the revised recreation plans.

Implementation of an acoustical set-back is a proven method to mitigate noise between a source and a receiver. As stated in response to Comment L1-50, sound generated from a point source will attenuate (lessen) at a rate of 6 dB to 7.5 dB per doubling of distance. In respect to transportation generated noise, levels typically attenuate 4.5 dB per doubling of distance. The development of dense vegetative habitat (i.e., heavy woods, trees, shrubs) would further attenuate noise levels at a rate 5 dB per 100 feet of dense vegetation, up to 10 dB. The proposed project includes the development of dense riparian habitat surrounding the recreational and camping facilities, which would be located in the center of the Nicolaus property, approximately 1,800 feet from the residence north of the Nicolaus property.

- I2-5 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- I2-6 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- I2-7 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- I2-8 Comment noted. Section 4.3 of the EIR discusses the existing hydrology of the project area and flood flow patterns.
- I2-9 Commented noted that a new pump for an existing groundwater well will be installed across River Road from the existing BSRSP headquarters and day use site.
- I2-10 Please refer to Common Response 1, “Opposition to the Proposed Project.”

March 6, 2008

Denise Reichenberg
California State Parks
Sector Superintendent
525 Esplanade
Chico, CA 95926

Dear Denise:

We vigorously protest the new River Road State Campground and Day Use Area proposed by the California State Parks and Recreation.

13-1

We feel installing these two new parks on a two-lane windy back road next to a private orchard and home makes no sense and is altogether wrong.

The proposed campground has no view of the Sacramento River. It is in a well known flood area on a road away from any main highway. There is a well established beautiful river campground with easier highway access only 15 miles north. Woodson Bridge is scheduled to be closed, as are other State Parks because of the current severe budget deficits. Therefore, how can building a new park be justified? I think the governor should be alerted to this unfair use of public funds.

13-2

We do not see how building this new park can be justified while our public classrooms and teachers are suffering huge revenue cut backs. There are numerous other public agencies that face the same cut backs. This proposal sounds like corruption and favoritism in our opinion.

Please review all the evidence and reports available and hopefully you will also oppose the creating of these two new public parks. Thank you.

Sincerely,


Connie & Don Brennan
1058 Lia Way
Chico, CA 95926

- I3-1 Please refer to Common Response 1, “Opposition to the Proposed Project.”
- I3-2 The possible closure of Woodson Bridge State Recreation Area (SRA) is in no way related to the proposed BSRSP Habitat Restoration and Recreation Facilities Development Project. The Woodson Bridge SRA is proposed for temporary closure due to State budget cuts, which affect State Parks’ general fund. Whether or not Woodson Bridge SRA is closed will depend on the fiscal allowances to State Parks in the annual State budget.
- Funding for the planning and environmental review (CEQA process) of the proposed BSRSP Habitat Restoration and Recreation Facilities Development Project is not dependent upon the State budget or State Parks’ general fund. The planning and environmental review is funded by a CALFED Ecosystem Restoration Program (CALFED ERP Program) grant (ERP-02-P16D) (see Section 1.4 of the Draft EIR). The mission of the CALFED ERP Program is to develop a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the San Francisco Bay/Sacramento-San Joaquin Delta.
- The CALFED ERP grant does not provide funding for implementation of the BSRSP Habitat Restoration and Recreation Facilities Development Project. Therefore, implementation of the proposed project will be dependent upon future funding, which could be in the form of grants or other sources of funding. It is not known at this time when funding will be available for project implementation or what the funding source will be. Once the project is constructed, operations and maintenance of the restored habitat and recreation facilities would be subject to State Parks operating funds.

3/09/08

DENISE REICHENBERG
CA STATE PARKS
525 ESP.
CHICO CA. 95926

DEAR DENISE —

THE NEW PROPOSED RIVER ROAD CAMPGROUND
AND DAY USE AREA "DO NOT MAKE SENSE"

14-1

I AGREE WITH MR. CLINT MADEROS (LETTER DATE 3/3)
I AGREE WITH MR + MRS BRENNAN (LETTER DATE 3/6)

14-2

THE MONEY SHOULD BE USED TO KEEP
EXISTING PARKS IN USE. EX: WOODSON BRIDGE

14-3

Sincerely

DAVID WAZAR
1386 W. 12th AVE
CHICO CA 95926

- I4-1 Please refer to Common Response 1, “Opposition to the Proposed Project.”
- I4-2 Please refer to responses to Comments I2-1 through I2-10, I3-1 and I3-2, and I6-1 through I6-35.
- I4-3 The possible closure of Woodson Bridge State Recreation Area (SRA) is in no way related to the proposed BSRSP Habitat Restoration and Recreation Facilities Development Project. The Woodson Bridge SRA is proposed for temporary closure due to State budget cuts, which affect State Parks’ general fund. Whether or not Woodson Bridge SRA is closed will depend on the fiscal allowances to State Parks in the final State budget.

Funding for the planning and environmental review (CEQA process) of the proposed BSRSP Habitat Restoration and Recreation Facilities Development Project is not dependent upon the State budget or State Parks’ general fund. The planning and environmental review is funded by a CALFED Ecosystem Restoration Program (CALFED ERP Program) grant (ERP-02-P16D) (see Section 1.4 of the Draft EIR). The mission of the CALFED ERP Program is to develop a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the San Francisco Bay/Sacramento-San Joaquin Delta.

The CALFED ERP grant does not provide funding for implementation of the BSRSP Habitat Restoration and Recreation Facilities Development Project. Therefore, implementation of the proposed project will be dependent upon future funding, which could be in the form of grants or other sources of funding. It is not known at this time when funding will be available for project implementation or what the funding source will be. Once the project is constructed, operations and maintenance of the restored habitat and recreation facilities would be subject to State Parks operating funds.

From:
Name

Daniel C. Heal

Date 3/14/08

Address

12206 Meridian Rd.

Chico, Ca 95973

530.345.2142

To:

Denise Reichenberg
California Department of Parks and Recreation
Northern Buttes/Valley Sector
525 Esplanade
Chico, California 95928

Comment on California Department of Parks and Recreation
Draft Environmental Impact Report
Bidwell-Sacramento River State Park
Habitat Restoration and Outdoor Recreation Facilities Development Project
Butte County, California

Comment:

It is appalling to me that the Butte County Board of Supervisors could have a negative comment on this project. We need multi use of the Sacramento River corridor, not just use - preservation only. We need smart use. From what I have seen, read and heard of this project, it is a win win for Butte County. Campsites, facilities, nature trails, habitat restoration - what more could you ask for - all maintained by the state with little cost to the county. Increased tourism brings outside dollars to our area. Pass this plan. It is well planned and well thought out. Shame on our board of supervisors!

Sincerely,

Daniel C. Heal

15-1

**Letter
15
Response**

**Daniel C. Heal
Received March 14, 2008**

I5-1

Support for the project is noted. State Parks will consider the environmental document, including public and agency comments, as well as the complete record for this project in rendering a project decision.

Clint Maderos
Clint Maderos Backhoe Service
12102 River Road
530-345-8665
530-514-8665

March 15, 2008

Denise Reichenberg
Sector Superintendent
California Department of Parks & Recreation Northern Buttes District/Valley Sector
RE: Bidwell River State Park
Habitat Restoration and Outdoor Recreation
Facilities Development Projects
DEIR

Dear Denise Richenberg,

I again submit my opposition and critique of your California Department of Parks and Recreation plan for Bidwell River State Park, and request your attention to the following:

1. The Day Use Area should be moved to the south near the campground entrance, close to the center of the proposed trails, not in front of the only residence near proposed project. | 16-1
2. All agricultural setbacks, i.e. 300' should be observed. | 16-2
3. No lights should be placed around any neighboring residence. | 16-3
4. The issue of noise from the campground is not addressed adequately. On page 4.1-8, the Operational Traffic Noise section states that the noise levels are calculated at 50 feet from the centerline of River Road, but the table lists noise levels 100' from the centerline of the road. Which measurement is correct? The noise level including the penalty for noise after 10pm is close to the noise levels of the various construction equipment noise levels. The noise receptor, i.e. my home is not 1500' away from the noise, it is closer to 150' away. This is not less than significant. It is unacceptable. It is an invasion and detriment to the quality of my life in my home. | 16-4
5. The DEIR states that RV campers will have access to electrical outlets. It does not state that RV's will **not** use generators, and does not address noise produced by generators. This is an unresolved issue, and it is unacceptable. | 16-5

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|---|-------|
| 6. Garbage clean-up from the restored habitat areas after flood or high water has not been addressed. This plan will install dense brush. As the plan has not addressed the flooding from the creeks, it does not address the issue of garbage that floats in, or how to remove it from the newly planted brush. | 16-7 |
| 7. The fire hazard from Mud Creek onto the restored new habitat, and adjacent campground, from orchard burning or any other fire, has not been addressed. Note that from 1987-2007 at least four large fires have burned at or near the proposed site. | 16-8 |
| 8. In section 3-23 the DEIR states "Vault toilets and RV dump station could be sealed when necessary and would be pumped by a local contractor." If the toilets can be sealed, why would they require pumping? Is the plan admitting that there exists the potential for these toilets to flood, or that they cannot in fact be sealed well enough to prevent filling with flood water, in which case waste water could enter the environment of the campground and neighboring properties? | 16-9 |
| 9. Traffic study has wrong speed limit for River Rd. The speed limit on River Road is not posted, therefore it is 55mph, not 35mph as stated in this DEIR. | 16-10 |
| 10. Bike traffic on River Road is not adequately addressed, i.e. this DEIR points out that the property will be taken out of the Butte County General Plan, so that the bicycling concerns will be addressed by the fact that the State is not required to follow the counties plan? The DEIR's lack of commitment to addressing bicyclists issues is evading the need to address these concerns. | 16-11 |
| 11. This DEIR does not address shooting activity in Mud Creek next to campsites or hunting on DFG land next to and west of proposed trails. Why has this issue been ignored, and how will it be addressed? | 16-12 |
| 12. Poison oak planting is a health hazard to the public. | 16-13 |
| 13. Why build a RV campground when fuel is reaching \$4 gallon, RV sales are falling locally and a local RV dealer is closing down? The State government is trying to reduce greenhouse gases and pollution, i.e. SB97 of 8.07. How do these conditions justify promoting the use of RV's? | 16-14 |
| 14. The EIR tiered issues are not adequately addressed. | 16-15 |
| 15. Section 1.7.3: the list of other interested agencies is not complete, i.e. the Sacramento River Reclamation District is not listed on the list of interested Agencies. | 16-16 |
| 16. Section 1.8 Public Review Process was incomplete. Issues are not being addressed. | 16-17 |

- | | |
|---|----------------|
| <p>17. Section 4.0 The hydraulic modeling utilized to support this plan is incorrect because it is incomplete. According to EDAW representative Brian, Mud Creek, Rock Creek/Kusal Slough, Lindo Channel, and Chico Creek flooding is not gauged and therefore not accounted for in the DEIR. The Sacramento River flood modeling does not represent accurately the flooding on the proposed plan area.</p> | <p> 16-18</p> |
| <p>18. Mud Creek, Rock Creek/Kusal Slough, Lindo Channel, and Chico Creek all border the easterly boundary of this proposed project and were not included in the DEIR survey. This DEIR is incomplete without analysis of flood water patterns from the above creeks. They flood these properties annually. It is not acceptable to move forward on a plan that lacks sufficient data to support the plan. The missing data needs to be collected, recorded, and analyzed first. Also, Mud Creek is not defined as the main flood control channel for Chico, so it seems less than prudent to utilize hydraulic modeling data from the Sacramento River to determine the impacts from, and on, these other creeks. I do not accept that even slight slowing of the velocity of water in Chico's main flood control channel can have no significant impact to Chico.</p> | <p> 16-19</p> |
| <p>19. Section 5.0 reports a "2.5 f/s increase from 1.0g/s to 3.5 f/s" This represents a 250% increase. How can the State park justify the claim that this will cause no harmful effects?</p> | <p> 16-20</p> |
| <p>20. The concept plan in appendix B shows mature, large trees. (i.e. trees with 50' diameter story) and meadow; this does not visually represent what the proposed planting schedule calls for. The plan is to plant a massive quantity of brush, blackberries, poison oak and the like.</p> | <p> 16-21</p> |
| <p>21. The wastewater treatment plant is noted but not detailed. What are the specifics?</p> | <p> 16-22</p> |
| <p>22. Section 1.5 The Notice of Preparation was inadequate. I was never notified. What's more, my concerns have not been adequately addressed.</p> | <p> 16-23</p> |
| <p>23. Impact 4.2b This DEIR claims that 0.7 of 1% of agricultural production will be lost by installing this park plan (i.e. the removal of 146 acres of walnuts). In terms we can all appreciate, this number represents \$362,400, annually.</p> | <p> 16-24</p> |
| <p>24. How does removing 5275 existing walnut trees, in rows, and replacing that with 38,323 trees and brush, without any provision to remove any deadfall or brushy tangle, not restrict water flow?</p> | <p> 16-25</p> |
| <p>25. Section 4.1-9 states that there is one water well on the Nicolaus property, but in fact there are at least 4 wells on the property. This type of inaccurate reporting and consulting contributes to the perception that this plan is poorly thought out, and makes it difficult to have confidence in this plan. The sources of expert knowledge, the neighboring landowners of these properties, have not been</p> | <p> 16-26</p> |

- | | |
|---|-----------------|
| consulted. It does not appear that the writers of this plan have walked the properties. | 16-26
Cont'd |
| 26. The Board of Supervisors of Butte County collectively agree that the State Parks fail to adequately patrol and monitor their parks within Butte County. The county pays the cost of picking up the slack. This is not an unfounded concern. | 16-27 |
| 27. Pest setback must be at least 300' before any trees or brush. | 16-28 |
| 28. A drainage ditch or swell, that can be maintained (2' deep x 24' wide, sloped about 1-in-6 so a loader can clean it out) needs to be installed from Mud Creek to near River Road. | 16-29 |
| 29. The above drainage ditch or swell must be maintained by the State Parks. | |
| 30. If setbacks are not large enough or maintained, it will result in additional cost for spray and spraying labor for my orchard. How will I be compensated for this burden? | 16-30 |
| 31. I will need something in writing promising that my spraying, burning, or diesel irrigation pump noise will never be in conflict with the park, ever. | 16-31 |
| 32. My western property line will need a 300' for setback as required by Butte County Ag codes. | 16-32 |
| 33. A-4 (Responses from scoping comments section, Line 29) claims that the State Park will work with private landowners in proximity to minimize conflicts associated with the proposal. I have never at any point perceived that anyone related to this plan has "worked" with me. From my point of view, the state Park has failed to meet Park Plan Goal AO-4.4. | 16-33 |
| 34. I hereby request a copy of the concerns voiced and recorded by the State Parks of the meeting on 2-19-08 held at Bidwell Mansion. | 16-34 |
| 35. I hereby request a notice of your receipt of this list of concerns. | 16-35 |
| 36. I hereby request to be notified as to how the State Park plans to address these specific points. | |

Sincerely yours,



Clint Maderos

- I6-1 Please refer to Common Response 1, “Opposition to the Proposed Project.”
- I6-2 The proposed day use area, located west of River Road, across from the residence north of the Nicolaus parcel, would replace the existing BSRSP headquarters and day use area. In response to comments on the Draft EIR, the revised Conceptual Public Access and Recreation Plan (see Appendix D of this EIR) now includes only one point of entry/exit off of River Road, which is off-set from the driveway to residence across River Road, and vegetation would be planted along River Road to provide a vegetative buffer between the day use area and the road. Use of the day use area is not expected to substantially increase in comparison to the existing use, because the headquarters offices will be moved from that site to the farm complex on the Nicolaus property and the parking capacity would not substantially increase. Furthermore, the hours of operation for the day use area would be restricted from sunset to sunrise and the entry/exit to the area would be gated.
- I6-3 Please refer to Common Response 7, “Buffer Zones.”
- I6-4 Please refer to Section 4.1.2 of the EIR for a discussion of the project’s effects on aesthetics. The relocation of the BSRSP headquarters to the Nicolaus farm complex would allow for the removal of structures, fencing and equipment at the existing headquarters site. The site would remain in use as a day use area; the hours of operation would be restricted from sunset to sunrise and the entry/exit to the area would be gated. Because this site would only be used during the day, no nighttime lighting would be installed. Furthermore, campgrounds and recreation facilities on the Nicolaus property would be developed near the center of the property (see Exhibit 3-9 of the EIR) and would be surrounded by restored riparian vegetation (see Exhibit 3-8 of the EIR), which would provide a vegetative screen between the facilities and River Road/adjacent properties.
- I6-5 Operational traffic noise levels as presented in Table 4.1-2 of the EIR reference traffic noise levels at the modeled distance (100 feet from roadway centerline). At a distance of 65 feet from the River Road centerline (approximate distance to the neighboring residence), traffic noise levels would be 54.7 dB L_{dn} and 57.6 dB L_{dn} , respectively with and without the proposed project.
- The commenter is correct in stating that average daily construction noise levels generated from the implementation of the proposed project would be similar to those generated by operational traffic noise. However, noise levels generated from construction activities would be temporary, only occurring for the duration of project development. As such, operational traffic noise levels would only be generated after completion of project development, would not be concurrent to construction noise levels, and would not result in noise levels exceeding the Butte County Noise Element 60 dB L_{dn} standard.
- As stated in the construction noise analysis, the nearest noise-sensitive receptor (residence) is located approximately 400 feet from the northern property boundary of the Nicolaus parcel, and 1,800 feet from the acoustical center of construction activities. Assuming a standard stationary source attenuation rate of 6 dB per doubling of distance, noise levels generated from construction activities on the Singh Unit and Nicolaus property would be less than 54 dB L_{dn} at the residence. Furthermore, strict adherence to construction noise control measures required by the Butte

County Planning Department and establishment of a noise control coordinator would significantly reduce the effects of construction noise in the project vicinity.

Construction activities occurring at the existing park headquarters and day use facility would consist of the removal of existing park headquarters office, the dismantling of existing storage sheds, and the development of the site for day use activities. Modifications to the existing day use facilities are not expected to require the use of heavy equipment (graders, excavators, dozers). As a result, construction generated noise levels at the existing headquarters are not expected to exceed the Butte County Noise Element 60 dB L_{dn} standard.

- I6-6 In response to comments on the Draft EIR, the RV campsites have been removed from the recreation facilities plans (see Appendix D of this Final EIR), which would reduce project-generated stationary-source noise and operational traffic noise. Additionally, State Parks has its own law enforcement in the form of State Park Peace Officers who are California Penal Code 830.2(f) and have full law enforcement authority in the State of California. These Peace Officers patrol State Parks and enforce California Code of Regulations Section 4320 (a), (b), and (c) Peace and Quiet. These sections prohibit noise that disturbs others in sleeping quarters between 10 PM and 6 AM, use of outside machinery or electronic equipment at any time which is likely to disturb others, and state that electric generators are prohibited between the hours of 8 PM and 10 AM. Adherence to the State Parks quiet hours and enforcement of the CCR Peace and Quiet section by State Park Peace Officers would limit the potential for noise disturbances during more sensitive nighttime hours.
- I6-7 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis.” Furthermore, after flood events, State Parks would remove flood debris from grasslands and flow through areas.
- I6-8 Please refer to “Fire Protection” in Section 3.4.2 of the EIR and Response to Comment L1-9.
- I6-9 Please refer to Common Response 8, “Safety of Facilities During Flood Events.”
- I6-10 The speed limit for River Road in Table 4.1-2 of the EIR has been corrected to reflect a 55 mile per hour (mph) speed limit rather than 35 mph. The modeled existing and existing plus project traffic noise levels along River Road at a 55 mph speed limit would not exceed Butte County’s 60 dBA L_{dn} standard at any noise-sensitive receptors.
- I6-11 Please refer to response to Comment L1-60.
- I6-12 Hunting is not, and will not be, allowed in BSRSP, including on the Singh Unit or Nicolaus property. Hunting is allowed on the CDFG property adjacent to the project site; this is an existing condition that will not change due to the proposed project. All hunting on CDFG land is subject to Fish and Game laws and wildlife regulations and will continue at the discretion of CDFG. State Parks does not have control over hunting regulations on CDFG lands.
- I6-13 Poison oak is a native plant species commonly found in riparian habitats; it is appropriate for inclusion in the revegetation plans for the project site to meet the ecological goals. Public concern regarding poison oak as a public health hazard will be considered by decision makers.
- I6-14 In response to agency and neighbor’s comments on the Draft EIR, the recreation plans have been revised to remove RV campgrounds (see Appendix D of this EIR). That area of the Nicolaus property would instead be restored to oak savannah habitat.

- I6-15 Please refer to Common Response 3, “Adequacy of CEQA Document,” and Sections 1.3 and 4.1 of the EIR.
- I6-16 The Sacramento River Reclamation District has been added to the list of “Other Interested Agencies” in Section 1.7.3 of the EIR.
- I6-17 Please refer to Common Response 2, “Adequacy of CEQA Public Noticing.”
- I6-18 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- I6-19 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- I6-20 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis,” and Section 4.3 of the EIR.
- I6-21 Please refer to Appendix C of this EIR for the revised Riparian Habitat Restoration Plans for both the Nicolaus property and the Singh Unit. The proposed habitat types, plant lists, and planting densities are provided in the plans.
- I6-22 The proposed project would not include nor require a wastewater treatment plant. As described in Chapter 3, the existing septic system/leachfield would be used to service the relocated BSRSP headquarters (at the Nicolaus farm complex) and a new septic system/leachfield would be installed to service the combination restroom/shower building for the campground (in an area where annual flooding is not anticipated). The vault toilets would be sealed when necessary and would be pumped by a local contractor.
- In terms of potable water, the domestic water well on the Nicolaus property would continue to be used to serve the BSRSP headquarters (relocated to be in the farm buildings) and the recreational facilities on the Nicolaus property. An on-site water treatment facility would be installed to maintain acceptable water quality levels from this domestic groundwater well as regulated by the State Division of Drinking Water.
- I6-23 Please refer to Common Response 2, “Adequacy of CEQA Public Noticing.”
- I6-24 As explained in Section 4.2, “Socioeconomic Considerations,” of this EIR, the CEQA Guidelines provide that “economic or social information may be included in an EIR or may be presented in whatever form the agency desires” but that “economic or social effects of a project shall not be treated as significant effects on the environment.” (CEQA Guidelines Section 15131. Emphasis added). Therefore, while social and economic consequences are not in of themselves environmental impacts under CEQA, Section 4.2 discusses socioeconomic considerations related to agricultural production resulting from implementation of the proposed project.
- Combined, the Singh Unit and Nicolaus property represent a total of 189 acres of designated Irrigated Farmland (see Section 4.2.1 of the EIR). Of this amount, a total of 170 acres are currently planted in walnuts and almonds. If this total acreage was removed from production for native vegetation restoration or rural outdoor recreation uses, it would constitute a very small portion of total agricultural lands in walnut and almond production in Butte County (approximately 0.2% of Butte County’s almond and walnut orchards and approximately 0.04% of land in agricultural production). Reducing agricultural production value by this proportion would have a minor, if not unnoticeable, economic effect in the county. The cessation of agricultural production can also cause an indirect economic ripple effect on secondary service and supply businesses supporting agriculture. However, because of the small relative contribution of the

project site to agricultural production in the county, the combined direct and indirect economic effect of removing agricultural production from these lands would be minor.

- I6-25 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis,” and Section 4.3 of the EIR.
- I6-26 The text in Section 3.4.2, “Public Access and Recreation Facilities,” Section 4.1, “Utilities and Public Services,” and Impact 4.3-e, “Change in Water Demand and Available Water Supply,” of the EIR has been edited to reflect the following:
- The Singh Unit has one groundwater well with a current capacity of approximately 500 gallons per minute (Luster 2007). There are five groundwater wells on the Nicolaus property. Four of the wells are intended for agricultural use; however, only one of the agricultural wells (located in the north-central part of the property) is used to water the entire orchard. This well has a current capacity of approximately 1,800-2,000 gallons per minute (Luster 2007). The other three agricultural wells are drilled and cased and could be functional, although they do not currently have pumps or motors. The fifth well is the existing domestic water source, with a capacity of approximately 25 gallons per minute, which is located adjacent to the existing farm house. This domestic water well would continue to be used to provide potable water to the BSRSP headquarters (relocated to be in the farm buildings) and the recreational facilities on the Nicolaus property. An onsite water treatment facility would be installed to maintain acceptable water quality levels from this domestic groundwater well as regulated by the State Division of Drinking Water.
- I6-27 Please refer to response to Comment L1-9.
- I6-28 Please refer to Common Response 7, “Buffer Zones.”
- I6-29 The historical east-west swale on the Singh Unit will not be restored. Per the design guidelines for the Mud Creek flood protection system developed by the U.S. Army Corps of Engineers, the swale was purposefully filled in around 1964-1965 as part of the Mud Creek flood control system.
- I6-30 Please refer to Common Response 7, “Buffer Zones.”
- I6-31 State parks is committed to being a good neighbor. State Parks has made changes to the proposed project in response to comments from agencies and members of the public. Project changes include providing for a north-south aligned swale on the westerly portion of the Singh Unit; removal of the RV campsites; reducing the density of trees to be planted in the habitat restoration areas; and realignment of the entry/exit to the day use area on River Road. As stated in Chapter 1 of the EIR, the project would be consistent with Goal AO-4 of the Park Plan and State Parks will continue to work with private land owners in proximity to BSRSP to minimize conflicts associated with the mixed public and private land ownership pattern in the area.
- I6-32 Please refer to Common Response 7, “Buffer Zones.”
- I6-33 Please refer to Common Response 2, “Adequacy of CEQA Public Noticing.”
- I6-34 The comments provided during the Public Hearing for this project, held on February 19, 2008, are summarized in “Public Hearing Comments on the Draft EIR and the Project” provided below, and responded to in responses PH-1 through PH-20.
- I6-35 A copy of the Final EIR, including responses to comments, will be sent to the commenter.

Comment Form

Public Meeting – February 19, 2008

Draft Environmental Impact Report
Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Recreation Facilities
development Project

Comment _____

See attached

Regarding property of Laura Mendonca

Send comments by March 17, 2008 to:

Denise Reichenberg

Sector Superintendent

CA Department of Parks and Recreation Northern Buttes District/Valley Sector

525 Esplanade

Chico, CA 95926

(530) 895-4304

*PER PHONE CALL 3/19/08
CONFIRMED COMMENT IS
FROM LARRY MENDONCA*

Mendonca Family Request and Comments regarding property owned by Laura Mendonca
Dated: 3/17/08

Survey property line between the Singh property on the north, and the Mendonca property on the south, by a private independent firm. Survey has been asked for on numerous occasions, since the purchase of the Singh property.	17-1
Put in a set-back of 300'-500' once property line is established. This was asked of the State as a consideration. The plan only states 100', this is insufficient. County regulations is 300'. State parks to maintain set back and keep free of any trees and debris.	17-2
Water hydrology report to be done on Mud Creek, Rock Creek/Kusal Slough, Lindo Channel, Chico Creek to include all water flows to properties within scope of the DEIR. Without this the DEIR is incomplete.	17-3
Remove berm on river front (west side) of Singh property which will allow water flow not to be directed onto Mendonca property causing further erosion.	17-4
Remove berms on Mud Creek.	17-5
Clean out drain slough allowing water to drain to Chico Creek.	17-6
Once walnut trees removed from Singh property, put into open grassland only, as to not restrict water flow, water therefore will not be directed onto Mendonca property. Mendonca property is open land used for crop farming (seasonal farming). During heavy rains, land is open ground, without vegetation.	17-7
Issues of dealing with a campground in a high flood area have not been sufficiently addressed, especially regarding sewage during high water.	17-8
Other issues of increased police and fire protection have not been adequately addressed with limited county resources.	17-9
Traffic and road management have not been mentioned. A large campground is part of the State Parks plan to include spaces for large RV's. The road way in front of the Singh and Mendonca property is not large enough to address RV's usage. County has been stalled for years in their effort to repair the damage to the road near what is called the 'washout'.	17-10
Mendonca family need something in writing promising that spraying, burning, diesel irrigation pump noise or noise from any farming equipment will not be in conflict with proposed State River Park and said usage.	17-11

- I7-1 The boundaries between the project site, which would be part of State Park’s BSRSP, and private property would be clearly posted, consistent with Guideline AO-1.1-2 and AO-4.4-1 of the Park Plan. The northern boundary of the Singh Unit and the four corners (NW, NE, SW, SE) of Nicolaus property have been surveyed and marked (April 2008). The survey plat has been recorded with Butte County. State Parks would post “Park Boundary” signs as well as “No Trespass” signs along the project site boundaries with private lands. State Parks plans on locking the gate at the proposed day use area (located at the current site of the BSRSP headquarters on River Road) from sunset to sunrise. Additionally, State Parks will consider additional measures to prevent trespass such as appropriate fencing or natural barriers, subject to regulatory approval.
- I7-2 Please refer to Common Response 7, “Buffer Zones.”
- I7-3 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”
- I7-4 The comment asks about removal of a berm on the west side of the Singh Unit. However, there is no berm on the west side of the Singh Unit. Rather, there is a berm on the east side of the Singh Unit adjacent to Mud Creek and a berm at the southwest corner of the Unit, as illustrated in Exhibit 3-7 of this EIR. Both of these berms are proposed to be removed as part of the project. The restoration plans are discussed in detail in Appendix C of this EIR.
- I7-5 See response to Comment I7-4, above.
- I7-6 In response to discussions with the commenter, State Parks revised the restoration plans for the Singh Unit prior to publication of the Draft EIR to include a north-south oriented grassy swale in the western portion of the Singh Unit. This swale is reflected in the proposed habitat restoration plans discussed in Chapter 3 of the EIR, illustrated in Exhibits 3-7 and 3-8 of the EIR, and discussed in greater detail in Appendix C of the EIR.
- I7-7 The project-related impacts to flood hydrology, geomorphic processes, temporary and long-term water quality, and water supply are addressed in Impacts 4.3-a through 4.3-e of the EIR. With the implementation of Mitigation Measure 4.3-c, acquisition of appropriate regulatory permits and implementation of a storm water pollution prevention plan and best management practices, the project would result in less than significant impacts to flood hydrology, geomorphic processes, water quality, and water supply. The hydraulic modeling supporting the impact analysis is provided in Appendix B of the Draft EIR. The hydraulic modeling was revised in response to comments on the Draft EIR; the revised modeling reinforced the determination that the project would result in less-than-significant impacts to the flood levels and velocities in the project area. Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis,” for more information regarding the revised hydraulic analysis and its results. In addition, please refer to response to Comment L3-2, above.
- I7-8 Please refer to Common Response 8, “Safety of Facilities During Flood Events.”
- I7-9 Please refer to response to Comment L1-9.

- I7-10 The Recreation Facilities Plan for the project has been revised, as shown in Appendix D of this EIR, to remove RV campgrounds from the proposed project. Because the project would no longer provide RV campgrounds, it is assumed that the project would not result in a significant increase in RVs traveling on River Road.
- I7-11 State parks is committed to being a good neighbor. State Parks has made changes to the proposed project in response to comments from agencies and members of the public. Project changes include providing for a north-south aligned swale on the westerly portion of the Singh Unit; removal of the RV campsites; reducing the density of trees to be planted in the habitat restoration areas; and realignment of the entry/exit to the day use area on River Road. As stated in Chapter 1 of the EIR, the project would be consistent with Goal AO-4 of the Park Plan and State Parks will continue to work with private land owners in proximity to BSRSP to minimize conflicts associated with the mixed public and private land ownership pattern in the area.

PUBLIC HEARING

COMMENTS ON THE DRAFT EIR AND THE PROJECT

Comment Number	Comment
1	The proposed grassland buffers in the habitat restoration plans, between restored areas and adjacent private agricultural lands, should be greater than 100 feet. The adjacent private land owners feel the buffer should be at least 300–500 feet.
2	What parameters and data were used in the Hydraulic Model? Neighboring land owners are concerned that the model did not adequately account for flood flows from Mudd Creek, Rock Creek, and Big Chico Creek, and that it focused incorrectly on only Sacramento River flood flows.
3	Why does the Hydraulic Model show changes in flood level and velocity only in certain locations?
4	What is the rate of drainage of flood waters?
5	Why is the site on River Road (the current BSRSP headquarters location) going to be used as a day-use area when it is directly across from a private residence?
6	There is a diesel pump approximately 35 feet from the existing BSRSP headquarters site that is proposed to be used for a day-use area.
7	Will the day use area be gated and locked nightly?
8	The U.S. Army Corps of Engineers has plans for Mudd Creek, which calls for overflow onto agricultural land and then let it slowly drain to the Sacramento River. The proposed project would affect this plan.
9	The topographic maps indicate there was a swale running east-west on the Singh Unit. Will that be restored?
10	Cancellation of the Williamson Act contract on the Nicolaus property undermines the Williamson Act and is a significant effect related to the loss of agricultural resources.
11	Neighboring land owner is concerned that the change of vegetation from orchards to riparian habitat will result in denser vegetation and will therefore backup water onto adjacent properties.
12	How will State Parks handle/maintain flood debris during and after floods?
13	Neighboring land owners are concerned that noise from agricultural operations will result in disturbances to park visitors, which will then complain. The land owners are concerned that this could result in some detrimental effect on their ability to continue agricultural operations.
14	Why does the project propose putting campsites on the Nicolaus property at this time?
15	The EIR needs to address potential effects of the project to land that is east of Mudd Creek.
16	Are the alternatives analyzed in the EIR adequate? Are there alternatives to converting agricultural land to recreational facilities?)
17	Will the project sites be fenced? The adjacent private land owners would like a fence to discourage trespassing and make the park boundary clear, but want to ensure that the fence is designed to not capture or back up debris during flood events.
18	Neighboring private land owners are concerned about pests and invasive species negatively impacting their agricultural production (such as black walnut volunteers bringing walnut husk fly, squirrels and rodents, deer, mosquitoes, and beaver). Neighbors state that they may need to use additional pesticides due to the proposed project.
19	Neighboring private land owners are concerned about people trespassing on their properties from the project sites.
20	How will the restrooms and dump station be designed to avoid leaking and contaminating adjacent properties, especially during flood events?
21	Who makes the final decision to approve or deny the project?

PH
Response

**Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Recreation
Facilities Development Project
Draft EIR Public Hearing
Verbal Comments Received February 19, 2008**

- PH-1 Please refer to Common Response 4, "Impacts to Agricultural Operations," and Common Response 7, "Buffer Zones."
- PH-2 Please refer to Common Response 6, "Revised Flood Neutral Hydraulic Analysis."
- PH-3 Please refer to Common Response 6, "Revised Flood Neutral Hydraulic Analysis."
- PH-4 Please refer to Common Response 6, "Revised Flood Neutral Hydraulic Analysis."
- PH-5 The proposed day use area, located west of River Road, across from the residence north of the Nicolaus parcel, would replace the existing BSRSP headquarters and day use area. In response to comments on the Draft EIR, the revised Conceptual Public Access and Recreation Plan (see Appendix D of this EIR) now includes only one point of entry/exit off of River Road, which is off-set from the driveway to residence across River Road, and vegetation would be planted along River Road to provide a vegetative buffer between the day use area and the road. Use of the day use area is not expected to substantially increase in comparison to the existing use, because the headquarters offices will be moved from that site to the farm complex on the Nicolaus property and the parking capacity would not substantially increase. Furthermore, the hours of operation for the day use area would be restricted from sunset to sunrise and the entry/exit to the area would be gated.
- PH-6 Commented noted that a new pump for an existing groundwater well will be installed across River Road from the existing BSRSP headquarters and day use site.
- PH-7 State Parks will lock the gate at the day use area, located at the site of the current BSRSP Headquarters on River Road, between sunset and sunrise.
- PH-8 Please refer to response to Comment L3-3.
- PH-9 The historical east-west swale on the Singh Unit will not be restored. Per the design guidelines for the Mud Creek flood protection system developed by the U.S. Army Corps of Engineers, the swale was purposefully filled in around 1964-1965 as part of the Mud Creek flood control system.
- PH-10 Please refer to Common Response 5, "Impacts to Lands Under Williamson Act Contract."
- PH-11 The project-related impacts to flood hydrology, geomorphic processes, temporary and long-term water quality, and water supply are addressed in Impacts 4.3-a through 4.3-e of the EIR. With the implementation of Mitigation Measure 4.3-c, acquisition of appropriate regulatory permits and implementation of a storm water pollution prevention plan and best management practices, the project would result in less than significant impacts to flood hydrology, geomorphic processes, water quality, and water supply. The hydraulic modeling supporting the impact analysis is provided in Appendix B of the Draft EIR. The hydraulic modeling was revised in response to comments on the Draft EIR; the revised modeling reinforced the determination that the project would result in less-than-significant impacts to the flood levels and velocities in the project area. Please refer to Common Response 6, "Revised Flood Neutral Hydraulic Analysis," for more information regarding the revised hydraulic analysis and its results.

PH-12 State Parks will remove flood debris from grasslands and from flow through areas after flood events.

PH-13 Please refer to Common Response 4, “Impacts to Agricultural Operations.”

PH-14 Please refer to Common Response 1, “Opposition to the Proposed Project.”

PH-15 Please refer to Common Response 6, “Revised Flood Neutral Hydraulic Analysis.”

PH-16 Guiding principles for an analysis of alternatives are provided by the State CEQA Guidelines Section 15126.6. In accordance with the State CEQA Guidelines, this Final EIR evaluates the following three alternatives:

- ▶ Proposed project
- ▶ No project
- ▶ Passive restoration

An EIR is required to identify the environmentally superior alternative from among the range of reasonable alternatives that are evaluated. State CEQA Guidelines Section 15126.6(d)(2) state that if the environmentally superior alternative is the no project alternative, the EIR shall also identify an environmentally superior alternative from among the other alternatives. Alternatives considered in this Final EIR include the proposed project, the no project alternative, and the passive restoration alternative.

The no project alternative would not meet the project objectives to restore natural topography and vegetation or increase public access and outdoor recreation opportunities at BSRSP and would not provide the biological benefits that would be provided by the other two alternatives.

The proposed project is the environmentally superior alternative of the alternatives considered. Under the proposed project, native species would be planted and actively maintained for 3 years to allow the planted vegetation to become established. The planned maintenance program includes irrigation and weed control to allow root systems to mature to the depth of the water table and to eliminate or control weeds that could interfere with the establishment of native plants. The proposed project would provide the best balance between avoiding environmental impacts and achieving the project objectives. No significant increases in flood risks would result from any of the alternatives considered. Although some impacts associated with the proposed project would be avoided by the passive restoration alternative, those impacts would be reduced to a less-than-significant level under the proposed project with the incorporation of mitigation. In addition, the proposed project would provide greater benefits to biological and recreational resources than the no project or passive restoration alternatives.

PH-17 The boundaries between the project site, which would be part of State Park’s BSRSP, and private property would be clearly posted, consistent with Guideline AO-1.1-2 and AO-4.4-1 of the Park Plan. The northern boundary of the Singh Unit and the four corners (NW, NE, SW, SE) of Nicolaus property have been surveyed and marked (April 2008). The survey plat has been recorded with Butte County. State Parks would post “Park Boundary” signs as well as “No Trespass” signs along the project site boundaries with private lands. State Parks plans on locking the gate at the proposed day use area (located at the current site of the BSRSP headquarters on River Road) from sunset to sunrise. Additionally, State Parks will consider additional measures to prevent trespass such as appropriate fencing or natural barriers, subject to regulatory approval.

Furthermore, please refer to “Law Enforcement” in Section 3.4.2 of the EIR. Public safety and emergency services are the primary responsibility of the State Park Peace Officers who are

California Penal Code 830.2(f) and have full law enforcement authority in the State of California. These Peace Officers patrol State Parks and enforce California Code of Regulations Section 4320 (a), (b), and (c) Peace and Quiet. Additionally, consistent with the Park Plan Goal AO-4.4, State Parks will work with private land owners in proximity to BSRSP to minimize conflicts associated with the mixed public and private land ownership in the area.

- PH-18 Please refer to Common Response 4, “Impacts to Agricultural Operations,” and Common Response 7, “Buffer Zones.”
- PH-19 Please refer to response to comment PH-17, above.
- PH-20 Please refer to Common Response 8, “Safety of Facilities During Flood Events.”
- PH-21 Please refer to Section 1.5, “Agency Roles and Responsibilities,” of this Final EIR. State Parks is the lead agency for the project. State Parks has the principal responsibility for approving and carrying out the project and for ensuring that the requirements of CEQA have been met. After the EIR public-review process is complete, the Director of State Parks is the party responsible for certifying that the EIR adequately evaluates the impacts of the project. The Director also has the authority to either approve or reject the project.

9 AGENCY ROLES AND REPORT PREPARERS

9.1 LEAD AGENCY

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

Denise Reichenberg.....Sector Superintendent I, Northern Buttes District/Valley Sector
Robert Foster Superintendent, Northern Buttes District
Roger Calloway Associate Park and Recreation Specialist, Northern Buttes District
Woody Elliott District Environmental Scientist, Northern Buttes District
Michael Fehling.....District Maintenance Chief, Northern Buttes District
Kathryn Tobias..... Senior Staff Counsel
Laura Westrup.....District Services Manager, Northern Buttes District

9.2 PROJECT PROPONENT

THE NATURE CONSERVANCY

Ryan Luster Program Manager/Restoration and Agriculture
Gregg Werner Project Director
Cathy Norlie Attorney

9.3 PREPARERS OF THIS ENVIRONMENTAL DOCUMENT

EDAW

Curtis Alling, AICP..... Principle-in-Charge
Ron Unger Project Director
Suzanne Enslow Project Manager
Vance Howard..... Assistant Project Manager, Agricultural Resources
Phil Hendricks Recreation Facilities Conceptual Plan
Stephanie Bradley..... Environmental Analyst
Chris Fitzer Water Resources and Fisheries
Dave Epstein..... Water Resources and Fisheries
Anne King Biological Resources
Petra Unger..... Biological Resources
Mark Bibbo..... Biological Resources
Kristen Strohm Biological Resources
Brian Ludwig..... Cultural Resources
Richard Deis Cultural Resources
Honey Walters Air Quality and Noise
Austin Kerr Air Quality and Noise
Mike Carr Noise
Phi Ngo..... Geographic Information Systems
Amber Martin Word Processing/Publication
Deborah Jew Word Processing/Publication
Brian Perry Graphics
Lorrie Jo Williams..... Graphics

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