



Butte  
Environmental  
Council

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Environmental Advocacy  
Environmental Education  
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Endangered Species Faire  
Bidwell Park Cleanups  
Chico Area Creek Cleanups  
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Thank you for the opportunity to comment on the Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone Draft Environmental Impact Report.

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

**1. Butte County meadowfoam (BCM)**

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

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

c. Mitigation banks to be used should be identified in order to reasonably consider off-site mitigation. Previously identified mitigation sites are no longer available. There are not available mitigation banks available for Butte County meadowfoam listed in the conservation and mitigation banks established by CDFW in California<sup>2</sup>. Only two BCM mitigation banks are identified by USFWS<sup>3</sup> and availability of acreage is unclear.

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

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

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

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

<sup>4</sup> Formal Public Draft Butte Regional Conservation Plan (November 2015)

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

## **2. Other potentially impacted species**

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

### 3. Habitat and cumulative impacts

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

### 4. Watershed Impacts

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

### 5. Inconsistencies/Errors

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

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

## 6. Chico 2030 General Plan

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

## 7. Proposed Project Alternatives

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

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

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

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

A handwritten signature in black ink, appearing to read 'Natalie Carter', with a stylized, cursive script.

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