

**CEQA Findings of Fact, Statement of Overriding Considerations,  
and Mitigation Monitoring and Reporting Program for the  
2024 Regional Transportation Plan and Sustainable Communities Strategy Final  
Supplemental EIR; State Clearinghouse No. 2023110289**

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## **I. INTRODUCTION TO CEQA FINDINGS**

These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code §21000 et seq., “CEQA”) and the CEQA Guidelines (Cal. Code Regs. title 14, §15000 et seq.) by the Butte County Association of Governments (BCAG), as the lead agency for the 2024 Regional Transportation Plan and Sustainable Communities Strategy (“2024 RTP/SCS” or the “Project”). These findings pertain to the Final Supplemental Environmental Impact Report (“EIR”) State Clearinghouse No. 2023110289.

### **A. PROJECT DESCRIPTION SUMMARY**

The Butte County Association of Governments (BCAG), as both the federally-designated metropolitan planning organization (MPO) and the state-designated regional transportation planning agency (RTPA) for Butte County, is required by both federal and state law to prepare a long-range (at least 20-year) transportation planning document known as a Regional Transportation Plan (RTP). The RTP is an action-oriented document used to achieve a coordinated and balanced regional transportation system. California Government Code §65080 et seq. and Title 23 United States Code (USC) §134 require Regional Transportation Planning Agencies (RTPA) and Metropolitan Planning Organizations (MPO) to prepare long-range transportation plans to: 1) establish regional goals, 2) identify present and future needs, deficiencies and constraints, 3) analyze potential solutions, 4) estimate available funding, and 5) propose investments. State statutes require that the RTP serve as the foundation for the short-range transportation planning documents: the Regional and Federal Transportation Improvement Programs (RTIP and FTIP).

BCAG also has the responsibility to prepare a Sustainable Communities Strategy (SCS) as part of the RTP, pursuant to the requirements of California Senate Bill (SB) 375 as adopted in 2008 (discussed further below). The SCS sets forth a forecasted development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, is intended to reduce greenhouse gas (GHG) emissions from passenger vehicles and light trucks to achieve the regional GHG reduction targets set by the California Air Resources Board (CARB).

The purpose of BCAG’s 2024 RTP/SCS, which updates the current 2020 RTP/SCS, is to coordinate and facilitate the programming and budgeting of all transportation facilities and services within Butte County through 2045 and demonstrate how the region will integrate transportation and land use planning to meet GHG reduction targets established by CARB under SB 375. The 2024 RTP/SCS is also intended to show how BCAG will meet the transportation needs of the region through 2045, considering existing and projected future land use patterns, as well as forecasted population and job growth. The RTP/SCS adopts policies, sets goals, and identifies financial resources to encourage and promote the safe and efficient management, operation, and development of a regional intermodal transportation system that would serve the mobility needs of goods and people.

The primary objective of updating the RTP/SCS is to comply with applicable regulatory requirements, including changes in legislative requirements that have occurred since the current 2020 RTP/SCS was adopted on December 14, 2020. The 2024 update is focused on continued implementation of the 2020 RTP/SCS, with minor updates to ensure consistency with federal, state and local planning requirements. The 2024 RTP/SCS transportation improvements project list will update the 2020 RTP/SCS project list by removing projects that have been completed since 2020,

modifying some projects that continue to be on the list based on new information, and adding new minor projects to the list. None of the modified or new projects on the 2024 RTP/SCS list would be substantially different in terms of geographical location, type of project, or size of project to those on the 2020 RTP/SCS list.

In addition, the land use scenario envisioned by the 2024 RTP/SCS is consistent with that contained in the 2020 RTP/SCS, concentrating forecasted growth in population and employment in the region in urban areas and corridors of Butte County while preserving the distinct identity of existing cities and towns.

## **B. PREVIOUS ENVIRONMENTAL DOCUMENTATION**

The 2020 SEIR updated the previous 2016 Environmental Impact Report (EIR) certified by BCAG Board of Directors on December 8, 2016. The BCAG Board of Directors certified the Final EIR for the 2020 RTP/SCS on December 14, 2020 (State Clearinghouse No. 2015092038). The Final EIR evaluates the 2020 RTP/SCS which is a long-range planning document aimed at maintaining or enhancing the efficient and effective movement of goods, services and persons, as well as coordinating local land use and transportation systems within the region to reduce emissions from automobiles.

## **C. TYPE OF EIR**

The 2024 RTP/SCS Final Supplemental EIR is a supplemental and program EIR. In accordance with Section 15163(a) of the CEQA Guidelines, a Supplemental EIR need only include the information necessary to make the previous EIR adequately apply to the project in the changed situation. Therefore, the Draft and Final Supplemental EIR for the 2024 RTP/SCS focuses only on the resource topics to which the Project would result in new environmental impacts not previously analyzed in the Final EIR for the 2020 RTP/SCS. The intent of the Draft Supplemental EIR is to provide additional analysis to the Final EIR for the 2020 RTP/SCS to adequately disclose the environmental impacts that would result from updates made to the 2020 RTP/SCS by the 2024 RTP/SCS.

A Program EIR is prepared for a series of actions that can be characterized as one project. An advantage of a Program EIR is that it allows the lead agency to consider broad policy alternatives and “program wide mitigation measures” at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts. (CEQA Guidelines §15168(b)(4).) The Program EIR can serve as a first-tier document for later CEQA review of individual projects included in the program. These project-specific CEQA reviews will focus on project-specific impacts and mitigation measures and need not repeat the broad analyses contained in the Program EIR. As discussed by the California Supreme Court, “it is proper for a lead agency to use its discretion to focus a first-tier EIR on only the...program, leaving project-specific details to subsequent EIRs when specific projects are considered.” (*In re Bay Delta* (2008) 43 Cal. 4th 1143, 1174).

## **D. INCORPORATION OF FINAL SUPPLEMENTAL PROGRAM EIR BY REFERENCE**

The Final Supplemental EIR is hereby incorporated by reference into these Findings of Fact. The Final Supplemental EIR consists of: (1) the Final Supplemental EIR volume, which is the complete Draft Supplemental EIR; and (2) all appendices to the Final Supplemental EIR, including Appendix E and Appendix F; and (3) the BCAG 2016 RTP/SCS Final EIR and the 2020 RTP/SCS Final EIR to which the Final Supplemental EIR is a supplement, are hereby incorporated by reference into these

Findings. Appendix E of the Final Supplemental EIR contains comments received on the Draft Supplemental EIR. Appendix F contains the Mitigation Monitoring and Reporting Program for the 2024 RTP/SCS.

## **E. REQUIREMENTS FOR CEQA FINDINGS**

Pursuant to Public Resources Code §21081 and CEQA Guidelines §15091, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following findings with respect to each significant impact:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report. (The concept of infeasibility also encompasses whether a particular alternative or mitigation measure promotes the Project’s underlying goals and objectives, and whether an alternative or mitigation measure is impractical or undesirable from a policy standpoint. (See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.))

BCAG has made one or more of these specific written findings regarding each significant impact associated with the 2024 RTP/SCS. Those findings are presented below, along with a presentation of facts in support of the findings. BCAG certifies these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed. These findings are based on evidence contained in the totality of the administrative record before BCAG, including but not limited to the Final Supplemental EIR “supporting evidence” cited herein.

## **II. LOCATION OF AND CUSTODIAN FOR THE RECORD**

The documents and other materials that constitute the record of proceedings on which BCAG’s Findings of Fact are based are located at 326 Huss Drive, Suite 150, Chico, CA 95928. The custodian of these documents is Ivan Garcia. This information is provided in compliance with Public Resources Code § 21081.6(a)(2) and 14 Cal. Code Regs. § 15091(e).

For purposes of CEQA at these Findings, the Record of Proceedings for the Project consists of the following documents, at a minimum:

- The Draft and Final Supplemental EIRs, including appendices and technical studies included or referenced in the Draft and Final Supplemental EIRs.

- The BCAG 2016 Regional Transportation Plan and Sustainable Communities Strategy Final EIR to which the 2020 Final Supplemental EIR is a supplement.
- The BCAG 2020 Regional Transportation Plan and Sustainable Communities Strategy Final EIR to which the 2024 Final Supplemental EIR is a supplement.
- All comments submitted by agencies or members of the public during the public comment period on the Draft Supplemental EIR.
- The Mitigation Monitoring and Reporting Program for the Project.
- All Findings and resolutions adopted by BCAG decision makers in connection with the Project, and all documents cited or referred to therein.
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by Rincon Consultants, Inc., consultants to BCAG.
- All reports, memoranda, documentation, data output files relating to the land use and transportation modeling for the Project.
- All documents and information submitted to BCAG by responsible, trustee, or other public agencies, or by individuals or organizations, in connection with the Project, up through the date BCAG approved the Project.
- Minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by BCAG, in connection with the Project.
- Any documentary or other evidence submitted to BCAG at such information sessions, public meetings, and public hearings.
- Matters of common knowledge to BCAG, including, but not limited to federal, state, and local laws and regulations.
- Any documents expressly cited in these Findings, in addition to those cited above.
- Any other materials required to be in the Record of Proceedings by Public Resources Code § 21167.6(e).

### **III. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT**

Public Resources Code § 21081 and CEQA Guidelines § 15091 do not require findings of fact for impacts that are less than significant. Under CEQA, no mitigation measures are required for impacts that are less than significant (CEQA Guidelines § 15126.4(a)(3)).

Section 4.0 and Section 4.12 of the Supplemental EIR explain why certain impacts (Less than Significant Environmental Factors) of the 2024 RTP/SCS were not found to be significant. These impacts are not discussed further in this Findings of Fact document, per CEQA Guidelines § 15091.

#### **IV. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE**

BCAG hereby finds that mitigation measures have been identified in the Supplemental EIR that will avoid or substantially lessen the following environmental impacts to a less than significant level. These findings are based on the discussion of impacts in the detailed issue area analyses in Section 4.0 of the Draft Program EIR. The significant impacts and the mitigation measures that will reduce them to a less than significant level are as follows.

##### **A. AIR QUALITY**

- 1. Impact AQ-2.** Construction of transportation improvement projects and the land use pattern envisioned by the 2024 RTP/SCS would generate short-term air pollutant emissions. Due to the inclusion of a larger number of projects, implementation of the 2024 RTP/SCS would potentially result in higher quantities of short-term air pollutant emissions than implementation of the 2020 RTP/SCS. Impacts would remain significant but mitigable.
- a. Mitigation** – BCAG shall and transportation project sponsor agencies can and should implement the following mitigation measures for applicable transportation projects. Butte County and cities in the County should implement these measures originally required by the 2020 RTP/SCS EIR where relevant to land use projects implementing the 2024 RTP/SCS.

**AQ-1** BCAG shall and sponsor agencies can and should ensure that all feasible and appropriate mitigation measures set by BCAQMD are implemented. The measures shall be noted on all construction plans, and the lead agency shall perform periodic site inspections. BCAQMD rules and regulations on construction include, but are not limited to, the following:

- Mix backfill soil with water prior to moving;
- Prevent generation of dust plumes by applying water in sufficient quantity;
- Limit vehicular traffic and disturbances on soils where possible;
- Grade each project phase separately, timed to coincide with construction phase;
- Use tarps or other suitable enclosures on haul trucks;
- Maintain effective cover over materials;
- Stabilize sloping surfaces using soil binders until vegetation or ground cover can effectively stabilize the slopes;
- Restrict vehicular access to established unpaved travel paths and limit number and size of staging area entrances and exits;
- Add or remove material from the downwind portion of the storage pile;
- Pre-water soils prior to trenching (18 inches for deep trenching activities); and
- Haul waste material immediately off-site.

- b. **Findings** – With the implementation of Mitigation Measures AQ-1 to implement BCAQMD construction emissions reduction measures, impacts related to short-term construction emissions would remain less than significant, consistent with the findings for the 2020 RTP/SCS EIR.
  - c. **Supportive Evidence** – Please refer to pages 4.2-10 through 4.2-11 of the Draft Supplemental EIR.
2. **Impact AQ-4.** The transportation improvement projects envisioned by the 2024 RTP/SCS may generate short-term and long-term emissions facilitating increased exposure of sensitive receptors to hazardous air pollutants that may cause health risks. However, implementation of the 2024 RTP/SCS would not result in a regional increase in toxic air emissions when compared to the baseline conditions and would have similar localized impacts as those described in the 2020 RTP/SCS EIR. Impacts would remain significant but mitigable.
- a. **Mitigation** – BCAG shall and transportation project sponsor agencies can and should implement the following mitigation measures for applicable transportation projects near sensitive land uses. Butte County and cities in the County should implement these measures originally required by the 2020 RTP/SCS EIR where relevant to land use projects implementing the 2024 RTP/SCS.

**AQ-3** Consistent with the provisions contained in the CARB Air Quality and Land Use Handbook (June 2005), for the proposed building design for residential, school, and other sensitive use projects located within 500 feet of freeways, heavily travelled arterials, railways, and other sources of diesel particulate matter and other known carcinogens, the sponsor agency shall retain a qualified air quality consultant to prepare a health risk assessment in accordance with CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to stationary air quality pollutants prior to issuance of a demolition, grading, or building permit. The health risk assessment shall be submitted to the sponsor agency for review and approval. The sponsor agency shall implement any approved health risk assessment recommendations to a level that would not result in exposure of sensitive receptors to substantial pollutant concentrations. Such measures may include:

- Do not locate sensitive receptors near the entry and exit points of a distribution center.
- Do not locate sensitive receptors in the same building as a perchloroethylene dry cleaning facility.
- Maintain a 50 foot buffer from a typical gas dispensing facility (under 3.6 million gallons of gas per year).

- Install, operate, and maintain in good working order a central heating and ventilation system or other air take system in the building, or in each individual residential unit, that meets the efficiency standard of the minimum efficiency reporting value 13. The heating and ventilation system should include the following features: Installation of a high efficiency filter and/or carbon filter-to-filter particulates and other chemical matter from entering the building. Either high efficiency particulate absorption filters or American Society of Heating, Refrigeration, and Air-Conditioning Engineers 85% supply filters should be used.
  - Retain a qualified heating and ventilation consultant or high efficiency particulate absorption rate during the design phase of the project to locate the heating and ventilation system based on exposure modeling from the mobile and/or stationary pollutant sources.
  - Maintain positive pressure within the building.
  - Achieve a performance standard of at least one air exchange per hour of fresh outside filtered air.
  - Achieve a performance standard of at least 4 air exchanges per hour of recirculation.
  - Achieve a performance standard of 0.25 air exchanges per hour of in unfiltered infiltration if the building is not positively pressurized.
- b. Findings** – With the implementation of the above mitigation to prepare a health risk assessment for applicable projects, impacts related to localized toxic air contaminant emissions would remain less than significant, consistent with the findings for the 2020 RTP/SCS EIR.
- c. Supportive Evidence** – Please refer to pages 4.2-12 through 4.2-13 of the Draft Supplemental EIR.

## **B. BIOLOGICAL RESOURCES**

- 1. Impact BIO-1.** Similar to the 2020 RTP/SCS, implementation of projects in the 2024 RTP/SCS have the potential to result in impacts to special status species and their habitats. Implementation of mitigation measures from the 2020 RTP/SCS EIR would reduce impacts to less than significant.
- a. Mitigation** – BCAG shall and transportation project sponsor agencies can and should implement the following mitigation measures for applicable transportation projects. Butte County and cities in the County should implement these measures originally

required by the 2016 RTP/SCS EIR where relevant to land use projects implementing the 2024 RTP/SCS.

**BIO-1 Special Status Species.** Prior to final design approval of individual projects, the implementing agency shall have a qualified biologist conduct a field reconnaissance of the environmental limits of the project in an effort to identify any biological constraints for the project, including special status plants, animals, and their habitats, as well as protected natural communities including wetland and terrestrial communities. If the biologist identifies protected biological resources within the limits of the project, the implementing agency shall first, prepare alternative designs that seek to avoid and/or minimize impacts to the biological resources. If the project cannot be designed without complete avoidance, the implementing agency shall coordinate with the appropriate regulatory agency (i.e. USFWS, NMFS, CDFG, USACE) to obtain regulatory permits and implement project-specific mitigation prior to any construction activities.

- b. Findings** – Mitigation Measure BIO-1 would assure that impacts to special status species would be less than significant because the measures require that specific analyses and studies are performed to identify and evaluate project impacts to special status species potentially affected by projects implemented under the 2024 RTP/SCS. Compliance with the above mitigation measure and all existing state, local and/or federal regulations would reduce impacts to a less than significant level, consistent with the findings for the 2020 RTP/SCS SEIR
  - c. Supportive Evidence** – Please refer to pages 4.3-12 through 4.3-15 of the Draft Supplemental EIR.
- 2. Impact BIO-2.** Similar to the 2020 RTP/SCS, implementation of projects in the 2024 RTP/SCS have the potential to result in impacts to Riparian Habitat or Other Sensitive Natural Communities. Implementation of mitigation measures from the 2020 RTP/SCS EIR would reduce impacts to less than significant.
- a. Mitigation** – BCAG shall and transportation project sponsor agencies can and should implement the following mitigation measures for applicable transportation projects. Butte County and cities in the County should implement these measures originally required by the 2016 RTP/SCS EIR where relevant to land use projects implementing the 2024 RTP/SCS.

**BIO-2(a) Aquatic Environment Documentation.** Prior to approval of individual projects, the implementing agency shall retain a qualified biologist to perform an assessment of the project area to identify wetlands, riparian, and other sensitive aquatic environments. If wetlands are present the qualified biologist shall perform a wetland delineation following the 1987 Army Corps of Engineers Wetlands Delineation Manual and any applicable

regional supplements to the Delineation Manual. The wetland delineation shall be submitted to the USACE for verification.

**BIO-2(b)**

**Aquatic Environment Avoidance and Minimization.** If

wetlands, riparian, or other sensitive aquatic environments are found within the project limits, the implementing agency shall design or modify the project to avoid direct and indirect impacts on these habitats, if feasible. Additionally, the implementing agency shall minimize the loss of riparian vegetation by trimming rather than removal where feasible

Prior to construction, the implementing agency shall install orange construction barrier fencing to identify environmentally sensitive areas around the wetland (20' from edge), riparian area (100' from edge), and other aquatic habitats (250' from edge of vernal pool), or as defined by the agency with regulatory authority over the resource(s). The location of the fencing shall be marked in the field with stakes and flagging and shown on the construction drawings. The fencing will be installed before construction activities are initiated and will be maintained throughout the construction period. The following paragraph will be included in the construction specifications:

The Contractor's attention is directed to the areas designated as "environmentally sensitive areas." These areas are protected, and no entry by the Contractor for any purpose will be allowed unless specifically authorized in writing by the BCAG. The Contractor will take measures to ensure that Contractor's forces do not enter or disturb these areas, including giving written notice to employees and subcontractors.

Temporary fences around the environmentally sensitive areas will be installed as the first order of work. Temporary fences will be furnished, constructed, maintained, and removed as shown on the plans, as specified in the special provisions, and as directed by the project engineer. The fencing will be commercial-quality woven polypropylene, orange in color, and at least 4 feet high (Tensor Polygrid or equivalent). The fencing will be tightly strung on posts with a maximum 10-foot spacing.

Immediately upon completion of construction activities the contractor shall stabilize exposed soil/slopes. On highly erodible soils/slopes, use a nonvegetative material that binds the soil initially and breaks down within a few years. If more aggressive erosion control treatments are needed, geotextile mats, excelsior blankets, or other soil stabilization products will be used. All stabilization efforts should include habitat restoration efforts.

**BIO-2(c) Compensation for Loss of Aquatic Environments.** If wetlands or riparian habitat are disturbed as part of an individual project, the implementing agency shall compensate for the disturbance to ensure no net loss of habitat functions and values. Compensation ratios shall be based on site -specific information and determined through coordination with state, federal, and local agencies as part of the permitting process for the project. Unless determined otherwise by the regulatory/permitting agency, the compensation shall be at a minimum ratio of 3 acres restored, created, and/or preserved for every 1 acre disturbed. Compensation may comprise onsite restoration/creation, off -site restoration, preservation, or mitigation credits (or a combination of these elements). The implementing agency shall develop and implement a restoration and monitoring plan that describes how the habitat shall be created and monitored over a minimum period of time.

- b. Findings** – Mitigation Measures BIO-2(a) through BIO-2(c) would assure that impacts to wetland resources and sensitive natural communities would be less than significant because measures would be taken to either avoid the impacts or minimize the impacts. Where full avoidance is not possible, the participation in pre-established habitat protection programs or state/federal permit mitigation programs would offset any potential impacts associated with project implementation. Compliance with the above mitigation measures and all existing state, local and/or federal regulations would reduce impacts to a less than significant level, consistent with the findings for the 2020 RTP/SCS SEIR.
- c. Supportive Evidence** – Please refer to pages 4.3-15 through 4.3-17 of the Draft Supplemental EIR.
- 3. Impact BIO-3.** Similar to the 2020 RTP/SCS, implementation of projects in the 2024 RTP/SCS may interfere with wildlife movement. Implementation of mitigation measures from the 2020 RTP/SCS EIR would reduce impacts to less than significant.
- a. Mitigation** – BCAG shall and transportation project sponsor agencies can and should implement the following mitigation measures for applicable transportation projects. Butte County and cities in the County should implement these measures originally required by the 2020 RTP/SCS EIR where relevant to land use projects implementing the 2024 RTP/SCS.

**BIO-3 Wildlife Corridors.** Prior to design approval of individual projects that contain movement habitat, the implementing agency shall incorporate economically viable design measures, as applicable and necessary, to allow wildlife or fish to move through the transportation corridor, both during construction activities and post construction. Such measures may include appropriately spaced breaks in a center barrier, or other measures that are designed to allow wildlife to move through the transportation corridor. If the project cannot be designed with these design measures (i.e. due to

traffic safety, etc.) the implementing agency shall coordinate with the appropriate regulatory agency (i.e. USFWS, NMFS, CDFW) to obtain regulatory permits and implement alternative project-specific mitigation prior to any construction activities.

- b. Findings** – Mitigation Measures BIO-3 would assure that impacts to wildlife corridors would be less than significant because measures would ensure that all future projects are designed to facilitate the movement of sensitive species to the greatest extent feasible. Where full design mitigation is not feasible, compliance with state and federal permit requirements would offset any potential impacts associated with project implementation. Compliance with the above mitigation measure and all existing state, local and/or federal regulations would reduce impacts to a less than significant level, consistent with the findings for the 2020 RTP/SCS EIR.
- c. Supportive Evidence** – Please refer to pages 4.3-17 through 4.3-20 of the Draft Supplemental EIR.
- 4. Impact BIO-4.** Similar to the 2020 RTP/SCS, construction activities associated with implementation of proposed transportation improvements and the land use scenario envisioned in the 2024 RTP/SCS may result in the introduction and spread of noxious weeds. Mitigation from the 2020 RTP/SCS EIR would reduce impacts to less than significant.
- a. Mitigation** – BCAG shall and transportation project sponsor agencies can and should implement the following mitigation measures for applicable transportation projects. Butte County and cities in the County should implement these measures originally required by the 2016 RTP/SCS EIR where relevant to land use projects implementing the 2024 RTP/SCS.

**BIO-4 Noxious Weed Survey.** Prior to approval of individual projects, the implementing agency shall retain a qualified biologist determine whether noxious weeds are an issue for the project. If the biologist determines that noxious weeds are an issue, the implementing agency shall review the noxious weed list from the County Agricultural Commission, California Department of Food and Agriculture, and the California Exotic Pest Plant Council to identify target weed species for a field survey. Noxious weed infestations shall be mapped and documented. The implementing agency shall incorporate the following measures into project plans and specifications:

- Certified, weed-free, imported erosion-control materials (or rice straw in upland areas) will be used.
- The project sponsor will coordinate with the county agricultural commissioner and land management agencies to ensure that the appropriate BMPs are implemented.

- Construction supervisors and managers will be educated about noxious weed identification and the importance of controlling and preventing their spread.
  - Equipment will be cleaned at designated wash stations after leaving noxious weed infestation areas.
- b. Findings** – Mitigation Measure BIO-4 would assure that impacts from noxious weeds would be less than significant by requiring a qualified biologist to perform a field survey to determine the presence of noxious weed infestations in the project area for individual projects. Additionally, this mitigation measure requires plans and specifications to include specific measures that reduce the likelihood of new noxious weed infestations after construction is completed. Compliance with the above mitigation measure would reduce impacts to a less than significant level, consistent with the findings for the 2016 RTP/SCS EIR.
- c. Supportive Evidence** – Please refer to pages 4.3-20 through 4.3-21 of the Draft Supplemental EIR.

## C. CULTURAL RESOURCES

- 1. Impact CUL-2** – Implementation of proposed transportation improvements and the land use scenario envisioned by the 2024 RTP/SCS could cause a substantial adverse change in archaeological resources pursuant to State CEQA Guidelines Section 15064.5. Impacts would be less than significant with mitigation incorporated.
- a. Mitigation** – BCAG and transportation project sponsor agencies shall implement the following mitigation measures for applicable transportation projects. Butte County and cities in the County should implement these measures.

**CUL-2(a) Archaeological Resources Impact Minimization.** Prior to individual project permit issuance, the implementing agency of a 2024 RTP/SCS project involving demolition, earth disturbance, or construction of permanent above ground structures or roadways shall retain a qualified archaeologist meeting the Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation, Professional Qualifications Standards, to prepare a Phase I archaeological resources survey of the project site. Implementing agencies shall follow recommendations identified in the survey, which may include, but would not be limited to: subsurface testing, designing and implementing a Worker Environmental Awareness Program (WEAP), construction monitoring by a qualified archaeologist, or avoidance of sites and preservation in place. Recommended mitigation measures will be consistent with State CEQA Guidelines Section 15126.4(b)(3) recommendations and may include but not be limited to preservation in place and/or data recovery. All cultural resources work shall follow accepted professional standards in recording any find including submittal of standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources

Information System office for the project area.

**CUL-2(b) Unanticipated Discoveries During Construction.** If evidence of any prehistoric or historic-era archaeological features or deposits are discovered during construction-related earthmoving activities (e.g., faunal remains, ceramic fragments, trash scatters, lithic scatters), implementing agencies shall halt all ground-disturbing activity proximate to the discovery until a qualified archaeologist (36 CFR Section 61) can assess the significance of the find. If the find is a prehistoric archaeological site, the culturally affiliated California Native American tribe shall be notified. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a testing plan shall be prepared and implemented. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the implementing agency to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics and other factors, shall recommend additional measures such as the preparation and implementation of a data recovery plan. Recommended mitigation measures will be consistent with State CEQA Guidelines Section 15126.4(b)(3) recommendations and may include but not be limited to preservation in place and/or data recovery. All cultural resources work shall follow accepted professional standards in recording any find including submittal of standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources Information System office for the project area. If the find is a prehistoric archaeological site, the culturally affiliated California Native American tribe shall be notified and afforded the opportunity to monitor mitigative treatment. During evaluation or mitigative treatment, ground disturbance and construction work may continue in other parts of the project area that are distant enough from the find not to impact it, as determined by the qualified archaeologist.

**b. Findings** – Implementation of the above measure would reduce impacts to archaeological resources to less than significant levels by requiring cultural resource searches and surveys of project areas and providing a procedure for discovered cultural archaeological resources.

**c. Supportive Evidence** – Please refer to page 4.4-11 to 4.4-12 of the Draft Supplemental EIR.

**2. Impact CUL-4** – Implementation of proposed transportation improvements and the land use scenario envisioned by the 2024 RTP/SCS could impact unknown paleontological resources, Impacts would be less than significant with mitigation incorporated.

- a. **Mitigation** – BCAG and transportation project sponsor agencies shall implement the following mitigation measures for applicable transportation projects. Butte County and cities in the County should implement these measures.

- CUL-4(a) Paleontological Resources Study.** The project sponsor of a 2024 RTP/SCS project involving earth disturbance shall ensure that the following elements are included in the project’s individual environmental review:
1. Prior to construction, a map defining the project site shall be prepared on a project-by-project basis for 2024 RTP/SCS improvements which involve ground disturbance. This map will indicate the areas of primary and secondary disturbance associated with construction and operation of the facility and will help in determining whether known paleontological resources are located within the project site.
  2. A paleontological resources study of each project area, as defined in the project site, shall be completed by a Qualified Paleontologist, as defined by the Society of Vertebrate Paleontology’s (SVP) *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources* (SVP 2010), to determine whether known paleontological resources or paleontologically sensitive geologic formations, which may contain unknown paleontological resources, occur within the project area.
  3. If the results of the paleontological resources study determines that paleontological resources may be impacted by the project, additional mitigation measures may be recommended as explained below:

- CUL-3(b) Paleontological Resources Monitoring.** If the paleontological resources study determines that development of the proposed improvement requires paleontological monitoring, the project sponsor shall ensure that a paleontological monitor who meets the Society of Vertebrate Paleontology’s definition of a Paleontological Resources Monitor is present to monitor all activities which may impact paleontological resources. The monitoring program shall be overseen by a Qualified Professional Paleontologist. The schedule and extent of the monitoring will depend on the grading schedule and/or extent of the ground alterations. This requirement can be accomplished through placement of conditions on the project by the local jurisdiction during individual environmental review.

- CUL-3(c) Paleontological Resources Recovery.** If paleontological resources are discovered during a project, whether a paleontological monitor is present or not, a Qualified Professional Paleontologist shall determine whether the resource is scientifically significant and provide further management directions, if necessary. If the paleontological resources are scientifically significant, they shall be salvaged, prepared (i.e., cleaned and/or stabilized) in a paleontological laboratory, and curated at an institution with a permanent paleontological collection. This

requirement can be accomplished through placement of conditions on the project by the local jurisdiction during individual environmental review.

- b. Findings** – Implementation of the above measure would reduce impacts to paleontological resources to less than significant levels by requiring a paleontological study, monitoring, and resource recovery.
  - c. Supportive Evidence** – Please refer to page 4.4-14 to 4.4-16 of the Draft Supplemental EIR.
- 3. Impact CUL-5** – Implementation of proposed transportation improvements and future projects included in the land use scenario envisioned in the 2024 RTP/SCS has the potential to impact tribal cultural resources. Impacts would be less than significant with mitigation incorporated.
- a. Mitigation** – BCAG and transportation project sponsor agencies shall implement the following mitigation measures for applicable transportation projects. Butte County and cities in the County should implement these measures.

**TCR-1(a) Identified Tribal Cultural Resources Impact Minimization.**

Transportation project sponsor agencies shall comply with AB 52, which may require formal tribal consultation. If the implementing agency determines that a project may cause a substantial adverse change to a tribal cultural resource, they shall implement mitigation measures identified in the consultation process required under PRC Section 21080.3.2, or shall implement the following measures where feasible to avoid or minimize the project-specific significant adverse impacts:

- Avoidance and preservation of the resources in place, including, but not limited to: designing and building the project to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource
  - Protecting the traditional use of the resource
- Protecting the confidentiality of the resource
- Establishment of permanent conservation easements or other culturally appropriate property management criteria for the purposes of preserving or utilizing the resources or places.
- Native American monitoring by the appropriate tribe during soil disturbance for all projects in areas identified as sensitive for potential tribal cultural resources and/or in the vicinity (within

100 feet) of known tribal cultural resources.

**TCR-1(b) Unanticipated Tribal Cultural Resources Impact Minimization.** If unanticipated potential tribal cultural resources are encountered during ground-disturbing activities, work in the immediate area must halt and the appropriate tribal representative(s), the implementing agency, and an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for archaeology (National Park Service [NPS] 1983) shall be contacted immediately to evaluate the find. If, in consultation with the implementing agency, the archaeologist and/or tribal representative determines the discovery to be a tribal cultural resource and thus, significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with tribal representatives. If the resource cannot be avoided, a mitigation plan shall be developed to address tribal concerns.

**b. Findings** – Mitigation Measure TCR-1(a) would require implementation of mitigation identified through tribal consultation or other feasible mitigation to avoid impacts to identified tribal cultural resources. These measures would protect the resource’s character, traditional use, and confidentiality. Mitigation Measure TCR-1(b) would ensure that impacts to unanticipated tribal cultural resources activities would be mitigated in consultation with tribal representatives. Implementation of the above measures would reduce impacts to tribal cultural resources to a less than significant level.

**c. Supportive Evidence** – Please refer to page 4.4-16 to 4.4-17 of the Draft Supplemental EIR.

#### **D. GREENHOUSE GAS EMISSIONS**

**1. Impact GHG-1.** Due to the inclusion of a larger number of projects, implementation of the 2024 RTP/SCS would potentially result in higher quantities of short-term GHG emissions than implementation of the 2020 RTP/SCS. However, with mitigation from the 2020 RTP/SCS EIR, impacts would remain less than significant.

**a. Mitigation** – BCAG shall and transportation project sponsor agencies can and shall implement the following mitigation measure for transportation projects identified in Table 2-1 of Section 2. *Project Description*. Butte County and cities in the County should implement these measures originally required by the 2020 RTP/SCS EIR where relevant to land use projects implementing the 2024 RTP/SCS.

**GHG-1 Construction Emissions Measures.** BCAG shall and sponsor agencies can and shall ensure that diesel particulate exhaust from construction equipment apply the following applicable GHG-

reducing measures recommended by the Butte County Air Quality Management District (BCAQMD):

- Fuel all off-road and portable diesel powered equipment with CARB certified motor vehicle diesel fuel;
  - Use diesel construction equipment meeting CARB’s Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with State On-Road Regulation;
  - Use on-road heavy-duty trucks that meet CARB’s 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
  - Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures may be eligible by proving alternative compliance;
  - Electrify equipment when feasible;
  - Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
  - Use alternatively fueled construction equipment on site where feasible, such as compressed natural gas, liquefied natural gas, propane, or biodiesel.
- b. Findings** – With the implementation of the above mitigation, impacts related to short-term GHG emissions would be less than significant, consistent with the findings of the 2020 RTP/SCS.
- c. Supportive Evidence** – Please refer to pages 4.5-12 through 4.6-15 of the Draft Supplemental EIR.

## E. NOISE

- 1. Impact NOI-1.** Construction of individual projects facilitated by the 2024 RTP/SCS would temporarily generate increased noise levels relative to the 2020 RTP/SCS, potentially affecting nearby noise-sensitive land uses. Construction noise may still exceed noise standards and mitigation would reduce impacts to a less than significant level.
- a. Mitigation** – The following mitigation measure included in the 2020 RTP/SCS would apply to the 2024 RTP/SCS.

**N-1 Construction Noise Reduction.** BCAG shall and transportation project sponsor agencies can and should implement the following mitigation measures for transportation projects. Butte County and cities in the County should implement these measures originally required by the 2020 RTP/SCS EIR where relevant to land use projects implementing the 2024 RTP/SCS.

- a) **Equipment Staging Areas.** Sponsor agencies of 2024 RTP/SCS projects shall ensure that, where residences or other noise sensitive uses are located within 800 feet of construction sites, appropriate measures shall be implemented to ensure consistency with local noise ordinance requirements relating to construction. Specific techniques may include, but are not limited to, restrictions on construction timing, use of sound blankets on construction equipment, and the use of temporary walls and noise barriers to block and deflect noise.
  - b) **Electrically-Powered Tools and Facilities.** If a particular project within 800 feet of sensitive receptors requires pile driving, the sponsor agency in which this project is located shall require the use of pile drilling techniques instead, where feasible. This shall be accomplished through the placement of conditions on the project during its individual environmental review.
  - c) **Smart Back-up Alarms.** Sponsor agencies shall ensure that equipment and trucks used for project construction utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds).
  - d) **Additional Noise Attenuation Techniques.** Sponsor agencies shall ensure that impact equipment (e.g., jack hammers, pavement breakers, and rock drills) used for project construction be hydraulically or electrical powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, use of an exhaust muffler on the compressed air exhaust can lower noise levels from the exhaust by up to about 10 dBA. When feasible, external jackets on the impact equipment can achieve a reduction of 5 dBA. Whenever feasible, use quieter procedures, such as drilling rather than impact equipment operation.
  - e) **Stationary Noise Sources.** Locate stationary noise sources as far from sensitive receptors as possible. Stationary noise sources that must be located near existing receptors will be adequately muffled.
- b. **Findings** – Mitigation Measure N-1 would ensure that construction noise impacts would not be substantial through a variety of measures to minimize exposure of existing receptors. If a project is located near a sensitive receptor, the project sponsor would ensure that noise reduction measures are implemented during construction that would reduce noise levels below local and/or Caltrans standards. With implementation of local noise control requirements and Mitigation Measure N-1, impacts would remain less than significant, consistent with the findings for the 2020 RTP/SCS EIR.
- c. **Supportive Evidence** – Please refer to pages 4.7-4 through 4.7-6 of the Draft Supplemental EIR.

2. **Impact NOI-2.** Implementation of the 2024 RTP/SCS may increase operational noise sources including traffic-generated noise levels on highways and roadways, relative to the 2020 RTP/SCS, which could expose existing sensitive receptors to noise in excess of normally acceptable levels. Impacts would remain less than significant with mitigation.

- a. **Mitigation** – The following mitigation measure included in the 2020 RTP/SCS would apply to the 2024 RTP/SCS, with some slight modifications to clarify the mitigation also applies to rail projects.

**N-2** BCAG shall and transportation project sponsor agencies can and should implement the following mitigation measures for transportation projects. Butte County and cities in the County should implement these measures originally required by the 2020 RTP/SCS EIR where relevant to land use projects implementing the 2024 RTP/SCS.

- a) Sponsor agencies of RTP/SCS projects shall complete detailed noise assessments using applicable guidelines (e.g., Federal Transit Administration Transit Noise and Vibration Impact Assessment for rail and bus projects and the California Department of Transportation Traffic Noise Analysis Protocol for roadway projects). The project sponsor shall ensure that a noise survey is conducted to determine potential alternate alignments which allow greater distance from, or greater buffering of, noise-sensitive areas. The noise survey shall be sufficient to indicate existing and projected noise levels, to determine the amount of attenuation needed to reduce potential noise impacts to applicable State and local standards. This shall be accomplished during the project's individual environmental review as necessary.
- b) Where new or expanded roadways or transit are found to expose receptors to noise exceeding normally acceptable levels, the individual project lead agency shall consider various sound attenuation techniques. The preferred methods for mitigating noise impacts will be the use of appropriate setbacks and sound attenuating building design, including retrofit of existing structures with sound attenuating building materials where feasible. In instances where use of these techniques is not feasible, the use of sound barriers (earthen berms, sound walls, or some combination of the two) will be considered. Long expanses of walls or fences should be interrupted with offsets and provided with accents to prevent monotony. Landscape pockets and pedestrian access through walls should be provided. Whenever possible, a combination of elements should be used, including open grade paving, solid fences, walls, and, landscaped berms. Determination of appropriate noise attenuation measures will be assessed on a case-by-case basis during a project's individual environmental review pursuant to the regulations of the applicable lead agency.



2024 RTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

- W-2**            **Post-Fire Landslide, Erosion, and Flood Mitigation.** Following a major wildfire, Butte County, and/or the relevant local jurisdiction, shall perform an assessment of landslide, erosion, and flood risk in impacted areas. The assessment shall consider slope, rainfall, and changes in surface or sub-surface runoff patterns. The County or local jurisdiction shall also develop and implement a plan to mitigate the risk of landslide or flooding, including implementing a monitoring and early warning system to alert the community of possible flood or debris flow events.
- b. Findings** – With implementation of mitigation measures WF-1 and WF-2, exposure of people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes would be reduced. These mitigation measures would help identify areas at risk of post-fire landslide or flooding and would regulate and limit development in areas of greater risk. Therefore, impacts would be less than significant with mitigation.
- c. Supportive Evidence** – Please refer to pages 4.10-15 through 4.10-16 of the Draft Supplemental EIR.

## **G. OTHER ENVIRONMENTAL ISSUE AREAS ANALYZED**

### **1. Aesthetics**

- a. Mitigation** – BCAG recommends that project sponsors implement the following mitigation measures for applicable transportation projects. These measures can and should be implemented for all projects developed pursuant to the 2024 RTP-SCS that would adversely affect scenic resources.

**AES-1(a)**        Where a particular 2024 RTP/SCS transportation improvement project affects adjacent landforms, the project sponsor shall ensure that recontouring provides a smooth and gradual transition between modified landforms and existing grade.

**AES-1(b)**        The project sponsor shall ensure that landscaping is installed to restore natural features along corridors after widening, interchange modifications, realignment, or construction of ancillary facilities. Associated landscape materials and design shall enhance landform variation, provide erosion control, and blend with the natural setting. To ensure compliance with approved landscape plans, the implementing agency shall provide a performance security equal to the value of the landscaping/irrigation installation.

- AES-2(a)** The project sponsor shall ensure that a project in a scenic view corridor will have the minimum possible impact upon foliage, existing landscape architecture, and natural scenic views, consistent with project goals.
- AES-2(b)** Potential noise impacts arising from increased traffic volumes associated with adjacent land development shall be preferentially mitigated through the use of setbacks and the acoustical design of adjacent proposed structures. The use of sound walls, or any other architectural feature that could block views from the scenic highways or other view corridors, shall be discouraged to the extent possible. Where use of sound walls is found to be necessary, walls shall incorporate offsets, accents, and landscaping to prevent monotony. In addition, sound walls should be complementary in color and texture to surrounding natural features.
- AES-3** Roadway lighting shall be minimized to the extent possible, and shall not exceed the minimum height requirements of the local jurisdiction in which the project is proposed. This may be accomplished through the use of hoods, low intensity lighting, and using as few lights as necessary to achieve the goals of the project.
- b. Findings** – Impacts would be less than significant with implementation of Mitigation Measure AES-1(a) - AES-3
- c. Supportive Evidence** – Please refer to pages 4.11-2 through 4.11-3 of the Draft Supplemental EIR.

## 2. Geology and Soils

- a. Mitigation** – BCAG shall and transportation project sponsor agencies can and should implement the following mitigation measures for applicable transportation projects. Butte County and cities in the County should implement these measures originally required by the 2016 RTP/SCS EIR for projects that could potentially be adversely affected by seismic ground shaking, liquefaction, seiches, landslides, erosion, expansive soils, and/or subsidence
- GEO-1(a)** For a 2024 RTP/SCS project involving a bridge, the lead agency shall ensure that the structure is designed and constructed to the latest geotechnical standards. In most cases, this will necessitate site-specific geologic and soils engineering investigations to exceed the code for high ground shaking zones. This can be accomplished through the placement of conditions on the project by the lead agency during individual environmental review.
- GEO-1(b)** For a 2024 RTP/SCS project that involves cut slopes over 15 feet in height, the lead agency shall ensure that specific slope stabilization studies are conducted. Possible stabilization methods include buttresses, retaining walls, and soldier piles.
- b. Findings** – Implementation of Mitigation Measure GEO-1 requires bridge projects to be designed in accordance with geotechnical studies conducted for each individual project site and requires slope stabilization studies for projects involving cut slopes over 15 feet in

height. Compliance with the above mitigation measure and all existing state, local and/or federal regulations would reduce impacts to a less-than-significant-level.

- c. **Supportive Evidence** – Please refer to pages 4.11-3 through 4.11-4 of the Draft Supplemental EIR.

### 3. Hydrology and Water Quality Mitigation

- a. **Mitigation** – BCAG shall and transportation project sponsor agencies can and should implement the following mitigation measures for applicable transportation projects. Butte County and cities in the County should implement these measures originally required by the 2020 RTP/SCS SEIR where relevant to land use projects implementing the 2024 RTP/SCS.

**W-1(a)** The sponsor agency of a 2024 RTP/SCS project shall ensure that fertilizer/pesticide application plans for any new right-of-way landscaping are prepared to minimize deep percolation of contaminants. The plans shall specify the use of products that are safe for use in and around aquatic environments.

**W-1(b)** The sponsor agency of a 2024 RTP/SCS widening or roadway extension project shall ensure that the improvement directs runoff into subsurface percolation basins and traps which would allow for the removal of urban pollutants, fertilizers, pesticides, and other chemicals.

**W-1(c)** For a 2024 RTP/SCS project that would disturb at least one acre, a SWPPP shall be developed prior to the initiation of grading and implemented for all construction activity on the project site. The SWPPP shall include specific BMPs to control the discharge of material from the site and into the creeks and local storm drains. BMP methods may include, but would not be limited to, the use of temporary retention basins, straw bales, sand bagging, mulching, erosion control blankets and soil stabilizers.

**W-2(a)** If a 2024 RTP/SCS project is located in an area with high flooding potential due a storm event or dam inundation, the individual project lead agency shall ensure that the structure is elevated at least one foot above the 100-year flood zone elevation and that bank stabilization and erosion control measures are implemented along creek crossings.

**W-2(b)** For 2024 RTP/SCS projects within a dam failure inundation hazard zone, the project’s lead agency shall ensure that a comprehensive flood risk communication strategy is developed, which would include an evacuation plan and/or an Emergency Action Plan and promote dam failure risk awareness and safety.

- b. **Findings** – Adherence to applicable NPDES storm water permits and SWPPPs, in addition to incorporation of Mitigation Measures W-1(a), W-1(b), and W-1(c) included in the 2016 RTP/SCS Initial Study would reduce impacts related to water quality to a less than significant level. Incorporation of Mitigation Measures W-2(a) and W-2(b) included in the 2016 RTP/SCS Initial Study and the 2020 RTP/SCS SEIR would reduce impacts related to flooding to a less than significant level.

- c. **Supportive Evidence** – Please refer to pages 4.11-6 through 4.11-9 of the Draft Supplemental EIR.

#### 4. Land Use and Planning

- a. **Mitigation** – BCAG shall and transportation project sponsor agencies can and should implement the following mitigation measures for applicable transportation projects. Butte County and cities in the County should implement these measures originally required by the 2016 RTP/SCS EIR where relevant to land use projects implementing the 2024 RTP/SCS.\

**LU-1(a)** The individual project lead agency of 2024 RTP/SCS projects with the potential to displace residences or businesses should assure that project-specific environmental reviews consider alternative alignments and developments that avoid or minimize impacts to nearby residences and businesses.

**LU-1(b)** Where project-specific reviews identify displacement or relocation impacts that are unavoidable, the individual project lead agency should ensure that all applicable local, state, and federal relocation programs are used to assist eligible persons to relocate. In addition, the lead agency shall review the proposed construction schedules to ensure that adequate time is provided to allow affected businesses to find and relocate to other sites.

**LU-1(c)** For all 2024 RTP/SCS projects that could result in temporary lane closures or access blockage during construction, a temporary access plan should be implemented by the lead agency to ensure continued access to affected cyclists, businesses, and homes. Appropriate signs and safe access shall be guaranteed during project construction to ensure that businesses remain open.

- b. **Findings** – Implementation of mitigation measures LU-1(a-c) included in the 2016 RTP/SCS Initial Study would reduce impacts to less than significant.
- c. **Supportive Evidence** – Please refer to pages 4.11-9 through 4.11-10 of the Draft Supplemental EIR.

#### 5. Utilities and Service Systems

- a. **Mitigation** – BCAG shall and transportation project sponsor agencies can and should implement the following mitigation measures for applicable transportation projects. Butte County and cities in the County should implement these measures originally required by the 2016 RTP/SCS EIR where relevant to land use projects implementing the 2024 RTP/SCS.

**UTI-1(a)** The individual lead agency of a 2024 RTP/SCS project shall ensure that, where economically feasible, reclaimed water is used for dust suppression during construction activities. This measure shall be noted on construction plans and shall be spot checked by the lead agency.

- UTI-1(b)** The individual lead agency of a 2024 RTP/SCS project shall ensure that low water use landscaping (i.e., drought tolerant plants and drip irrigation) is installed. When feasible, native plant species shall be used.
  - UTI-1(c)** The individual lead agency of a 2024 RTP/SCS project shall ensure that, if feasible, landscaping associated with proposed improvements is maintained using reclaimed water.
  - UTI-1(d)** The individual lead agency of a 2024 RTP/SCS project shall ensure that porous pavement materials are utilized, where feasible, to allow for groundwater percolation.
  - UTI-1(e)** The individual lead agency of a 2024 RTP/SCS project that requires potable water service should coordinate with water supply system operators to ensure that the existing water supply systems have the capacity to handle the increase. If the current infrastructure servicing the project site is found to be inadequate, infrastructure improvements for the appropriate public service or utility should be provided by the project sponsor. In addition, wherever feasible, reclaimed water should be used for landscaping purposes instead of potable water.
- b. Findings** – Incorporation of mitigation measures UTI-1(a) through UTI-1(e) included in the 2016 RTP/SCS Initial Study and 2020 RTP/SCS SEIR would reduce impacts related to water supply to a less than significant level.
  - c. Supportive Evidence** – Please refer to pages 4.11-12 through 4.11-14 of the Draft Supplemental EIR.

## **V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE**

BCAG hereby finds that mitigation measures that have been identified in the Supplemental EIR that will lessen the following significant environmental impacts but not to a less than significant level. These findings are based on the discussion of impacts in the detailed issue area analyses in Section 4.0 of the Supplemental EIR.

The findings below are for impacts, where implementation of the Project may result in the following significant, unavoidable environmental impacts:

### **A. AGRICULTURAL AND FORESTRY RESOURCES**

- 1. Impact AG-1.** Implementation of proposed transportation improvements under the 2024 RTP/SCS could result in the additional conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and lands under Williamson Act contract to non-agricultural uses, relative to the 2020 RTP/SCS. Impacts would remain significant and unavoidable.
  - a. Mitigation** – BCAG shall and transportation project sponsor agencies can and should implement the following mitigation measures for applicable transportation projects identified in Table 4.1-3. Butte County and cities in the County should

implement these measures originally required by the 2020 RTP/SCS EIR where relevant to land use projects implementing the 2024 RTP/SCS.

- AG-1(a) Alternative Alignment Consideration.** When new roadway extensions or widenings are planned, the project sponsor shall assure that project-specific environmental reviews consider alternative alignments that reduce or avoid impacts to Prime Farmlands.
- AG-1 (b) Farmer Compensation.** Rural roadway alignments shall follow property lines to the extent feasible, to minimize impacts to the agricultural production value of any specific property. Farmers shall be compensated for the loss of agricultural production at the margins of lost property, based on the amount of land deeded as road right-of-way, as a function of the total amount of production on the property.
- AG-1 (c) Important Farmland Conservation Easements.** When new transportation facilities or land use projects implementing the 2024 RTP/SCS are planned in areas that contain Important Farmland (i.e., Prime Farmland, Unique Farmland, or Farmland of Statewide Importance), the transportation project sponsor or local jurisdiction in which the project is located shall assure that project-specific environmental reviews mitigate impacts, when feasible, through requiring use of agricultural conservation easements on land of at least equal quality and size as compensation for the loss of agricultural land. Agricultural conservation easements would be implemented by directly purchasing easements or donating mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements.
- AG-1 (d) Prime Farmland Conservation Easements.** Prior to approval of 2024 RTP/SCS projects that may adversely impact Prime Farmland, the project sponsor shall, when the following mitigation measures are feasible, require that a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism be granted in perpetuity to the municipality in which the project is proposed, or an authorized agent thereof. The easement shall provide conservation acreage at a minimum ratio of 1:1 for direct impacts. The conservation area shall be located within Butte County in reasonable proximity to the project area.

- b. Findings** – Although the above measures would reduce impacts to Prime Farmland and lands under Williamson Act contract to the degree feasible, such impacts cannot be fully mitigated due to the potential conversion to non-agricultural use. Impacts from individual projects will need to be addressed on a case-by-case basis; however, because impacts to individual Prime Farmland and lands under Williamson Act contract cannot be assumed to be less than significant, agricultural impacts are considered significant and unavoidable.

- c. **Supportive Evidence** – Please refer to pages 4.1-8 through 4.1-10 of the Draft Supplemental EIR.

## B. CULTURAL RESOURCES

1. **Impact CUL-1** – Implementation of proposed transportation improvements and the land use scenario envisioned by the 2024 RTP/SCS could cause a substantial adverse change in built environment cultural resources that are historical resources as defined in State CEQA Guidelines Section 15064.5. Impacts would be significant and unavoidable.

- a. **Mitigation** – BCAG and transportation project sponsor agencies shall implement the following mitigation measures for applicable transportation projects. Butte County and cities in the County should implement these measures.

**CUL-1(a) Historical Resources Impact Minimization.** Prior to individual project permit issuance, the implementing agency of a 2024 RTP/SCS project involving demolition, earth disturbance, or construction of permanent above ground structures or roadways shall prepare a map defining the project site. This map shall indicate the areas of primary and secondary disturbance associated with construction and operation of the facility and will help in determining whether known historical resources are located within the impact zone. If a building or structure greater than 45 years in age is within the identified project site, a survey and evaluation of the structure(s) to determine their eligibility for recognition under State, federal, or local historic preservation criteria shall be conducted. The evaluation shall be prepared by an architectural historian, or historical architect meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The evaluation shall comply with State CEQA Guidelines section 15064.5(b). If historical resources are identified, study recommendations shall be implemented, which may include, but would not be limited to, the following:

- Realign or redesign projects to avoid impacts on known historical resources where possible
- If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts, or plans for alteration or adaptive re-use of a historical resource that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings
- If compliance with the Secretary of the Interior’s Standards is not feasible and a historical resource will be demolished, the resource

should be documented through a Historic American Building Survey (HABS)-like package. This shall include a narrative report of the report and digital photographs in a manner generally consistent with HABS guidelines. The package shall be physically produced using archival materials and offered to local historical repositories.

- b. Findings** – Redevelopment or demolition that may be required to implement transportation improvements and/or infill development may result in the permanent loss or damage to historic structures. While implementation of Mitigation Measure CR-1 would reduce impacts to the extent feasible, some project specific impacts may be unavoidable. Therefore, this impact would remain significant and unavoidable. No additional mitigation measures to reduce this impact to less than significant levels are feasible.
- c. Supportive Evidence** – Please refer to page 4.4-11 to 4.4-12 of the Draft Supplemental EIR.

## C. TRANSPORTATION AND CIRCULATION

- 1. Impact T-2.** Implementation of proposed transportation improvements under the 2024 RTP/SCS have the potential to interfere with achievement of the VMT reductions set forth in CARB’s 2022 Scoping Plan. Mitigation Measure TRA-1 would reduce impacts to less than significant levels for some projects, however, additional state policy actions and funding would be required to close the gap at the state level. Therefore, impacts would be similar to the 2020 RTP/SCS and remain significant and unavoidable.

- a. Mitigation** – The state recognized that additional state policy actions and funding would be required to close the VMT gap between what the MPOs could achieve through implementation of their SCSs, and reductions needed to meet state goals. Though the state must initiate these additional actions and funding programs, the exact form of the policies and funding programs must be collaboratively developed with input from MPOs, local agencies, and other organizations to ensure they provide the tools and incentives necessary to go beyond the SCSs in reducing VMT.

Consequently, BCAG shall work collaboratively with Butte County and the cities of Chico, Gridley, Oroville, Biggs, and Town of Paradise to support implementation of regional and local-level strategies and measures to achieve further VMT reductions. Implementing agencies (i.e., Butte County and the cities of Biggs, Chico, Gridley, Oroville, and Paradise) shall implement the following strategies to reduce VMT.

### Local Level:

- Implementing agencies shall require implementation of VMT reduction strategies through transportation demand management (TDM) programs, impact fee programs, mitigation banks or exchange programs, in-lieu fee programs, or other land use project conditions that reduce VMT. Programs should be designed to reduce VMT from existing land uses, where feasible, and from new discretionary

residential or employment land use projects. The following strategies from Quantifying Greenhouse Gas Mitigation Measure, CAPCOA, August 2010 were identified as strategies most suited to Butte County and the cities of Biggs, Chico, Gridley, Oroville, and Town of Paradise, given the rural and suburban land use context:

1. **Increase diversity of land uses** – This strategy focuses on the inclusion of mixed uses within projects or in consideration of the surrounding area to minimize vehicle travel in terms of both the number of trips and the length of those trips.
2. **Provide pedestrian network improvements** – This strategy focuses on creating a pedestrian network within the project and connecting to nearby destinations. Projects in Butte County tend to be small, so the emphasis of this strategy would likely be the construction of network improvements that connect the project site directly to nearby destinations. Alternatively, implementation could occur through an impact fee program or benefit/assessment district targeted to various areas in the county designated for improvements through local or regional plans. Implementation of this strategy may require regional or local agency coordination and may not be applicable for all individual land use development projects.
3. **Provide traffic calming measures and low-stress bicycle network improvements** – This strategy combines the CAPCOA research focused on traffic calming with new research on providing a low-stress bicycle network. Traffic calming creates networks with low vehicle speeds and volumes that are more conducive to walking and bicycling. Building a low-stress bicycle network produces a similar outcome. Implementation options are similar to strategy 2 above. One potential change in this strategy over time is that e-bikes (and e-scooters) could extend the effective range of travel on the bicycle network, which could enhance the effectiveness of this strategy.
4. **Implement car-sharing program** – This strategy reduces the need to own a vehicle or reduces the number of vehicles owned by a household by making it convenient to access a shared vehicle for those trips where vehicle use is essential. Note that implementation of this strategy would require regional or local agency implementation and coordination and would not likely be applicable for individual development projects.
5. **Increase transit service frequency and speed** – This strategy focuses on improving transit service convenience and travel time competitiveness with driving. Given land use density in Butte County, this strategy may be limited to traditional commuter transit where trips can be pooled at the start and end locations or require new forms of demand-responsive transit service. The demand-responsive service could be provided as subsidized trips by contracting to private Transportation Network Companies (TNCs, such as Uber, Lyft, and Via) or taxi companies. Alternatively, a public transit operator could provide the subsidized service but would need to improve on traditional cost effectiveness by relying on TNC ride-hailing technology, using smaller vehicles sized to demand, and flexible driver employment terms where drivers are paid by trip versus by hour. Note that implementation of this strategy would require regional or local agency implementation, substantial changes to

current transit practices, and would not likely be applicable for individual development projects.

6. **Implement subsidized or discounted transit program** – This strategy reduces the need to own a vehicle or reduces the number of vehicles owned by a household by incentivizing individuals to use transit for their daily commute. This strategy depends on the ultimate building tenants – whether residential landlords or businesses – and may require monitoring. This strategy also relies on B-Line continuing to provide similar or better service throughout the county, in terms of frequency and speed.
7. **Encourage telecommuting and alternative work schedules** – This strategy relies on effective internet access and speeds to individual project sites/buildings to provide the opportunity for telecommuting. The effectiveness of the strategy depends on the ultimate building tenants and the nature of work done by tenants' employees (can the work be done remotely in the first place?); two factors that should be considered for potential VMT reduction. Effectiveness may also be limited in more rural areas of the county with limited broadband internet access.
8. **Provide ride-sharing programs** – This strategy focuses on encouraging carpooling and vanpooling by project site/building tenants, which depends on the ultimate building tenants; this should be a factor in considering the potential VMT reduction.

**Regional:**

- Implementing agencies shall require project modifications during the project design and environmental review stage of project development that would reduce VMT effects. For roadway capacity expansion projects, this would include but is not limited to demand management through transportation systems management and operations (TSMO) including the use of pricing.
- b. **Findings** – With implementation of Mitigation Measure T-1, this impact would be reduced to less than significant for some projects, although additional state policy actions and funding would be required to close the gap at the state level. For projects proposing to streamline environmental review, lead agencies must conduct project-level analysis for each project to analyze whether, based on substantial evidence in the record, the proposed mitigation would reduce the impact to less than significant. However, BCAG cannot require Butte County and the cities of Biggs, Chico, Gridley, Oroville, and Paradise to adopt these mitigation measures, and it is ultimately the responsibility of these agencies to determine and adopt project-specific mitigation. Therefore, impacts would remain significant and unavoidable.
  - c. **Supportive Evidence** – Please refer to pages 4.9-16 through 4.9-19 of the Draft Supplemental EIR.

**D. WILDFIRE**

2. **Impact W-2** – The 2024 RTP/SCS, which includes projects in or near SRAS and lands classified as VHFHSZS, could exacerbate wildfire risk and thereby could expose people to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors. Implementation of mitigation measure W-1 would be required. However, impacts would remain significant and unavoidable.
  - a. **Mitigation** – BCAG shall and transportation project sponsor agencies can and should implement the following mitigation measure for the 2024 RTP/SCS where applicable for land use and transportation projects that result in impacts related to wildfire. Cities and counties in the Butte County region should implement these measures, where are relevant to land use projects implementing the 2024 RTP/SCS. Project-specific environmental documents may adjust this mitigation measure as necessary to respond to site-specific conditions.

**WF-1**

**Wildfire Risk Reduction.** If an individual transportation or land use project included in the 2024 RTP/SCS is located within or less than 2 miles from an SRA or very high fire hazard severity zones, the implementing agency shall require appropriate mitigation to reduce the risk. Examples of site-specific and project-specific actions may include some of, but are not limited to, the following measures, which are in accordance with the California Attorney General Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act:

- Increasing housing density and consolidated design, relying on higher density infill developments as much as possible
- Avoidance and minimization of low-density exurban development patterns or leapfrog-type developments (i.e., those with undeveloped wildland between developed areas)
- Decreasing the extent and amount of “edge,” or interface area, where development is adjacent to undeveloped wildlands
- Creation of buffer zones and defensible space within and adjacent to the development, with particular attention to ensuring that vegetation will not touch structures or overhang roofs. It is also important that legal obligations are structured so that defensible space measures are retained over time
- Siting projects to maximize the role of low-flammability landscape features that may buffer the development from fire spread
- Undergrounding power lines
- Limiting development along steep slopes and amidst rugged terrain, so as to decrease exposure to rapid fire spread and increase accessibility for fire-fighting
- Placement of development close to existing or planned ingress/egress and designated evacuation routes to efficiently evacuate the project

population and the existing community population, consistent with evacuation plans, while simultaneously allowing emergency access

- Placement of projects close to adequate emergency services
- Construction of additional points of ingress and egress and modification of evacuation routes to minimize or avoid increasing evacuation times or emergency access response times
- Fire hardening structures and homes—upgrading the building materials and installation techniques to increase the structure’s resistance to heat, flames, and embers—beyond what is required in applicable building codes, both for new structures and existing structures in proximity to the new development
- Requiring fire-hardened communication to the project site including high-speed internet service
- Enhanced communication to the project population about emergency evacuation plans and evacuation zones
- Parking limitations to ensure access roads are not clogged with parked vehicles
- On-site water supply/storage to augment ordinary supplies that may be lost during a wildfire

**b. Findings** – With implementation of this mitigation, the risk of loss of structures and transportation infrastructure and the risk of injury or death due to wildfires would be reduced. These measures would make structures and transportation infrastructure more fire resistant and less vulnerable to loss in the event of a wildfire. These measures would also reduce the potential for construction of 2024 RTP/SCS projects to inadvertently ignite a wildfire. However, it is not possible to prevent a significant risk of wildfires or fully protect people and structures from the risks of wildfires, despite implementation of mitigation. Thus, this impact would remain significant and unavoidable. No additional mitigation measures to reduce this impact to less than significant levels are feasible.

**c. Supportive Evidence** – Please refer to page 4.10-11 to 4.10-14 of the Draft Supplemental EIR.

## **VI. FINDINGS REGARDING ALTERNATIVES**

### **A. LEGAL REQUIREMENTS FOR ALTERNATIVES**

Public Resources Code § 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives...which would substantially lessen the significant environmental effects of such projects.” “Feasible” means “capable of being accomplished in a reasonable period of time taking into account economic, environmental, legal, social, and technological factors” (CEQA Guidelines § 15364). The concept of feasibility also encompasses whether a particular alternative promotes the Project’s underlying goals and objectives, and whether an alternative is impractical or undesirable from a policy standpoint. (See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.)

The issue of alternatives feasibility arises twice in the CEQA process, once when the EIR is prepared, and again when CEQA findings are adopted. When assessing feasibility in an EIR, the EIR preparer evaluates whether an alternative is “potentially” feasible. Potentially feasible alternatives are suggestions by the EIR preparers which may or may not be adopted by lead agency decision makers. When CEQA findings are made after EIR certification, the lead agency decision making body independently evaluates whether the alternatives are actually feasible, including whether an alternative is impractical or undesirable from a policy standpoint. (See *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.)

If a significant impact can be substantially lessened (i.e., mitigated to a less than significant level) by adoption of mitigation measures, lead agency findings need not consider the feasibility of alternatives to reduce that impact. (See *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515.) Nevertheless, Chapter 6 of the Supplemental EIR and these Findings of Fact do consider the ability of potentially feasible alternatives to substantially reduce all of the Project’s significant impacts, even those impacts reduced to less-than-significant levels through adoption of mitigation measures.

An EIR must only evaluate reasonable alternatives to a project that could feasibly attain most of the project objectives and evaluate the comparative merits of the alternatives (CEQA Guidelines § 15126.6(a)). In all cases, the consideration of alternatives is to be judged against a rule of reason. The lead agency is not required to choose the environmentally superior alternative identified in the EIR if the alternative does not provide substantial advantages over the proposed Project; and (1) through the imposition of mitigation measures the environmental effects of a project can be reduced to an acceptable level, or (2) there are social, economic, technological, or other considerations that make the alternative infeasible. (Pub. Res. Code §§21002, 21002.1; CEQA Guidelines §15092.)

The proposed 2024 RTP/SCS alternatives were selected for review in the Supplemental EIR because of their potential to avoid or substantially lessen project impacts, or because they were required under CEQA Guidelines (e.g., the No Project alternative). The project and alternatives are described in more detail in the 2024 RTP/SCS Final Supplemental EIR and Appendices thereto.

Three alternatives are considered for the proposed 2024 RTP/SCS: Alternative 1: The No Project Alternative, Alternative 2: Financially Unconstrained Alternative, and Alternative 3: Transit Investment Plus (+) Alternative.

Alternative 1 is defined as a land use pattern comprised of land use trends according to the 2020 RTP/SCS. It assumes that regional growth trends and land use according to the 2020 RTP/SCS would continue. Transportation projects would be comprised of those that are currently in construction or are funded through the 2020 RTP/SCS updated to reflect current conditions. No new transportation improvement projects would be added to the RTP list and therefore would not occur.

Alternative 2 focuses on implementation of the SCS and all projects envisioned under the 2024 RTP/SCS, without regard to whether or not they can be funded. This alternative would focus on decreasing traffic congestion through a combination of capacity and operational roadway improvements, and investments in the regional transit, bike, and pedestrian facilities. However, the increased number of projects would additionally lead an increased amount of agricultural land converted and cultural resources and critical habitat impacted.

Alternative 3 focuses on investment into development of public transit systems and alternative transportation modes, emphasizing bus, pedestrian, and bicycle modes of transportation. Alternative 3 would also invest in measures such as solar panels, a plug-in efficiency (PEV) vehicle fleet, and natural gas and electric buses to further reduce project environmental effects through energy efficiency. Thirdly, Alternative 3 would result in changes to price metrics such as fuel and transit pricing. This would cause increased agricultural land conversion and cultural and critical habitat impacts. However, the increased transit opportunities for Butte County residents would result in reduced traffic congestion, associated emissions, and vehicle miles traveled (VMT).

## **B. FINDINGS ON ALTERNATIVES**

The following project alternatives identified in the Supplemental EIR are rejected for the following reasons. Evidence supporting the below analysis is presented in the Draft Supplemental EIR Chapter 6.

The No Project Alternative (Alternative 1) would not be considered environmentally superior overall. Although it would entail the fewest projects and therefore result in the fewest construction-related impacts and impacts associated with ground disturbance, many of the transportation improvements and greater density development envisioned in the 2024 RTP/SCS would not occur. As a consequence, total VMT be greater with this alternative as compared to the 2024 RTP/SCS, even though VMT per capita would be lower than the 2024 RTP/SCS with the higher population for Alternative 1. In addition, air quality impacts would be greater than the 2024 RTP/SCS because VMT would be greater under the No Project Alternative. Although GHG per capita emissions would be lower than the 2024 RTP/SCS due to the higher population for Alternative 1.

Under the Financially Unconstrained Alternative (Alternative 2) land use patterns would encourage development consistent with the proposed 2024 RTP/SCS, but more transportation improvement projects would be constructed. Alternative 2 would not be considered environmentally superior to the 2024 RTP/SCS primarily because impacts to environmental resource areas such as, agricultural resources, critical habitats, and cultural resources would be higher due to the increased amount of transportation improvement projects. Additionally, air quality, greenhouse gas, and traffic impacts would be greater than the proposed 2024 RTP/SCS due to higher VMT associated with this alternative. Thus this alternative is rejected.

Alternative 3, the Transit Investment Plus (+) Alternative, performs similar or better than the proposed 2024 RTP/SCS and is considered to be environmentally superior to the proposed project. This alternative would result in an increased potential for agricultural lands to be converted for other uses and the amount of habitat and cultural resources impacted. However, overall VMT would be expected to be less because of a greater use of active transportation modes (biking and pedestrian) and greater use of public transit and active transportation modes. Transportation impacts would remain significant and unavoidable under Alternative 3 because CARB requirements would not be met. Furthermore, the increased transit opportunities and demand for those services for Butte County residents would result in less GHG and transportation impacts than the 2024 RTP/SCS and would likely result in reduced VMT. And use of PEV, solar, and electric and natural gas buses would further reduce emissions associated with the proposed project.

## **VII. FINDINGS ON CUMULATIVE IMPACTS**

### **A. INTRODUCTION**

The Supplemental EIR is a Program EIR that analyzes the effects of cumulative buildout of the 2024 RTP/SCS. The proposed 2024 RTP/SCS considers probable future projects included in the range of transportation projects designed to meet the plan goals and current and projected future needs, and the Final Supplemental EIR analyzes the cumulative impacts of these projects in Chapter 4 of the Supplemental EIR. The cumulative effects of all probable future circulation system improvements are included in the analysis of the proposed Project's impacts.

In Chapter 4.0, thresholds of significance for cumulative impacts are the same as those for direct, project-specific impacts, as authorized by CEQA case law. (*See Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059.) When project-specific impacts are judged to be significant, they also by definition are considered "cumulatively considerable" incremental contributions to significant cumulative impacts. (See CEQA Guidelines Section 15130(a).) Mitigation measures adopted for project-specific impacts in Sections IV and V of these findings also are feasible options for mitigating the proposed project's incremental contribution to significant cumulative effects. (See CEQA Guidelines Section 15130(b)(5).)

### **B. FINDINGS FOR SIGNIFICANT CUMULATIVE IMPACTS FOR WHICH PROJECT'S INCREMENTAL CONTRIBUTION HAS BEEN MITIGATED TO LESS THAN SIGNIFICANT LEVELS**

For the following impacts, BCAG hereby finds that in Section IV of these findings, mitigation measures have been identified in the SEIR that will avoid or substantially lessen the proposed project's incremental contribution to the following significant cumulative impacts to a less than significant (i.e., less than cumulatively considerable) level. The significant impacts and the mitigation measures that will reduce them to a less than significant level are as follows:

- Impact AQ-3; Mitigation Measure AQ-3
- Impact AQ-1; Mitigation Measure AQ-1
- Impact BIO-1; Mitigation Measure BIO-1
- Impact BIO-2; Mitigation Measures BIO-2(a)-(c)
- Impact BIO-3; Mitigation Measure BIO-3
- Impact BIO-4; Mitigation Measure BIO-4
- Impact BIO-5; Mitigation Measure BIO-5
- Impact CUL-2; Mitigation Measure CUL-2(a), CUL-2(b)
- Impact CUL-4; Mitigation Measure CUL-3(a), CUL-3(b), CUL-3(c)
- Impact CUL-5; Mitigation Measure TCR-1(a), TCR-1(b)
- Impact GHG-1; Mitigation Measure GHG-1
- Impact NOI-1; Mitigation Measure N-1

- Impact NOI-2; Mitigation Measure N-2
- Impact NOI-3; Mitigation Measure N-1
- Aesthetics; Mitigation Measures AES 1(a), 1(b), 2(a), 2(b)
- Geology and Soils; Mitigation Measures GEO-1(a), GEO-1(b)
- Hydrology and Water Quality; Mitigation Measures W-1(a), W-1(b), W-1(c), W-2(a), W-2(b)
- Land Use and Planning; Mitigation Measures LU-1(a), LU-1(b), LU-1(c)
- Utilities and Service Systems; Mitigation Measures UTI-1(a), UTI-1(b), UTI-1(c), UTI-1(d), UTI-1(e)

**C. FINDINGS FOR SIGNIFICANT CUMULATIVE IMPACTS FOR WHICH PROJECT'S INCREMENTAL CONTRIBUTION HAS NOT BEEN MITIGATED TO LESS THAN SIGNIFICANT LEVELS**

For the following impacts, BCAG hereby finds that in Section V of these findings, mitigation measures have been identified in the SEIR that will reduce the proposed project's incremental contribution to the following significant cumulative impacts, but not to a less than significant (i.e., less than cumulatively considerable) level. The significant impacts and the mitigation are as follows:

- Impact AG-1; Mitigation Measures AG-1(a)-(d)
- Impact CUL-1; Mitigation Measure CUL-1(a)
- Impact T-2; Mitigation Measure T-1
- Impact W-1; Mitigation Measure W-1

## **VIII. STATEMENT OF OVERRIDING CONSIDERATIONS**

BCAG adopts and makes this statement of overriding considerations concerning the Project's unavoidable significant impacts to explain why the project's benefits override and outweigh its unavoidable impacts.

The Final Supplemental Environmental Impact Report (EIR) has identified and discussed significant effects that may occur as a result of the Project. As set forth in these CEQA Findings, BCAG has made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the Project and has made specific findings on each of the project's significant impacts and on mitigation measures and alternatives. With implementation of the mitigation measures discussed in the Supplemental EIR, most of the Project's effects can be mitigated to a level of less than significant. However, even with implementation of all feasible mitigation, the Project will result in significant and unavoidable impacts as follows:

1. Implementation of the 2024 RTP/SCS would convert agricultural lands including Prime Farmland and lands under Williamson Act contract to non-agricultural uses. (Impact AG-1)
2. Implementation of the 2024 RTP/SCS would disturb known and unknown cultural resources such as historic structures. (Impact CUL-1)
3. Implementation of the 2024 RTP/SCS would interfere with achievement of the vehicle miles traveled reductions set forth by the state. (Impact T-2)
4. Implementation of the 2024 RTP/SCS would increase wildfire risks. (Impact W-1)

In accordance with Section 15093 of the CEQA Guidelines, and having reduced the adverse significant environmental effects of the project to the extent feasible, having considered the entire administrative record on the project, and having weighed the benefits of the Project against its unavoidable adverse impacts after mitigation, BCAG hereby finds that the following legal, economic, social, and environmental benefits of the project outweigh its unavoidable adverse impacts and render them acceptable based upon the following considerations. Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, despite each and every unavoidable impact.

- a. The implementation of 2024 RTP/SCS transportation projects will provide for a comprehensive transportation system of facilities and services that meets the public's need for the movement of people and goods, and that is consistent with the social, economic, and environmental goals and policies of the region.
- b. The Project will improve transportation mobility and accessibility in the county.
- c. The Project will improve air quality by reducing emissions of ozone precursors compared to future No Project conditions.
- d. The 2024 RTP/SCS will contribute to a reduction in greenhouse gas (GHG) emissions from passenger vehicles and light trucks, helping the Butte County area to achieve the regional GHG reduction targets set by the California Air Resources Board.

- e. The Project will promote consistency between the California Transportation Plan 2025, the regional transportation plan and other plans developed by cities, counties, districts, Native American Tribal Governments, and State and Federal agencies in responding to Statewide and interregional transportation issues and needs.
- f. The construction of transportation projects will result in both short-term and long-term economic benefits to the Butte County area and its residents. Transportation projects will indirectly provide for a number of jobs relating to construction and maintenance. The RTP program includes transportation investments in the BCAG region.

## **IX. MITIGATION MONITORING AND REPORTING PROGRAM**

BCAG finds that a Mitigation Monitoring and Reporting Program (MMRP) for the 2024 RTP/SCS has been prepared for the project and has been adopted concurrently with these Findings (Public Resources Code, § 21081.6(a)(1)). The MMRP is described in the following sections.

### **A. PURPOSE AND INTENDED USE OF THE MMRP**

The California Environmental Quality Act (CEQA) requires that an agency adopt a Mitigation Monitoring or Reporting Program (MMRP) prior to approving a project that includes mitigation measures. This MMRP has been prepared in compliance with the requirements of Section 21081.6 of the California Public Resources Code and Sections 15091(d) and 15097 of the CEQA Guidelines. The purpose of this MMRP is to ensure the adopted mitigation measures adopted in the findings of fact for the 2024 RTP/SCS are implemented, in accordance with CEQA requirements. The findings adopt feasible mitigation measures to reduce the significant environmental impacts of the 2024 RTP/SCS. This MMRP clarifies the process for BCAG and individual project lead agencies to ensure these mitigation measures are implemented, and designates responsibility for implementing, monitoring, and reporting mitigation.

### **B. MITIGATION MEASURES ADOPTED WITH THE 2024 RTP/SCS**

The mitigation measures adopted in the 2024 RTP/SCS EIR findings are listed in Sections IV and V of these findings. Each mitigation measure identifies the parties responsible for implementation.

### **C. ENFORCEMENT**

CEQA requires mitigation measures to be “fully enforceable” through the use of permit conditions, agreements, or other measures within each Lead Agency’s authority (Public Resources Code 21081.6(b)). The adopted mitigation measures are programmatic first-tier mitigation that can and should be implemented by other sponsor agencies during future project-specific design and environmental review. The Lead Agency for each future project is responsible for assuring the project-specific mitigation measures it adopts are enforceable.

### **D. IMPLEMENTATION AND REPORTING**

BCAG shall designate a staff person (Executive Director of BCAG or Designee) to serve as Coordinator with the member agencies (those agencies that would act as Lead Agencies for further environmental review of individual transportation projects) for overall implementation and administration of this

MMRP, and its application to future projects. Agencies considering approval of future projects under the 2024 RTP/SCS would utilize the Program EIR as a basis in determining potential mitigation measures for subsequent activities. The agencies responsible for implementing the mitigation measures, described as “the transportation project sponsor agencies” in the Supplemental EIR, will be the lead agency for the individual future projects under the 2024 RTP/SCS. The project lead agency for individual projects will involve one of the following agencies: the cities of Biggs, Chico, Gridley, Oroville or Paradise, Butte County, Caltrans, and public transit agencies. The individual project sponsor agency, which will be the lead agency for individual future projects under the 2024 RTP/SCS, will be responsible to monitor mitigation measures that are required to be implemented for the project.

Mitigation measures will typically occur at, or prior to, the following milestones:

- *During individual environmental review.* These are measures that need undertaking during individual project-level environmental review of RTP/SCS transportation projects. These measures include items such as assessment of identification of specific project level noise reduction measures, and measures to reduce impacts on biological resources.
- *Prior to issuance of a grading permit.* These are measures that need to be undertaken before earth moving activities begin. These measures include items such as staking the limits of environmentally sensitive areas or vegetation to remain, confirming biological mitigation plans with resource agencies, and including pertinent design details in the project plans.
- *During project construction.* These measures are those that need to occur as the project is being constructed. They include monitoring the construction site for the proper implementation of dust and emission controls, erosion controls, biological protection, and examining grading areas for the presence of cultural materials.
- *Following construction.* These measures apply to project components that would go into effect at completion of the project construction phase, including items such as management or monitoring plans (e.g., revegetation, etc.).