



NOTICE OF PREPARATION

Date: December 12, 2014
To: Interested Parties
From: Danelle Stylos, Development Services Director, Sutter County
Development Services Department
Subject: Notice of Preparation for an Environmental Impact Report for the Yuba–Sutter
Regional Conservation Plan and Scoping Meeting

Public Comment Period: December 12, 2014, through January 26, 2015

Public Scoping Meetings

Two scoping meetings will be held for the public and the agencies to provide input on the scope and content of the EIS/EIR. The scoping meetings will be on **January 6, 2015**, from 3:00 p.m. to 5:00 p.m. and from 6:00 p.m. to 8:00 p.m., at the Yuba County Government Center, Wheatland Room, 915 8th Street, Marysville, California, 95901.

Submitting Comments

Comments and suggestions regarding the scope of the EIS/EIR analysis are invited from all interested parties. Please submit your comments in writing (emails are acceptable) to the contact provided below by 5:00 p.m. on January 26, 2015. Please include the contact person's full name and address if you wish to be added to the mailing list for future EIS/EIR-related notices.

Please send your comments in response to this notice to:

Danelle Stylos, Director
Sutter County Development Services Department
1130 Civic Center Boulevard, Suite A
Yuba City, California 95993
e-mail at: dstylos@co.sutter.ca.us

INTRODUCTION

Sutter County will be the lead agency for the preparation of an environmental impact report (EIR) for the proposed Yuba–Sutter Regional Conservation Plan (YSRCP) (Proposed Project). The EIR is being prepared in compliance with the requirements set forth in the California Environmental Quality Act (CEQA). Pursuant to CEQA, the lead agency must issue a Notice of Preparation (NOP) to inform trustee and local agencies and the public that an EIR will be prepared. The EIR will evaluate the potential environmental impacts of the Proposed Project and recommend mitigation measures for any significant impact, as required. The environmental document will be prepared to meet federal requirements as an environmental impact statement (EIS) under the National Environmental Policy Act (NEPA) and is therefore referred to as an EIS/EIR. The U.S. Fish and Wildlife Service (USFWS) is also publishing a Notice of Intent similar to this NOP in the Federal Register in accordance with NEPA requirements.

This NOP has been sent to responsible and trustee agencies and involved federal agencies pursuant to Section 15082 of the CEQA Guidelines (14 CCR 15000 et seq.). The purpose of this NOP is to provide information describing the Proposed Project and its potential environmental effects to enable comments regarding the scope and content of the information to be addressed in the EIS/EIR. Agencies should comment on the scope and content of the environmental information that is germane to the agencies' statutory responsibilities in connection with the Proposed Project. Due to the time limits mandated by state law, your response must be sent at the earliest possible date, but not later than 30 days after receipt of this notice.

The YSRCP has not been finalized or distributed for agency or public review. Requests for details beyond the enclosed project description or other specific questions about the project may be directed to Danelle Stylos, Sutter County Development Services Director, at 530.822.7400. This notice and other items related to the YSRCP can be found on the program website: www.yubasutterrcp.com.

Project Background

During planning for improvements to State Routes 70 and 99 in Yuba and Sutter Counties (Counties), the USFWS recommended preparation of a habitat conservation plan (HCP) to ensure compliance with the federal Endangered Species Act to which the Counties and Caltrans agreed. A working group (Counties, USFWS, California Department of Fish and Game (CDFG; now the California Department of Fish and Wildlife (CDFW)),¹ and Caltrans) was formed, conservation planning approaches were evaluated, and grant funding was pursued. The working group agreed to

¹ Effective January 2013, the California Department of Fish and Game (CDFG) officially changed its name to the California Department of Fish and Wildlife (CDFW). In this document, references to the department before the official name change use CDFG, whereas references to the department after 2012 use CDFW.

address the California Endangered Species Act as well as the federal Endangered Species Act by preparing a combined Natural Communities Conservation Plan/HCP. Development of the YSRCP is still in progress.

The YSRCP is intended to provide an effective framework to protect and enhance agricultural and natural resources in Yuba and Sutter Counties, while improving and streamlining the environmental permitting process for projects that may result in impacts on threatened and endangered species. The YSRCP will allow the Counties; the Cities of Wheatland, Yuba City, and Live Oak; and the Plan Implementing Entity (collectively, the Plan Applicants with the intent of becoming the Plan Permittees) to control threatened and endangered species permitting for activities and projects in specifically defined areas of the counties. The YSRCP will also serve to provide comprehensive species and ecosystem conservation and contribute to the recovery of threatened and endangered species in Northern California. The YSRCP will help focus and streamline project-by-project endangered species permitting, which is generally costly and time consuming for applicants and often results in uncoordinated and biologically ineffective mitigation; moreover, it will contribute to long-term, biologically sound local land use decisions.

Project Location

The Plan Area generally includes the Counties of Sutter and Yuba; however, the Plan Area does not include the Sutter Buttes, portions of Southern Sutter County within the Natomas Basin HCP, portions of Eastern Yuba County that are dominated by oak woodlands, and the City of Marysville.

Project Permittees (Partners)

Sutter County
Yuba County
City of Yuba City
City of Wheatland
City of Live Oak

PROJECT DESCRIPTION

The proposed YSRCP will include a conservation strategy to compensate for impacts on covered species and provide for the conservation and management of the covered species and their habitats within the Plan Area. In accordance with the YSRCP and its conservation strategy, the USFWS and CDFW would issue take permits to the local participating jurisdictions under the federal Endangered Species Act, the California Endangered Species Act, and the Natural Community Conservation Planning Act, while complying with other applicable laws. The USFWS and CDFW would also provide assurances to local jurisdictions and Plan Permittees that no further commitments of funds, land, or water would be required to address impacts on covered species beyond those described in the YSRCP. The local

jurisdictions will then be able to use those permits to mitigate identified impacts of maintenance, development, and other activities within areas designated in the YSRCP. Key elements of the YSRCP are described below.

Covered Species

Table 1 lists the species proposed for inclusion in the YSRCP and their current status. Species may be added or deleted from this list as the YSRCP is developed.

Table 1
Yuba–Sutter Regional Conservation Plan Covered Species

Species	Scientific Name	Status		
		Federal	State	CNPS CRPR
<i>Invertebrates</i>				
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	FT	—	—
Vernal pool tadpole shrimp	<i>Lepidurus packardii</i>	FE	—	—
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	FT	—	—
<i>Amphibians and Reptiles</i>				
Giant gartersnake	<i>Thamnophis gigas</i>	FT	ST	—
Western spadefoot	<i>Scaphiopus hammondi</i>	—	SSC	—
Western pond turtle	<i>Actinemys marmorata</i>	—	SSC	—
<i>Birds</i>				
Swainson's hawk	<i>Buteo swainsoni</i>	—	ST	—
Western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>	—	SE	—
Bank swallow	<i>Riparia riparia</i>	—	ST	—
California black rail	<i>Laterallus jamaicensis</i>	—	ST	—
Greater sandhill crane	<i>Grus canadensis tabida</i>	—	ST	—
Bald eagle	<i>Haliaeetus leucocephalus</i>	FD	SE, SFP	—
Western burrowing owl	<i>Athene cunicularia hypugaea</i>	—	SSC	—
Tricolored blackbird	<i>Agelaius tricolor</i>	—	SSC	—
<i>Plants</i>				
Boggs Lake hedge-hyssop	<i>Gratiola heterosepala</i>	—	SE	1B.2
Dwarf downingia	<i>Downingia pusilla</i>	—	—	2.2
Ahart's dwarf rush	<i>Juncus leiospermus</i> var. <i>ahartii</i>	—	—	1B.2
Legenere	<i>Legenere limosa</i>	—	—	1B.1

Status Key

Federal

FE = listed as endangered under the federal Endangered Species Act

FT = listed as threatened under the federal Endangered Species Act

FD = delisted

— = no listing

State

SE = listed as endangered under the California Endangered Species Act

ST = listed as threatened under the California Endangered Species Act

SSC = species of special concern

SFP = fully protected

— = no listing

R = Listed as rare under the California Native Plant Protection Act.

This category is no longer used for newly listed plants, but some plants previously listed as rare retain the designation.

California Native Plant Society (CNPS) California Rare Plant Rank (CRPR)

1B = rare, threatened, or endangered in California and elsewhere

2 = rare, threatened, or endangered in California but more common elsewhere

.1 = seriously threatened in California

.2 = moderately threatened in California

.3 = not very threatened in California



Covered Activities

Covered activities are those activities for which incidental take authorization would be requested by the Plan Permittees. The YSRCP describes specific projects, activities, and categories of activities for which state and federal take permits would be sought. These covered activities would include private projects and actions that permit applicants anticipate may adversely affect sensitive biological resources.

Incidental take for covered activities carried out by the Permittees, or by third-party developers acting under the authority of a development permit issued by the participating cities or counties, would be granted under the YSRCP permit and would be subject to the avoidance, minimization, and mitigation measures prescribed by the YSRCP.

Covered activities fall into nine general categories:

1. Residential, commercial, industrial, and commercial agricultural facilities
2. Recreational facilities
3. Transportation facilities
4. Public and private utilities
5. Mining and mineral extraction
6. Water supply and delivery facilities
7. Flood control maintenance and other stream-related facilities
8. Wastewater and waste management facilities
9. Activities within the YSRCP reserves.

Some activities will not be covered by the YSRCP, including the following:

1. Routine and Ongoing Agricultural Activities. Routine agricultural activities are defined broadly as activities that occur in the normal course of existing farming or ranching operations, such as crop planting, crop conversions from one type to another, crop harvesting, livestock management, and pesticide application. These routine agricultural activities are not covered by the YSRCP and do not typically

require take coverage. Accordingly, the wildlife agencies do not currently issue permits for these types of activities.

2. Conversion of Natural Lands to Agricultural Lands. These activities are not proposed for coverage because there are no discretionary permits issued by the Plan Permittees to regulate these types of land cover changes.
3. Activities of Non-Participating Cities. Urbanization of non-participating cities is not covered under the YSRCP. However, in instances where non-participating cities annex land from Yuba and Sutter Counties through the Local Agency Formation Commission, annexations will need to be consistent with the YSRCP conservation strategy and will require an appropriate contribution to the conservation strategy to appropriately offset potential effects on species.

Conservation Strategy

The YSRCP's Conservation Strategy would provide a regional approach for the long-term conservation of Covered Species and natural communities within the YSRCP Plan Area while allowing for compatible future land use and development under county and city general plan updates and the regional transportation plans. The YSRCP identifies and addresses the Covered Activities that would be carried out by the Permittees that could result in take of Covered Species within the YSRCP Plan Area. The proposed YSRCP is consistent with and is intended to support compliance with other Federal and State wildlife and related laws and regulations, other local conservation planning efforts, and county and city general plans. The YSRCP is designed to streamline and coordinate existing processes for review and permitting of public and private activities that potentially affect protected species. To meet this goal, the YSRCP sets out a conservation strategy that includes measures to ensure that impacts on Covered Species and their habitat related to Covered Activities are avoided, minimized, or mitigated, as appropriate. These Covered Activities encompass the range of existing and future activities that are associated with much of the regional economy

It should be noted that a Neighboring Landowners Protection Program is planned for inclusion in the YSRCP to provide relief to landowners in the area who could be subject to increased regulatory restrictions as a result of implementation of the YSRCP. The implementation of conservation measures included in the YSRCP could increase populations of covered species within YSRCP reserves. As a result, some individuals could disperse to neighboring private lands where the presence of listed species could inhibit routine agricultural activities. Protections for neighboring landowners are described in the YSRCP, as are methods for establishing and estimating incidental take. With certain provisions and restrictions, agricultural lands within 1 mile of the reserve system boundary would be eligible for take coverage during the course of routine agricultural activities, during the permit term, and for take beyond the baseline condition that existed prior to the establishment of the neighboring YSRCP reserves.

Potential Environmental Effects

The environmental analyses presented in the Draft EIS/EIR will describe the existing conditions in the Plan Area and surrounding areas. Relevant federal, state, and local laws and regulations will be summarized. The methods of analysis and any assumptions that are important to understand the conclusions of the analysis will be described along with the standards of significance used to determine impacts of the Propose Project. Feasible mitigation measures will be identified for each significant impact. At this time, it is anticipated that the following issues/technical sections will be addressed in the EIS/EIR:

- Agricultural Resources
- Air Quality
- Biological Resources
- Climate Change
- Cultural Resources
- Hydrology and Water Quality
- Hazardous Materials
- Land Use
- Public Services and Facilities
- Recreation
- Soils, Geology, and Mining
- Transportation and Circulation.

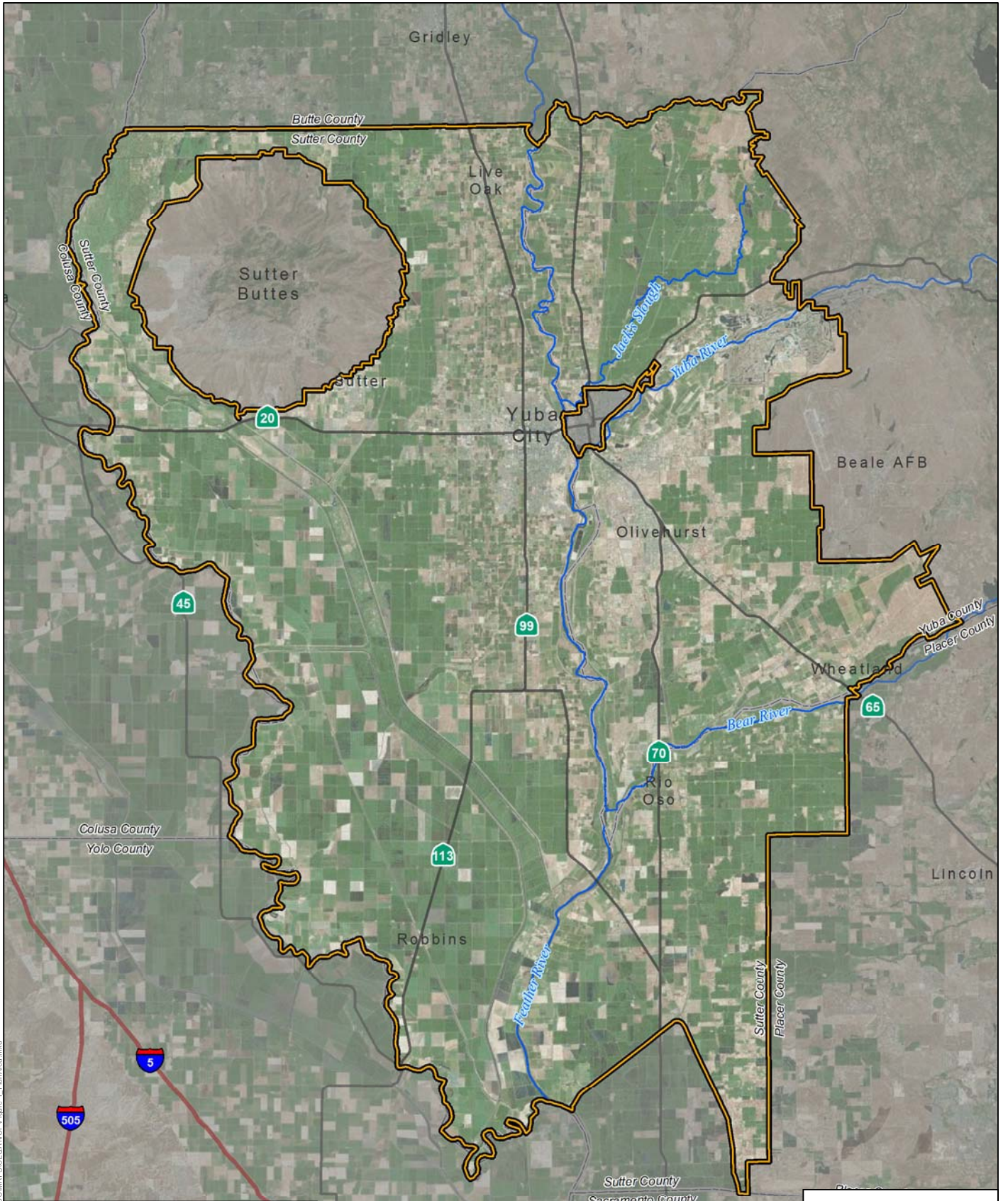
In addition to the elements required in an EIR prepared pursuant to CEQA, as described above, two key items will be included to comply with the USFWS guidelines for preparing an EIS pursuant to NEPA: (1) a Socioeconomics and Environmental Justice technical analysis and (2) the co-equal level of analysis for all alternatives, including the No Project/No Action Alternative against which all remaining alternatives would be compared.

Intended Uses of the EIS/EIR

The Plan Applicants, including Yuba and Sutter Counties and the Cities of Wheatland, Yuba City, and Live Oak, are seeking concurrent and parallel authorizations from federal and state regulatory programs for covered activities authorized through the YSRCP and the associated incidental take permits. The EIS/EIR will serve as the environmental document for actions taken by the federal, state, and local agencies.

Responsible Agencies

- U.S. Fish and Wildlife Service
- California Department of Fish and Wildlife
- Sutter County
- Yuba County
- City of Live Oak
- City of Wheatland
- City of Yuba City.



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Plan Area

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SOURCE: BING 2014, USGS NHD 2012

**FIGURE 1
Plan Area**

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YUBA-SUTTER REGIONAL CONSERVATION PLAN DRAFT EIS/EIR NOTICE OF PREPARATION

