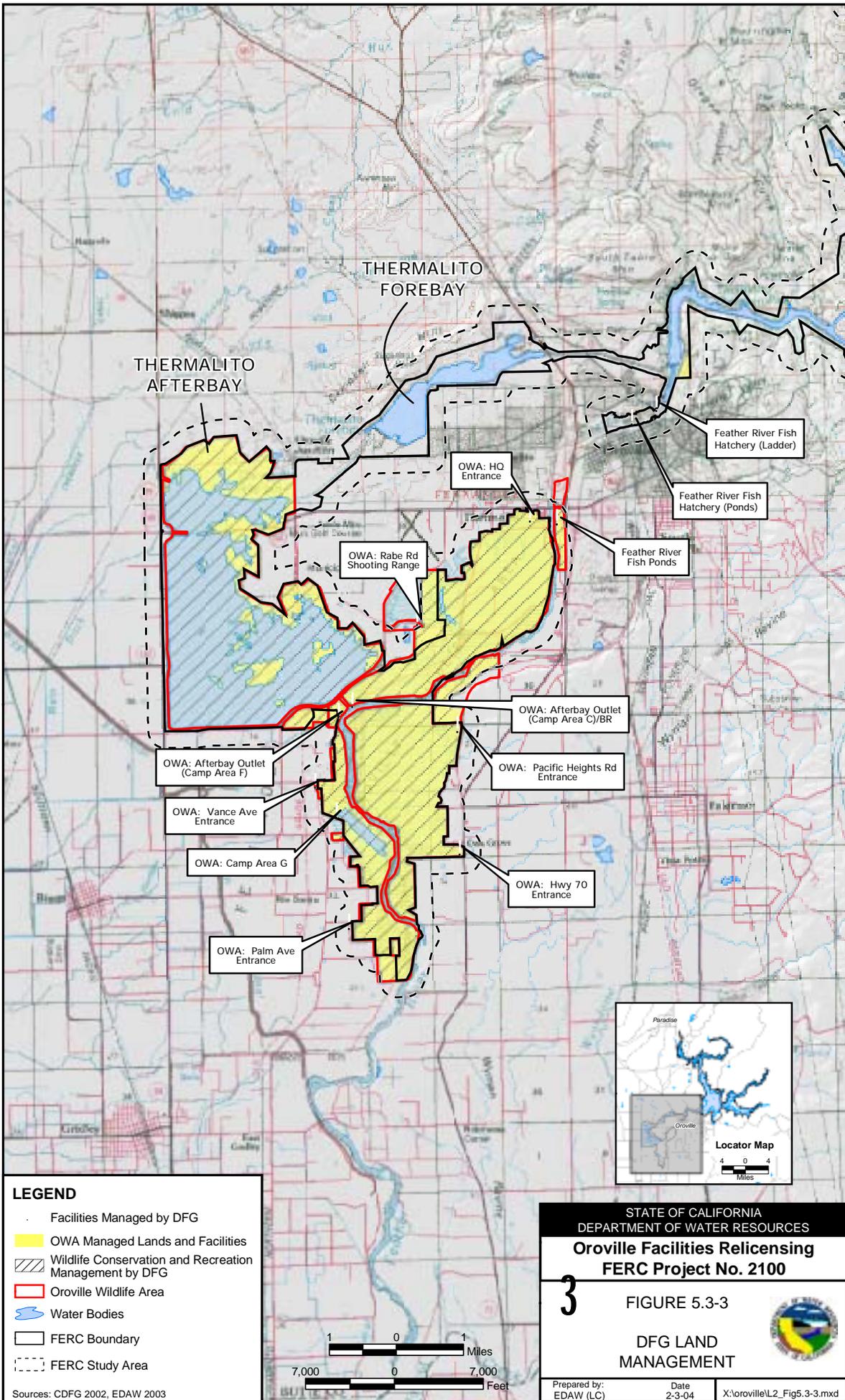


Insert Figure 5.3-3 DFG

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THERMALITO FOREBAY

THERMALITO AFTERBAY

OWA: HQ Entrance

OWA: Rabe Rd Shooting Range

OWA: Afterbay Outlet (Camp Area C)/BR

OWA: Pacific Heights Rd Entrance

OWA: Afterbay Outlet (Camp Area F)

OWA: Vance Ave Entrance

OWA: Camp Area G

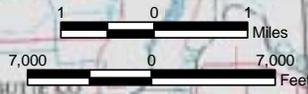
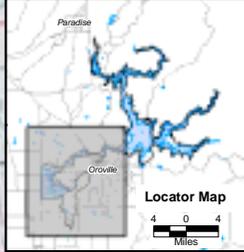
OWA: Palm Ave Entrance

OWA: Hwy 70 Entrance

Feather River Fish Hatchery (Ladder)

Feather River Fish Hatchery (Ponds)

Feather River Fish Ponds



Insert back of Figure 5.3-3 DFG

In addition to the OWA and LOSRA, the DFG operates and manages the Feather River Fish Hatchery. The hatchery was opened in 1967 to compensate for the loss in salmon and steelhead spawning habitat that resulted from the construction of Oroville Dam. While operated by DFG, the hatchery receives substantial funding and maintenance from DWR, as well. DFG also studies and manages the warm and coldwater fisheries in Lake Oroville and assists with DWR's habitat improvement and fish stocking programs.

In general, the DFG interacts with other management agencies in the Study Area to ensure that hunting and fishing regulations on public and private lands are enforced and maintains authority over all activities that have the potential to impact wildlife or wildlife habitat. The DFG has permit authority over projects that would impact the flow, bed, channel, or bank or any river, stream, or lake throughout the Study Area. This authority allows DFG a mechanism to protect or enhance fish and wildlife habitat as they relate to specific project actions (pers. comm., Andy Atkinson, 2003).

5.3.3.1 DFG Management Direction

DFG manages the OWA, LOSRA, and its other statewide responsibilities under Title 14 of the California Fish and Game Code, Sections 1525 – 1530 and the California Fish and Game Commission's Hunting and Other Public Uses on State and Federal Lands California Regulations (DFG 2002). To ensure compatibility with the goals and uses of the Oroville Facilities within the LOSRA, DFG is also responsible for managing fish and wildlife resources and recreation activities pursuant to the Davis-Dolwig Act (Water Code Section 11917). Within the OWA, DFG strives to carry out management responsibilities as identified in the 1978 Oroville Wildlife Area Management Plan (DFG 1978). DFG, with limited assistance from DWR, strives to achieve the objectives laid out in each of these documents through its lands, facilities, fish and wildlife management strategies and practices.

The purpose of the 1978 Oroville Wildlife Area Management Plan (Management Plan) was to provide for the preservation and enhancement of the Oroville Wildlife Area and for the reasonable use and enjoyment by the public. The Management Plan describes the plan's purpose, description of the area, history of the site, present (as of 1978) situation and problems, and recommended action programs. DFG management objectives for the OWA are prioritized in this order:

1. to maintain and improve the fish and wildlife resources of the area for their intrinsic and ecological values;
2. to maintain and improve the environmental quality and amenity of the area; and
3. to provide for the recreational, scientific, and educational use of the area.

As a State Wildlife Area, fish and wildlife protection and enhancement are the primary management purposes within the OWA; recreation and public use within the OWA are

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secondary to habitat preservation. The Management Plan also states that destructive uses and activities incompatible with wildlife and fisheries objectives (that were present at the time the Management Plan was written) will be eliminated through enforcement of existing regulations or development of additional regulations if necessary.

The California Regulations on Hunting and Other Public Uses on State and Federal Areas (the Regulations) also provide management direction for lands associated with hunting activities on state and federally owned lands in California and includes specific management direction for the OWA. The Regulations include hunting license provisions and requirements; application and fee information; a listing of all hunting areas throughout the state, including wildlife areas, recreation areas, and national forests; and detailed information regarding area locations and boundaries, hunting practices and regulations, permit requirements, and firearms and archery equipment regulations in each hunting area.

The OWA, which is located within the FERC boundary, is designated as a “Type C” hunting area by the Regulations. As a Type C hunting area, a permit or pass is not required for most uses. The OWA is open to hunting between September 1 and January 31 and during spring turkey season. However, special permits are required during the spring turkey season and are issued by drawing each year. The possession and use of rifles and pistols are prohibited in the wildlife area except in the designated target practice area, which is open all year.

Regulations within the OWA that influence the use of the area include:

- € Boating Regulations – Boating is allowed only on Thermalito Afterbay. Boats may only be launched from designated launch areas and may be restricted to certain zones designated by the department. Boat speeds are restricted to a maximum of 5 miles per hour.
- € Camping Regulations – Camping is only permitted in designated campsites in the OWA. Camping is limited to 7 consecutive days and up to 14 days total in any calendar year, except by written permission of the Regional Manager.
- € Dog Training Regulations – Dog training is allowed only in designated areas and only from July 1 through March 15.
- € Campfire Regulations – Fires are allowed only in portable gas stoves at sites designated for camping.
- € Horseback Riding Regulations – Horses are restricted to roads open to vehicles and to areas within 25 feet of exterior boundary fences.

Third-Party Leases within the OWA

The DWR has entered into several third-party leases with private individuals and groups within the OWA (Refer to Section 5.3.1.2 and Table 5.3-1). DFG, the primary land

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manager of the OWA, is not party to the lease arrangements. DWR leases within the OWA include arrangements with the Butte College for a shooting range west of Wilbur Road and north of Thermalito Afterbay, a Model Airplane Club for a flying zone west of Wilbur Road and north of Thermalito Afterbay, Granite Construction and Matthews Ready Mix for gravel extraction, and the Joint Water Districts Board for rock removal (pers. comm., Maria Chin 2003).

5.3.3.2 Existing DFG Management Conditions

Recreation in the OWA is managed by DFG, with assistance from DWR at Thermalito Afterbay. OWA is managed “for the preservation and enhancement of the fish and wildlife resources...and for reasonable use and enjoyment by the public” (DFG 1978). Because of its proximity to Oroville, Gridley, and Biggs, the OWA receives heavy recreational use by local residents. Hunting and wildlife viewing in the OWA attracts visitors from farther away, and the fishing access afforded to 9½ miles of the Feather River also attracts numerous persons from throughout the state. Recreation in the OWA primarily consists of river fishing, pond fishing, camping, sightseeing and wildlife viewing, hunting, mountain biking, and picnicking, with lesser numbers of visitors swimming, target shooting, or training dogs. Group use at the OWA is relatively high. The area hosts special events on occasion including nature study and educational groups, shooting matches, hunter safety classes, and equestrian events.

DFG manages the OWA as a State Wildlife Area, meaning that fish and wildlife protection and enhancement are the primary management purposes and that recreation and public use are secondary. Because fish and wildlife are primary issues, and because much of the recreational opportunities in the OWA center on fish and wildlife resources, recreation management in OWA includes fish and wildlife management, habitat improvement, and enforcement of the Fish and Game Code and wildlife area restrictions and regulations. However, the continuous hunting allowed seven days a week during hunting season has resulted in diminished game levels during this season (pers. comm., Andy Atkinson, 2003).

The lack of management personnel and funding is one of the biggest challenges facing the mission of DFG in the OWA. DFG operating standards identify the need for one habitat manager per 1,000 acres, or 12 personnel (not including wildlife protection / law enforcement or administrative staff). Currently, the 12,000-acre OWA is managed by only three habitat managers. The OWA also has no office staff to support management personnel. This condition has placed OWA management operations in “crisis” mode, where emergency situations are prioritized over operational goals associated with wildlife conservation and recreation in the OWA. The DFG has expressed concerns over the absence of patrol of the OWA due to budget constraints. Remote areas within the OWA that are accessible by road are susceptible to illegal activities, such as dumping, fires, and lawless-behavior. DFG staff attempt to remove trash and illegally dumped materials for the OWA where possible, although this takes time away from

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management objectives. Maintenance needs such as basic road maintenance and posting wayfinding signage and maps for users are also unmet due to budget constraints (pers. comm., Andy Atkinson, 2003).

Although the Thermalito Afterbay is included in the OWA, the DWR is responsible for recreation management in this area. DWR funded the construction of recreation facilities and Afterbay boat access launches at the Monument Hill, Willbur Road, and Larkin Road use areas and is responsible for the maintenance of these facilities. DWR contracts with the Butte County Sheriff's Office to provide continued patrol on the Afterbay and at Afterbay use areas and access points. Although the transfer agreement states that the DFG is responsible for managing the Afterbay, the DFG has little involvement in this area due to uses and activities already managed by DWR (pers. comm., Andy Atkinson, 2003; Doug Rischbieter, 2003)

Boating is allowed on the Thermalito Afterbay in the OWA and may be launched from designated areas. Currently, the 5 miles per hour speed limit set for boats on the Thermalito Afterbay is not being enforced. Personal watercraft and powerboats that pull water skiers exceed this speed limit on a normal basis. High boat and personal watercraft speeds in the Afterbay could have adverse impacts on wildlife habitat located adjacent to the banks of the Afterbay within the OWA (pers. comm., Andy Atkinson, 2003). However, boating speeds are not enforced by the Butte County Sheriff's Office due to conflicting management goals. In this case, the conflicting goals include DWR's objective to provide recreational boating opportunities and DFG's objective to limit activities that may be inconsistent with the OWA's management direction for wildlife enhancement / protection. Lack of enforcement of these speeds may affect the management of fish and wildlife-related resources and may influence the quality and perpetuation of recreation related to those resources.

Several management inconsistencies may occur in specific areas of the OWA between the DWR management direction and the wildlife conservation and recreation objectives of the DFG. Activities such as active mineral extraction, boat launch construction, motor boat use along the Feather River above the Thermalito Afterbay outlet, and increased public activity at early access points (e.g.; Larkin Road Car-top Access) during hunting season could be perceived as incompatible uses with the preservation of fish and wildlife habitat in the OWA. At the same time, habitat enhancement opportunities could be created if uses were phased to avoid conflict or provide improvements. For example, mineral extraction sites could be reclaimed to create new types and locations of fish and wildlife habitat.

5.4 PRIVATE LANDS UNDER COUNTY AND CITY JURISDICTION

While the majority of land within the Study Area is owned and managed by State and federal agencies, approximately 33 percent of the total Study Area is in private ownership. These lands are primarily governed under the jurisdictions of Butte County and the City of Oroville (see Table 5.1-1). No private lands are located within the FERC boundary.

The following sections discuss the management direction provided by the County and City policies and development regulations and addresses existing issues that pertain to the Study Area.

5.4.1 Butte County

Butte County has land management jurisdiction over 21,500 acres of land outside the FERC boundary, or roughly one third of the Study Area. All private development within this area is subject to the policies detailed in the Butte County General Plan (GP) and Zoning Ordinance.

5.4.1.1 Butte County General Plan and Municipal Code

Local governments have been directed by the State of California to prepare and adopt a general plan per Section 65302 (a) of the California Government Code. In compliance with California Law, the Butte County GP was originally adopted in 1971 by Butte County and the Butte County Association of Governments. The majority of the document's elements have been revised since adoption of the initial plan; some as recently as the year 2000 while others were last revisited in 1977. The purpose of the document is to provide a complete statement of the policies and intentions regarding future development of land over a planning horizon of 20 years, which extends to the year 2016. The County is currently updating elements of the General Plan.

The Butte County GP contains twelve elements, including Land Use, Circulation, Housing, Conservation, Open Space, Seismic Safety, Safety, Noise, Scenic Highways, Recreation, Economy, and Agriculture. California law does not exclude the area of incorporated cities from the coverage of county general plans. Therefore, the proposals in the Land Use Element, or the element most relevant to the Project, are county-wide in scope and are not limited to unincorporated areas. The most recent adoption of the Land Use element occurred in January 2000 (Butte County Website 2003).

Land Use

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The County's land use policies guide how the land and its resources will be used. The social, cultural, and economic interests of County stakeholders have directed the pattern and intensity of planned land uses to help achieve its long-range "vision" for the County. The land use element of the Butte County General Plan designates 11 land use categories within the Study Area.

The Butte County Zoning Ordinance is the regulatory mechanism that implements the County's land use designations. The zoning ordinance is a set of districts with different regulations on permitted uses, residential densities, lot sizes, signs, parking, and the intensity and placement of structures. The written text of the ordinance is accompanied by maps dividing the entire jurisdiction into zoning districts. The immediate effect, detailed regulations and precise boundaries of the zoning ordinance make it the most effective tool available for controlling physical development according to county policies.

The three primary land use designations in the Study Area include Public, Grazing and Open Land, and Timber Mountain land use. The following zones are intended to implement these land uses:

- € Public-Quasi-Public (P-Q)
- € Agriculture, 40 acre minimum (A-40)
- € Agriculture, 160 acre minimum (A-160)
- € Foothill Recreational (FR-40)
- € Foothill Recreational (FR-160)
- € Commercial Forestry (C-F)
- € Timber Preserve, 160 acre minimum (TPZ-160)
- € "Unclassified" (U)

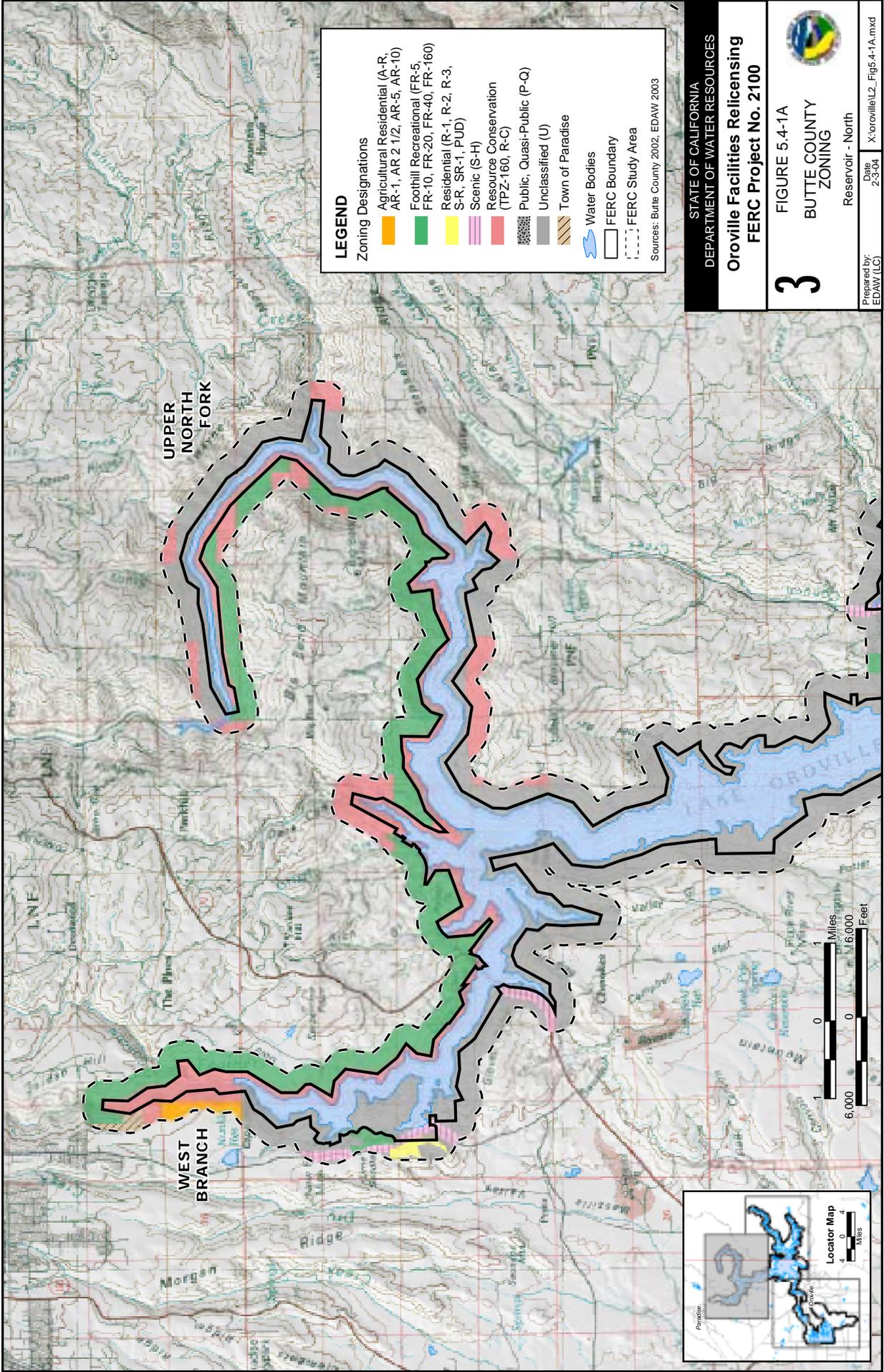
Unclassified lands are those that are not assigned a specific zoning classification by the County. These lands require minimal land management direction and oversight due to the development constraints of the properties.

Planned land uses, including their primary and secondary uses, and the implementing zoning districts are described in Table 5.4-1. The County's zoning districts, aggregated into categories, are illustrated in Figures 5.4-1A through 5.4-1C.

Figure 5.4-1A through 5.4-1C categorizes the zoning districts within the Study Area into the following categories: agricultural, agriculture residential, residential, commercial forest, foothill recreation, commercial, industrial, resource conservation, scenic, and public/quasi public use zoning.

Insert Figures 5.4-1A Butte County Zoning

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Insert back of Figures 5.4-1A Butte County Zoning