20 OTHER REQUIRED NEPA AND CEQA ANALYSES

20.1 INTRODUCTION

NEPA requires an EIS and CEQA requires an EIR to evaluate a number of other types of environmental impacts and issues in addition to those already addressed in the resource chapters. The analysis required under NEPA and CEQA is in many cases similar; therefore, the NEPA and CEQA required analyses in this section are combined, as appropriate.

20.2 SIGNIFICANT AND UNAVOIDABLE IMPACTS

20.2.1 NEPA Level of Significance

None of the action alternatives have significant and unavoidable impacts when comparing the action alternatives to the No Action Alternative. This is identified as the "NEPA Level of Significance" for each impact evaluation in Chapters 4 through 19).

20.2.2 CEQA Level of Significance

As described in Chapter 6, *Agricultural Resources*, when comparing the Proposed Action Alternative to Existing Conditions (identified as the "CEQA Level of Significance for each impact evaluation in Chapters 4-19), the conversion of up to 702 acres of cultivated land and up to 210 acres of land potentially suitable for grazing to habitat as part of implementation of habitat restoration elements of the HCP/NCCP Conservation Strategy is a significant and unavoidable impact (see discussion of Effect AG-1: Potential to convert farmland to non-agricultural use). The Proposed Action Alternative would result in permanent protection of over 21,500 acres of agricultural lands as habitat for various species. This would result in a net increase in protected agricultural land in the Plan Area due to the Conservation Strategy. While the Proposed Action Alternative would result in permanent protection of thousands of acres of agricultural land, the loss of agricultural land is permanent. Permanently protecting some agricultural land cannot fully mitigate for the conversion of other agricultural land to non-agricultural use. Therefore, the impact is considered significant and unavoidable.

The Reduced Take Alternative and Reduced Development Alternative could result in less conversion of agricultural land to other uses compared to the Proposed Action Alternative. However, the amount of any reduction would be dependent on any changes in land uses that ultimately might occur under these alternatives, and the extent and location of any development that is displaced to another part of the Plan Area (see the discussions of these alternatives in Chapter 6, *Agricultural Resources*). Although the total conversion of agricultural land could be less under these alternatives, conversions would still occur with no feasible means to fully mitigate for the impact. Therefore, when comparing these alternatives to Existing Conditions (i.e., the "CEQA Level of Significance"), this impact remains significant and unavoidable for these two alternatives.

20.3 SHORT-TERM USES OF THE ENVIRONMENT VERSUS MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY (NEPA AND CEQA)

In accordance with NEPA, Section 102 (40 USC 4332), an EIS must include a discussion of the relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity. CEQA Section 15065(a)(2) requires lead agencies determine whether a project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

The action alternatives are fundamentally designed to ensure the long-term productivity of the environment is ensured, despite the short-term uses of the environment. In the short-term, a wide range of covered activities would be implemented according to local plans. As explained throughout this document, the activities would result in a loss of habitat and the take of sensitive species; however, each of the action alternatives includes a comprehensive conservation strategy which would avoid, minimize, and mitigate for impacts on sensitive species and natural communities from covered activities.

20.4 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES (NEPA)/SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES (CEQA)

In accordance with NEPA, Section 102 (40 USC. 4332), an EIS must explain which environmental impacts of the action alternatives are irreversible or would result in an irreversible commitment of resources, such as consumption of fossil fuels. CEQA similarly requires an EIR to discuss significant irreversible environmental changes, including changes to land use that would commit future generations, irreversible changes from environmental actions, and consumption of nonrenewable resources that would occur during the initial phases and the continued operation of a project (State CEQA Guidelines Section 15126.2[c]).

The action alternatives would result in an irreversible commitment of fossil fuel resources for habitat restoration and enhancement activities, as well as irreversible commitment of fossil fuels to perform surveys, manage the administrative functions of the action alternatives, and maintain and operate the reserve system. Reserves would be established under the action alternatives to provide for ecosystem viability and species enhancement. Reserves may be purchased in-fee or may be accomplished through conservation easements. While establishing a reserve through a conservation easement would commit the land to this use for the future, changes could be made at the agreement of the Conservancy and both Wildlife Agencies. If an agreement is made, land could be removed from a conservation easement if similar land is used to replace the first.

No specific development activities are authorized under the action alternatives that would result in the irreversible commitment of resources; however, urban development as described by the County and City general plans is included as a covered activity. The conversion of existing agricultural or other land to urban uses is considered an irreversible environmental commitment. Conversion of land to urban uses is among the covered activities included in the action alternatives, but such conversion is not specifically authorized by the action alternatives. The irreversible commitment of lands to urban uses and of nonrenewable and renewable resources was evaluated in the County and City general plan EIRs, as described below. While the general planning horizons end well before the 50-year study period of the Yolo HCP/NCCP EIS/EIR, it is reasonable to assume future general plan updates would authorize development that would cause similar types of resources being irreversibly committed and similar significant irreversible environmental changes.

- Yolo County. Development allowed under the Yolo County General plan would represent a significant irreversible change to the physical environment. Although some of these changes have been addressed by mitigation measures, the potential for disturbance represents an irreversible change. The land use designations in the general plan would result in commitment of these areas to the designated uses for the foreseeable future (i.e., commit future generations). Land use and development consistent with the

general plan would result in irreversible changes by increasing densities and introducing development onto sites that are presently undeveloped. Land uses allowed under the Yolo County General Plan would also result in increased traffic and as a result, increased air pollution and noise emissions. Other irreversible changes associated with the Yolo County General Plan would be the use of non-renewable resources during construction, including nonrenewable concrete, glass, plastic, and petroleum products. In addition, irreversible changes to the physical environment could occur from the accidental release of hazardous materials associated with development activities and from mining and resource extraction activities. The conversion of agricultural land to uses that place structures, cement, asphalt, and similar materials in and over the soil (i.e., urban and related uses) would also be an irreversible change to the environment. Potential environmental impacts associated with implementation of the Yolo County General Plan were described and evaluated within the topical sections presented in the Yolo County General Plan EIR. Agricultural lands would be converted to urban land uses, open space, and trails. Non-renewable energy sources would also be consumed during the operation of future uses associated with the Yolo County General plan. Build-out of the Yolo County General plan would generate additional demand for electricity, natural gas, and propane supplies and distribution (Yolo County 2009).

- City of Davis. Implementation of the City of Davis General Plan would result in the commitment of nonrenewable natural resources used in construction (such as gravel, petroleum products, and others) and slowly renewable resources (such as wood products for individual project construction). Development and operation of specific projects in the planning area also would result in a commitment of energy resources in the form of fossil fuels, including fuel oil, natural gas, gasoline for automobiles, and facility utility services. For the City, an increased commitment of public services (e.g., expansion of fire infrastructure and personnel, increases in police personnel, and so forth) and public maintenance services also would result from implementation of the general plan update. Additionally, the general plan will convert prime farmland to urban use and would result in the loss of existing natural resources and biological habitat (City of Davis 2000).

- City of West Sacramento. Land use planning and regulatory actions associated with development of the general plan would result in an irretrievable commitment of nonrenewable resources—such as fossil fuel–based energy supplies and construction-related materials—as a result of future development that would occur pursuant to the general. Energy resources would be used for construction, heating and cooling of buildings, transportation of people and goods, heating and refrigeration, lighting, and other associated energy needs. There would be an irretrievable commitment of labor, capital, and materials used in construction, and open space would be permanently lost over time. Nonrenewable resources would be committed—primarily in the form of fossil fuels (oil, natural gas, and gasoline) used to support the additional development associated with implementation of the general plan. The consumption of other nonrenewable or slowly renewable resources include, but would not be limited to, lumber and other forest products, sand and gravel, asphalt, steel, copper, and water. Development of lands generally would result in their future and permanent commitment to urban and suburban uses (City of West Sacramento 2016).

- City of Winters. With implementation of the City of Winters General Plan, the city will encompass a substantially larger urban area, and transform agricultural lands into new residential neighborhoods and commercial and industrial districts, in turn promoting a much larger population than currently exists. Construction of new housing, places of business and other facilities will result in the consumption of non-renewable construction materials, water, and energy resources. The use of these resources would be ongoing over the life of the City of Winters General Plan (City of Winters 1992b).

- City of Woodland. Conversion of prime agricultural soils and conversion of wildlife habitat areas are considered irreversible environmental changes of the general plan. Uses of nonrenewable resources during the period of the general plan may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Roadway improvements and other actions would commit future generations to similar uses. (City of Woodland 1996).

Due to the irreversible commitment of resources and significant irreversible environmental changes that would occur as a result of covered activities, irreversible commitment of resources and significant irreversible environmental changes are expected to occur under all alternatives.

20.5 GROWTH INDUCEMENT (CEQA)

CEQA requires an EIR discuss the extent to which a proposed action would directly or indirectly foster economic or population growth or the construction of new housing, including removing obstacles to growth that may result in significant environmental effects (State CEQA Guidelines Section 15126.2[d]). The action alternatives include covered activities that would have direct growth-inducing impacts. The action alternatives also include covered activities that would not directly cause growth to occur, but rather would accommodate growth that is already planned in the County's and Cities' general plans.

Future development that is included as a covered activity under the action alternatives is considered planned development because it is derived directly from the County's and Cities' general plans and from transportation plans adopted by regional transportation authorities. The direct and indirect impacts of this planned growth and any mitigation requirements is provided under the general plan EIRs for each jurisdiction, as well as under project-specific environmental compliance that would be required for specific developments in the future. In general, the local jurisdictions made the following growth inducing findings in the various general plan EIRs.

- Yolo County. The General Plan would allow growth to occur in an orderly and regulated manner, consistent with the policies of the County and with agencies that regulate development of lands within the County. All of the urban growth that would occur in unincorporated Yolo County would be directed to the areas within the identified growth boundaries of existing community areas. Land uses and development consistent with the General Plan would result in additional housing, commercial, industrial, and public services and infrastructure development within the unincorporated area. Development consistent with the general plan would result in increased population in the County. While the General Plan would be growth inducing to the extent that it would accommodate this projected growth; it would not, in and of itself, serve to induce future growth within the unincorporated area beyond what is currently projected because urban growth would not be allowed outside of the defined growth boundaries (Yolo County 2009).

- City of Davis. The City of Davis General Plan would result in growth-inducing impacts. Development proposed under the General Plan would foster economic growth in Davis and the surrounding area as new employers create increased demand for goods and services. The provision of new housing also would directly result in population growth within the City. Regarding population growth, the City of Davis General Plan includes policies designed to limit population growth in Davis. The City of Davis General Plan would increase demand for existing community facilities and services. (City of Davis 2000).

- City of West Sacramento. The City of West Sacramento General Plan would result in growth-inducing impacts due to enabling additional development of residential, commercial, industrial, and public/quasi-public uses. However, the general plan would provide the framework by which public officials will be guided in making decisions relative to future development in West Sacramento (City of West Sacramento 2016).

- City of Winters. The City of Winters General Plan would enable the development of new residential, commercial, industrial and other land use development within the city of Winters. It is assumed that the city may develop residential uses more rapidly than employment-generating uses in the short term, while a jobs/housing balance is a long-term goal requiring steady initiative on the part of the City and other interests (e.g., Chamber of Commerce). With an imbalance of more housing than jobs, there would be marginal demand for residential development outside of the city, with the possible exception of limited growth in retirement or vacation homes near Lake Berryessa or elsewhere in and along the Vaca Mountains, the residents of which could more easily obtain commercial services in Winters. In the long

term, as a city with many more services and job opportunities, and a closer jobs/housing balance, Winters could potentially emerge as a "sub-regional" center, to which a proportion of persons employed in Winters may commute from other surrounding areas. The construction activity and commercial and industrial development could over time create substantial numbers of jobs, possibly resulting in more demand for housing than the General Plan envisions, and resulting in demand for housing (as well as other urban and commercial services) outside of the city. Some of this demand might be met in other city jurisdictions, such as Vacaville, Woodland or Davis, while other pressures could be placed on rural areas to be developed with urban land uses. This demand, or growth-inducing impact, however, would be managed, or mitigated, through the land use policies of the Yolo County General Plan, assuming their implementation is effective. Those policies would prevent urban land uses in areas other than those immediately adjacent to existing urban areas, such as Winters. (City of Winters 1992.)

- City of Woodland. The City of Woodland General Plan is growth-inducing because one of Woodland's objectives in updating its General Plan is the promotion of economic development and accommodation of demand for residential growth. In promoting such development and accommodating such growth, the General Plan, however, attempts to address the potentially adverse implications through policies, programs, and proposals for adequate infrastructure, promoting a reasonable balance between jobs and housing, and protection of environmentally-sensitive resources (City of Woodland 1996).

The 50-year term of the action alternatives and the incidental take permits would extend beyond the planning horizon of the local general plans. General plans would provide for growth while the action alternatives would provide authorization for take associated with lawfully undertaken covered activities associated with this growth. The action alternatives would provide a streamlined mechanism for specific projects to comply with FESA and CESA. An improved permitting mechanism would not remove a barrier to growth but would perhaps lower it, as described in the following text. Under the action alternatives, development applicants could secure FESA permit approval more efficiently, resulting in improved project efficiencies and potential development cost savings. The efficiencies and cost savings under the action alternatives would affect different types of development projects differently. For example, development of lands where there are few species concerns would not be substantially affected by the action alternatives since FESA and CESA permitting without the action alternatives would be a minor issue. Projects with a greater level of species concerns would be most affected by implementation of the action alternatives since these projects would benefit most by streamlined FESA and CESA permit approvals. Nevertheless, without the action alternatives, these projects would presumably still be able to proceed under the existing case-by-case permit approval process. Given the current rate of development and growth being experienced in the Plan Area, the cost of issuing permit approvals on a project-by-project basis does not appear to be a meaningful disincentive to development. Thus, the action alternatives may influence the speed with which development could proceed, but not the extent of development. The speed of development would be more substantially influenced by larger economic conditions, population growth, the housing market, as well as local land use and growth-management controls.

20.6 ENVIRONMENTALLY PREFERABLE/SUPERIOR ALTERNATIVE

The State CEQA Guidelines (Section 15126.6([e][2]) require an environmentally superior alternative be identified from the alternatives considered. The environmentally superior alternative is generally defined as the alternative that would result in the least adverse environmental impacts on the project site and the surrounding area.

NEPA regulations require that when an agency has concluded an EIS and the decision is recorded in a public Record of Decision (ROD) (40 CFR Section 1505.2), the ROD needs to "identify all alternatives considered by the agency in reaching its decision, specifying the alternative or alternatives which were considered to be environmentally preferable" (40 CFR Section 1505.2[b]). The agency must discuss all factors essential to the agency decision and discuss how those factors influenced the agency's decision (40 CFR Section

1505.2[b]). The environmentally preferable and superior alternative is the alternative that would result in the least damage to the environment.

Based on the analysis presented in Chapters 4 through 19, the conservation strategy provided by each of the three action alternatives ensure each of the three action alternatives is environmentally superior to the No Action Alternative. The action alternatives would provide the most comprehensive approach to habitat conservation, with the greatest potential to provide long-term benefits to the covered species.

All action alternatives result in two significant impacts, one related to potential conflicts between the Yolo HCP/NCCP and the Solano HCP, and the second related to the conversion of agricultural land to a non-agricultural use. All other impacts are less than significant. Under each action alternative impacts related to potential conflicts between the Yolo HCP/NCCP and the Solano HCP are reduced to a less than significant level with implementation of Mitigation Measure LAND-1. Impacts related to conversion of agricultural land to a non-agricultural use are significant and unavoidable for all action alternatives as there is no feasible means to create new agricultural land to replace agricultural land that is lost (see Section 20.2 above).

Although all three action alternatives result in the same number of less than significant, significant, and significant and unavoidable environmental impacts, for many of the impacts there is the potential for the Reduced Take Alternative and the Reduced Development Alternative to result in less of an environmental effect than the Proposed Action Alternative. Whether a reduced effect were to occur is dependent in large part on whether any changes in the type or extent of development in the locations considered under each alternative (see descriptions of alternatives in Chapter 2, Proposed Action and Alternatives) results in development being displaced to another location, and the conditions at the new development location. Because the limitations on take included in the Reduced Take Alternative are assumed to apply to both the areas specifically considered as part of the alternative, and locations where displaced development would occur, there is a greater potential for the Reduced Take Alternative to result in reduced levels of impact than for the Reduced Development Alternative. In addition, the Reduced Take Alternative includes the assumption that although the amount of authorized take would be less than under the other action alternative, the conservation strategy, including the amount and type of conservation lands, would be the same as for the Proposed Action. Because the Reduced Take Alternative has the potential to result in reduced environmental impacts compared to the Proposed Action and Reduced Development Alternatives while maintaining the same conservation benefits as the Proposed Action Alternative, it is considered the environmentally preferable/environmentally superior alternative.

20.7 EXECUTIVE ORDERS

In support of the requirements of NEPA, executive orders relevant to the action alternatives are described below.

20.7.1 Executive Order 11988—Floodplain Management

Executive Order 11988, Floodplain Management, requires federal agencies to prepare floodplain assessments for proposed actions located in or affecting floodplains. An agency proposing to conduct an action in a floodplain must consider alternatives to avoid adverse effects and incompatible development in the floodplain. If the only practicable alternative involves siting in a floodplain, the agency must minimize potential harm to or development in the floodplain and explain why the action is proposed in the floodplain. The action alternatives include covered activities that would allow future development that may occur in floodplains within the incorporated cities. However, the HCP/NCCP does not authorize these activities but provides an alternative endangered species act compliance mechanism.

Portions of the reserve system are likely to be located within floodplains. Because most of the reserve system lands would continue to be managed for agriculture consistent with biological goals and objectives, no

floodplain impacts are expected. Habitat restoration is unlikely to affect floodway capacity and if it could, this would be evaluated with the Central Valley Flood Protection Board and other relevant flood control agencies.

20.7.2 Executive Order 11990—Protection of Wetlands

Executive Order 11990, Protection of Wetlands, requires federal agencies to prepare wetland assessments for projects located in or affecting wetlands. Agencies must avoid undertaking new construction in wetlands unless no practicable alternative is available and the action alternatives include all practicable measures to minimize harm to wetlands.

The action alternatives have been designed to address impacts on federal and state jurisdictional waters, including wetlands, and on state jurisdictional streams and lakes. Specific biological goals and objectives for wetlands and streams have been developed, and the conservation strategy includes a range of specific measures to avoid and mitigate for impacts on these resources (see Chapter 4, *Biological* Resources and Chapter 9, *Hydrology and Water Quality,* for more information). Specific measures included in the action alternatives include the following.[1]

- AMM1, Establish Buffers
- AMM2, Design Developments to Minimize Indirect Effects at Urban-Habitat Interfaces
- AMM9, Establish Buffers around Sensitive Natural Communities
- AMM10, Avoid and Minimize Effects on Wetlands and Waters
- AMM14, Minimize Take and Adverse Effects on Habitat of Giant Garter Snake

These measures, implemented in concert, would provide adequate protection for existing and created wetlands in the Plan Area.

20.7.3 Executive Order 12898—Environmental Justice

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, requires federal agencies to identify and address disproportionately high and adverse human health or environmental effects of their actions on minorities and low-income populations and communities. Potential impacts related to environmental justice are discussed in Chapter 11, *Socioeconomics and Environmental Justice.*

[1] In the Draft EIS/EIR, this list of AMMs also included AMM21, Implement Performance Standards of the Off-Channel Mining Plan and the Cache Creek Resources Management Plan. This AMM has been removed from the HCP/NCCP; however, this does not affect the evaluation of Executive Order 11990. The performance standards of the Off-Channel Mining Plan and the Cache Creek Resources Management Plan (both described in Section 9.2.2, Regulatory Setting, in the section describing the Cache Creek Area Plan) must be implemented whether this version of AMM21 had remained in the HCP/NCCP or not.

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