

Chapter 5

Other Required CEQA and NEPA Analyses

NEPA requires an EIS and CEQA requires an EIR to provide a number of other types of environmental analyses. 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.

5.1 Cumulative Impacts

As described in Section 4.0, *Environmental Consequences*, under CEQA cumulative impacts are “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts” (State CEQA Guidelines Section 15355; Public Resources Code Section 21083[b]).

U.S. Council on Environmental Quality’s regulations for implementing NEPA define a cumulative effect as:

the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. (40 Code of Federal Regulations [CFR] Section 1508.7.)

The background for the cumulative analysis is presented in Section 4.0, and each resource section in Chapter 4, *Environmental Consequences*, contains an analysis of the cumulative effects specific to that resource that would potentially result due to implementation of the proposed action or alternatives.

5.2 Significant and Unavoidable Impacts

Tables ES-1, ES-2, and ES-3 summarize significant and unavoidable impacts, as disclosed in Chapter 4, *Environmental Consequences*, of this EIS/EIR, for all alternatives considered. Resources with significant and unavoidable impacts associated with the proposed action are listed below.

- **Agricultural Resources** as a result of converting agricultural lands to urban land uses or native habitat within the Plan Area.
- **Air Quality, Greenhouse Gases, and Climate Change** as a result of conflicts with applicable Placer County Air Pollution Control District air quality plans due to Covered Activities (i.e., urban land uses identified in the general plans of Placer County and the City of Lincoln); violations of air quality standards as a result of Covered Activities; causing cumulatively considerable net increases in criteria pollutants as a result of Covered Activities; exposing sensitive receptors to substantial pollutant concentrations as a result of Covered Activities; generation of greenhouse gas (GHG) emissions as a result of Covered Activities and implementation of the Plan; and conflict with GHG emissions reduction targets codified in California Assembly Bill 32.

- **Cultural and Paleontological Resources** as a result of risk of direct or indirect destruction of paleontological or previously identified and unknown cultural resources resulting from Covered Activities (i.e., ground-disturbing development activities) associated with implementation of the *Placer County General Plan*.
- **Hydrology and Water Quality** as a result of exposing structures and people to loss, injury, death involving flooding due to Covered Activities within the city of Lincoln (i.e., urban land uses identified in *City of Lincoln General Plan*).
- **Noise and Vibration** as a result of substantial and permanent increase in noise levels above levels currently existing due to Covered Activities (i.e., urban land uses identified in general plans of Placer County and the City of Lincoln, as well as public infrastructure projects) and construction and operations and maintenance activities associated with implementation of the Plan; substantial temporary or periodic increase in ambient noise levels; and increases in excessive groundborne vibrations and groundborne noise levels associated with Covered Activities and construction activities associated with implementation of Plan conservation measures.
- **Transportation and Circulation** as a result of a substantial increase in traffic compared to existing traffic volumes and the capacity of the roadway system due to Covered Activities within the local jurisdictions (i.e., urban land uses and associated planned growth).

5.3 Short-Term Uses of the Environment versus Maintenance and Enhancement of Long-Term Productivity

In accordance with NEPA, Section 102 (42 United States Code [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. The proposed action is fundamentally designed to ensure that 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 urban development and infrastructure projects would be carried out under the terms and conditions of the proposed action. Although these activities would result in a loss of habitat and the take of sensitive species, these activities would be undertaken pursuant to the terms of the proposed action. The proposed action provides for a comprehensive mechanism to avoid, minimize, and mitigate for impacts on sensitive species and natural communities from Covered Activities.

5.4 Irreversible and Irretrievable Commitments to Resources/Significant Irreversible Environmental Changes

In accordance with NEPA, Section 102 (42 USC 4332), an EIS must explain which environmental impacts of the proposed action are irreversible or would result in an irreversible commitment of resources, such as consumption of fossil fuels. CEQA similarly requires an EIR to discuss uses 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 proposed action 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 proposed action, and maintain and operate the preserve system. Preserves would be established under the proposed action to provide for ecosystem viability and species enhancement; however, establishment of preserves, whether purchased in-fee or through easements, would not be considered an irreversible physical commitment of resources since this use would not preclude modifications or adjustments in the use in the future.

No specific development activities are authorized under the proposed action that would result in the irreversible commitment of resources; however, urban, suburban, and rural residential development as described by the local jurisdictions' general plans is included as a Covered Activity. The conversion of existing agricultural or other land to urban and other uses is considered an irreversible environmental commitment. Conversion of land to urban uses is a Covered Activity by the proposed action, but such conversion is not specifically authorized by the proposed action as described in Section 1.2.3, *Joint Documentation*.

5.5 Growth-Inducing Impacts

CEQA requires that 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 proposed action includes Covered Activities that would have direct growth-inducing impacts. The proposed action also includes Covered Activities that would not directly cause growth to occur, but rather would accommodate growth that is already planned in the general plans of Placer County and the City of Lincoln (Placer County 2013; City of Lincoln 2008a).

Future development that is covered under the proposed action and assessed as part of the proposed action impact analysis is considered planned development because it is derived directly from the local jurisdictions' general plans. The proposed action would streamline the development envisioned in the *Placer County General Plan* and *City of Lincoln General Plan* as well as and long-term South Placer Regional Transportation Authority and Placer County Water Agency plans. The direct and indirect impacts of this planned growth and any mitigation requirements are provided under the general plans for the City of Lincoln and Placer County, as well as under project-specific environmental compliance that would be required for specific developments in the future.

The 50-year term of the proposed action and incidental take permits and natural community conservation plan permit would extend beyond the time periods addressed in projections for the City of Lincoln and Placer County's general plans. The proposed action does not induce future growth since other factors (e.g., updates to the general plans) would be more accommodating to growth than the attainment of take authorization.

The proposed action would provide a streamlined mechanism for specific projects to comply with federal Endangered Species Act and California Endangered Species Act. An improved permitting mechanism would not remove a barrier to growth but would perhaps lower it. Under the proposed

action, permit approval would be easier for development applicants to secure, resulting in improved development efficiencies and potential development cost savings.

The efficiencies and cost savings under the proposed action 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 proposed action since permitting without the proposed action would be a minor issue. Projects with a greater level of species concerns would be most affected by implementation of the proposed action since these projects would benefit most by streamlined permit approvals. Nevertheless, without the proposed action, 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 noticeable disincentive to development. Thus, the proposed action 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, housing stocks, as well as local land use and growth-management controls.

5.6 Environmentally Superior/Preferable Alternative

The State CEQA Guidelines (Section 15126.6[e][2]) require that 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. If the no-project alternative is the environmentally superior alternative, then CEQA requires an EIR to identify which of the other alternatives is the environmentally superior alternative. Under CEQA, the proposed project is not considered an alternative, and for this reason, identification of one of the other alternatives as the *environmentally superior alternative* is required.

Tables ES-1, ES-2, and ES-3 in the *Executive Summary* of this EIS/EIR provide an overview of the potential differences in the levels of impact under the alternatives considered.

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 superior/environmentally preferable alternative* is the alternative that would result in the least damage to the environment. For the federal agencies, the determination of the environmentally preferable alternative will be made in that agency’s ROD.

For the purposes of CEQA, based on the analysis presented in Chapter 4, *Environmental Consequences*, the environmentally superior alternative is the proposed action. The proposed action would provide the most comprehensive approach to habitat conservation among the alternatives, with the greatest potential to provide long-term benefits to the Covered Species. However, because under CEQA the proposed action is not considered an alternative, the alternative other than the proposed action that would result in the least environmental impacts would be Alternative 3—Reduced Take/Reduced Fill.

5.7 Executive Orders

Executive orders (EOs) that are relevant to the proposed action are described below.

5.7.1 Executive Order 11988—Floodplain Management

EO 11988, Floodplain Management, requires federal agencies to prepare floodplain assessments for proposed projects 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.

All action alternatives include Covered Activities that may occur in floodplains within the city of Lincoln. This development is planned development that has been evaluated, and mitigation measures have been identified in the local jurisdictions' general plan EIRs and incorporated in Section 4.5, *Hydrology, Water Resources, and Water Quality*.

5.7.2 Executive Order 11990—Protection of Wetlands

Signed May 24, 1977, EO 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 proposed action includes all practicable measures to minimize harm to wetlands.

The EO directs federal agencies to refrain from assisting in or giving financial support to projects that encroach on publicly or privately owned wetlands. It further requires that federal agencies support a policy to minimize the destruction, loss, or degradation of wetlands. Such a project (that encroaches on wetlands) may not be undertaken unless the agency has determined that (1) there are no practicable alternatives to such construction, (2) the project includes all practicable measures to minimize harm to wetlands that would be affected by the project, and (3) the impact will be minor.

All 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 would include a range of specific measures to avoid and mitigate for impacts on these resources. Specific measures can be found in Table 4-2 in the CARP, which would be a part of all action alternatives.

These measures, implemented in concert, would provide adequate protection for existing wetlands, as well as restore and create additional wetlands in the Plan Area.

5.7.3 Executive Order 12898—Environmental Justice

Environmental justice is rooted in the Civil Rights Act of 1964, which prohibited discrimination in federally assisted programs, and in EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, issued February 11, 1994. EO 12898 was intended to ensure that federal actions and policies do not result in disproportionately high adverse effects on minority or low-income populations. It requires each federal agency to take "appropriate

and necessary” steps to identify and address any such disproportionate effects resulting from its programs, policies, or activities, including those it implements directly, as well as those for which it provides permitting or funding. Potential impacts related to environmental justice are discussed in Section 4.9, *Population and Housing, Socioeconomics, and Environmental Justice*.

5.7.4 Executive Order 13112—Prevention and Control of Invasive Species

EO 13112, signed February 3, 1999, directs all federal agencies to prevent and control the introduction of invasive species in a cost-effective and environmentally sound manner. The EO established the National Invasive Species Council (NISC), which is composed of federal agencies and departments, and a supporting Invasive Species Advisory Committee composed of state, local, and private entities. In 2008, NISC released an updated *National Invasive Species Management Plan* that recommends objectives and measures to implement the EO and prevent the introduction and spread of invasive species. The EO requires consideration of invasive species in NEPA analyses, including their identification and distribution, their potential impacts, and measures to prevent or eradicate them. Potential impacts related to invasive species are discussed in Section 4.3, *Biological Resources*.

5.7.5 Executive Order 13175—Consultation and Coordination with Indian Tribal Governments

EO 13175 reaffirms the federal government's commitment to tribal sovereignty, self-determination, and self-government. Its purpose is to ensure that all executive departments and agencies consult with Indian tribes and respect tribal sovereignty as they develop policy on issues that impact Indian communities. Consultation with Indian Tribal Governments is described in Chapter 1, *Introduction*.

5.7.6 Executive Order 13186—Responsibilities of Federal Agencies to Protect Migratory Birds

EO 13186, signed January 10, 2001, directs each federal agency taking actions that would have or would likely have a negative impact on migratory bird populations to work with the U.S. Fish and Wildlife Service to develop a memorandum of understanding (MOU) to promote the conservation of migratory bird populations. Protocols developed under the MOU must include the following agency responsibilities: (1) avoid and minimize, to the extent practicable, adverse impacts on migratory bird resources when conducting agency actions, (2) restore and enhance habitat of migratory birds, as practicable; and (3) prevent or abate the pollution or detrimental alteration of the environment for the benefit of migratory birds, as practicable. Potential impacts related to migratory birds are discussed in Section 4.3, *Biological Resources*.

5.8 Public Interest Review Special Topics

As a part of issuing permits, the U.S. Army Corps of Engineers (USACE) is required to perform a Public Interest Review (PIR) as described in 33 CFR 320.4. Under the PIR, USACE must address the direct, indirect, and cumulative effects of the proposed activity and its intended use on the public interest. USACE may only issue a permit for a proposed activity if it is determined the proposed

activity is not contrary to the public interest. In addition to the requirement for a PIR, as required by the Section 404(b)(1) guidelines at 40 CFR 230.10(c), USACE may not issue a permit for a discharge of dredged and/or fill material that will cause or contribute to significant degradation of the waters of the United States. The findings of significant degradation related to a proposed discharge are based upon appropriate factual determination, evaluations, and tests required by the Section 404(b)(1) guidelines. As identified in 40 CFR 230.11, the factual determination is made by USACE by determining, in writing, the potential short-term or long-term effects of a proposed discharge of dredged or fill material on the physical, chemical, and biological components of the aquatic environment. Subparts C through G of the Section 404(b)(1) guidelines (40 CFR 230.20 through 230.60) provide the specific factors evaluated by USACE in making the required factual determinations and a final decision on whether a proposed discharge will result in significant degradation of the waters of the United States. Under the USACE regulatory program, there is substantial overlap between the PIR factors and the Section 404(b)(1) factors. However, the evaluation of effects under the PIR and Section 404(b)(1) guidelines differ in that, under the PIR review, USACE analyzes the effects of the proposed action and its intended use, and under the Section 404(b)(1) review, USACE analyzes the effects of the proposed discharge into waters of the United States.

As identified in Appendix C of this EIS/EIR, USACE intends to use this EIS/EIR to develop a permit strategy, consisting of evaluation of a programmatic general permit (PGP), regional general permit (RGP), letter of permission procedures (LOP), and abbreviated standard permit procedures. USACE also intends to use this EIS/EIR in the review and development of an in-lieu fee program for the Permit Applicants. USACE will complete the final PIR and Section 404(b)(1) analysis for the permit strategy in the ROD.

Individual activities authorized under the proposed PGP/RGPs would result in no more than minimal individual and cumulative effects on the environment, including the PIR and Section 404(b)(1) factors identified below. For activities authorized under the proposed LOP/abbreviated standard permit process, USACE would make a case-specific determination on the individual and cumulative effects on the environment, including the effects to any of the PIR or Section 404(b)(1) factors identified below. For activities that would result in potentially significant impacts on the human environment, including potentially significant impacts on the PIR/Section 404(b)(1) (if included) factors identified below, USACE would prepare a supplemental EIS, in accordance with NEPA.

Table 5-1 is intended to facilitate the USACE PIR and Section 404(b)(1) analysis for the permit strategy, and identifies where in this EIS/EIR the topics required to be considered in the PIR and Section 404(b)(1) are addressed or, for those topics not specifically addressed in this EIS/EIR, presents specific information for the use of the USACE in its PIR and Section 404(b)(1) analysis for the permit strategy.

Table 5-1. Topics for Consideration in the U.S. Army Corps of Engineers' Public Interest Review and Section 404(b)(1) Analysis

Factor	Where Addressed
Conservation (PIR)	Sections 3.3 and 4.3, <i>Biological Resources</i> , of this EIS/EIR
Economics (PIR)	Sections 3.9 and 4.9, <i>Population, Housing, Socioeconomics and Environmental Justice</i> , of this EIS/EIR
Aesthetics (PIR/Section 404(b)(1))	The environmental effects of the Covered Activities related to aesthetics are covered in the EIRs for the <i>Placer County General Plan</i> and the <i>City of Lincoln General Plan</i> . The EIR for the <i>Placer County General Plan</i> concluded that impacts related to aesthetics would be less than significant, while the EIR for the <i>City of Lincoln General Plan</i> concluded that buildout of the general plan would result in significant and unavoidable impacts related to aesthetics. Policies related to aesthetics are found in the general plans.
General environmental concerns (PIR)	Sections 3.2 and 4.2, <i>Air Quality, Greenhouse Gases, and Climate Change</i> ; Sections 3.8 and 4.8, <i>Noise and Vibration</i> ; and Sections 3.11 and 4.11, <i>Transportation and Circulation</i> , of this EIS/EIR
Wetlands (PIR/404(b)(1))	Sections 3.3 and 4.3, <i>Biological Resources</i> , of this EIS/EIR
Sanctuaries and refuges; coral reefs (Section 404(b)(1))	N/A; there are no sanctuaries and refuges or coral reefs within the Plan Area.
Mud flats; vegetated shallows; riffle and pool complexes (Section 404(b)(1))	The extent of mud flats, vegetated shallows, and riffle and pool complexes within the Plan Area are not known, and therefore these effects are not specifically addressed in the EIS/EIR. As described above, USACE would determine the extent of impacts on mud flats on a project-by-project basis.
Historic properties (PIR)	Sections 3.4 and 4.4, <i>Cultural and Paleontological Resources</i> , of this EIS/EIR
Fish and wildlife values, threatened and endangered species; fish, crustaceans, mollusks, and other aquatic organisms in the food web; other wildlife (PIR/Section 404(b)(1))	Sections 3.3 and 4.3, <i>Biological Resources</i> , of this EIS/EIR
Flood hazards (PIR)	Sections 3.5 and 4.5, <i>Hydrology and Water Quality</i> , of this EIS/EIR
Floodplain values (PIR)	Sections 3.5 and 4.5, <i>Hydrology and Water Quality</i> , of this EIS/EIR
Land use (PIR)	Sections 3.6 and 4.6, <i>Land Use and Planning</i> , of this EIS/EIR
Navigation (PIR)	In-water activities affected by the action alternatives analyzed in this document would include operation and maintenance of water supply and drainage facilities and storm water conveyance systems, low impact development facilities, nonpoint source reduction, detention/retention facilities, outfall structures, and other drainage improvements. Approval of the proposed PCCP, including the permits issuance of incidental take permits by the U.S.

Factor	Where Addressed
Shore erosion and accretion	Fish and Wildlife Service and the National Marine Fisheries Service, pursuant to Section 10(a)(1)(B) of the Endangered Species Act and the CARP would not authorize such projects but would provide for compensation and mitigation for the effects on Covered Species of such activities. Impacts on navigation are not expected. Sections 3.5 and 4.5, <i>Hydrology and Water Quality</i> , of this EIS/EIR
Recreation; recreational and commercial fisheries; water-related recreation; parks, national and historical monuments, national seashores, wilderness areas, research sites, and similar preserves (PIR/Section 404(b)(1))	Sections 3.10 and 4.10, <i>Recreation</i> , of this EIS/EIR for the effects to recreation and parks. There are no national and historical monuments, national seashores, wilderness areas, or research sites within the Plan Area, and therefore there would be no effect from any activity.
Water supply and conservation; Municipal and Private Water Supplies (PIR/Section 404(b)(1))	The proposed PCCP would not result in a demand for water. The Covered Activities could result in an increased demand for water, and the environmental effects of such an increased demand are covered in the EIRs for the <i>Placer County General Plan</i> and the <i>City of Lincoln General Plan</i> ; these EIRs concluded that impacts related to water supply would be less than significant. In addition, the Placer County Water Agency, a Permit Applicant and the primary water purveyor in the Plan Area, has prepared an Urban Water Management Plan to address continued provision of water to its service area. Water conservation policies are included in the general plans and the Placer County Water Agency Urban Water Management Plan.
Water quality; suspended particulates/turbidity; water (PIR/Section 404(b)(1))	Sections 3.5 and 4.5, <i>Hydrology and Water Quality</i> , of this EIS/EIR
current patterns and water circulation; normal water level fluctuations (Section 404(b)(1))	Sections 3.5 and 4.5, <i>Hydrology and Water Quality</i> , of this EIS/EIR
Energy Needs (PIR)	33 CFR 320.4(n) states that District Engineers will give high priority to the processing of permit actions involving energy projects. None of the Covered Activities are energy projects.
Safety (PIR)	The environmental effects of the Covered Activities related to safety are covered in the EIRs for the <i>Placer County General Plan</i> and the <i>City of Lincoln General Plan</i> ; these EIRs concluded that impacts related to safety would be less than significant, with the exception of potential effects related to emergency access during construction in Lincoln. Policies ensuring safety are found in the general plans and the Placer County Water Agency safety manual.
Food and fiber production (PIR)	Sections 3.1 and 4.1, <i>Agricultural and Forestry Resources</i> , of this EIS/EIR
Mineral needs (PIR)	Sections 3.7 and 4.7, <i>Mineral Resources</i> , of this EIS/EIR

Factor	Where Addressed
Consideration of property ownership (PIR)	Potential effects on the property of others would need to be addressed on a permit by permit basis. None of the action alternatives would grant any rights to the property of others to a project applicant or a Permit Applicant.
Needs and welfare of the people (PIR)	Throughout this EIS/EIR
Salinity Gradients (Section 404(b)(1))	There are no salinity gradients within the Plan Area, and therefore there would be no effect.

Sources: City of Lincoln 2008b; Placer County 1994; Placer County Water Agency 2015; Gibson pers. comm.; National Park Service 2018; Wilderness.net 2018.

5.9 References Cited

5.9.1 Printed References

City of Lincoln. 2008a. *City of Lincoln General Plan*. March. Lincoln, CA. Prepared by Mintier & Associates and Matrix Design Group, Sacramento, CA.

City of Lincoln. 2008b. *City of Lincoln General Plan Update Final Environmental Impact Report*. State Clearinghouse No. 2005112003. February.

National Park Service. 2018. *California Parks*. Available: <https://www.nps.gov/state/ca/index.htm?program=all>. Accessed June 11, 2018.

Placer County. 1994. *Countywide General Plan Final Environmental Impact Report*. July 26. Prepared by Crawford Multari & Starr, DKS Associates, Psomas and Associates, Jones & Stokes Associates, Recht Hausrath & Associates, J. Laurence Mintier & Associates.

Placer County. 2013. *Placer County General Plan Update*. Adopted August 16, 1994. Updated May 21, 2013. Auburn, CA.

Placer County Water Agency. 2015. *2015 Urban Water Management Plan*. Available: <https://s3-us-west-2.amazonaws.com/cosmicjs/8f300fc0-70c5-11e8-a5be-c3d0d175fd82-PCWA%202015%20UWMP%20-%20Final%207.14.16.pdf>.

Wilderness Connect. 2018. *General Information About the Forest Service*. Available: <https://www.wilderness.net/forests-service>. Accessed: June 11, 2018.

5.9.2 Personal Communications

Gibson, Lisa. U.S. Army Corps of Engineers. June 6, 2018—Email.