

CHAPTER 17 – OTHER REQUIRED ANALYSES FOR CEQA AND NEPA

The California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA) require that Environmental Impact Reports (EIRs) prepared under CEQA and Environmental Impact Statements (EISs) prepared under NEPA include certain analyses, in addition to the analyses already presented in the preceding EIS/EIR resource chapters.

The additional analyses required under NEPA and CEQA are in many cases similar; therefore, the additional NEPA and CEQA required analyses presented in this chapter are combined, where appropriate.

17.1 SIGNIFICANT EFFECTS THAT CANNOT BE AVOIDED (CEQA AND NEPA)

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts that cannot be avoided or minimized to a less-than-significant level with the implementation of feasible mitigation measures. Similarly, Section 40 CFR 1502.16 of the Council on Environmental Quality's NEPA regulations requires an EIS to discuss and disclose any adverse environmental effects that cannot be avoided.

The Executive Summary and Chapters 4 through 16 of this EIS/EIR provide a comprehensive identification of the significant environmental effects of the action alternatives, including the level of significance after mitigation (if needed). When compared to the No Action/No Project baseline condition, there are no significant and unavoidable project-specific or cumulative impacts to any environmental resource studied in the EIS/EIR, for either action alternative.

17.2 POTENTIALLY SIGNIFICANT EFFECTS WHICH COULD BE AVOIDED (CEQA)

Chapters 4 through 16 of this EIS/EIR provide a comprehensive identification and evaluation of the environmental impacts for the Proposed Action/Proposed Project Alternative and Reduced Permit Term Alternative. Cumulative impacts are also evaluated in Chapters 4 through 16, following the approach outlined in Section 3.4 of this EIS/EIR. Each impact included in this EIS/EIR is also listed in the Executive Summary. As compared to the No Action/No Project baseline condition, there are no project-specific or cumulative impacts requiring mitigation for either action alternative.

17.3 EFFECTS FOUND NOT TO BE SIGNIFICANT (CEQA)

The EIS/EIR identified no significant effects for either action alternative, relative to the effects expected under the No Action/No Project baseline condition, for any resource topic studied in Chapters 4 through 16 of the EIS/EIR, including each of the following chapter topics:

- Land Use
- Soils, Geology, and Mineral Resources
- Agriculture
- Hydrology and Water Quality
- Natural Communities, Land Cover Habitat Types, and Common Plant and Animal Species
- Special-Status Species, Including HCP Covered Species
- Aquatic Resources
- Paleontological, Cultural, and Historical Resources
- Public Services and Facilities
- Traffic and Circulation
- Air Quality
- Greenhouse Gases and Climate Change
- Population and Housing, Socioeconomics, and Environmental Justice

17.4 RELATIONSHIP BETWEEN SHORT-TERM USES OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY (NEPA)

In accordance with NEPA (42 U.S.C. 4332) and NEPA regulations (40 CFR 1502.16 and 43 CFR 46.415), an EIS must include a discussion of the relationship between the short-term uses of man’s environment and the maintenance and enhancement of long-term productivity.

This information is provided in each EIS because the agency decision-maker and members of the public must have a clear sense of what they are gaining or losing in the short term, and in the long term. The terms “short term” and “long term” are defined differently for each EIS and each resource area, taking into account the scope of the proposed alternatives and resource-specific information. Therefore, each resource studied has its own definitions of “short term” and “long term” (Freeman 1992). For example, “long term” would be quite different for a project within eastern vs. western U.S. forests—eastern forests can grow to maturity in 80 to 100 years, but western forests would take two or three times as long to reach maturity.

For this EIS, short-term uses of the environment would be those occurring during construction of urban development and other project types described in Sections 2.2.1, 2.3.3, and 2.4.3 of this EIS/EIR. Most of the activities analyzed in the EIS/EIR would have an impact on long-term productivity, either of the built environment or the natural or agricultural environment. In this way, construction of a commercial or residential structure would be a short-term use of the environment, but the occupation of that structure and the removal of natural land cover types by urban development would affect long-term productivity.

In the short-term, a wide range of urban development and infrastructure projects would be constructed under the environmental commitments and requirements of the action alternatives. Urban development under the action alternatives would be as envisioned in the General Plans of Sacramento County, Galt, and Rancho Cordova. These plans consider both short-term uses of the environment as well as long-term maintenance of the built environment like transportation or water infrastructure. As such, the local short-term impacts and use of resources by the action alternatives are consistent with the maintenance and enhancement of long-term productivity of the built environment.

Although some urban development and infrastructure projects would result in a loss of habitat, take of sensitive species, increased air emissions, transportation impacts, as well as other impacts described in Chapters 4 through 16 of this EIS/EIR, these activities would be undertaken pursuant to a Habitat Conservation Plan (HCP). A conservation strategy is included in each action alternative, and is designed to ensure that the long-term productivity in the Planning Area is maintained, even with the short-term uses of the environment that would occur from implementing the Covered Activities of either action alternative. The two action alternatives (Sections 2.3.5 and 2.4.5) include a regional conservation strategy to avoid, minimize, and mitigate for impacts on sensitive species, natural communities, wetlands and waters, and balance environmental and economic development needs on a regional and landscape scale. Implementation of the HCP's comprehensive and balanced approach to natural resource preservation would provide a greater level of landscape- and watershed-scale protection of natural resources than would be possible under the No Action/No Project Alternative's project-by-project individual authorizations under the U.S. Endangered Species Act, California Endangered Species Act, Clean Water Act Sections 404 and 401, and the California Fish and Game Code 1600 programs. The two action alternatives also include "get ahead and stay ahead" provisions for preservation of lands to ensure that the long-term conservation and enhancement measures are in place before the short-term impacts of Covered Activities occur.

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

The CEQA Guidelines (Section 15126.2(c)) mandate EIRs discuss any significant irreversible environmental effects that would be caused by a proposed project. The analysis required under this section must consider whether the project would have primary and secondary impacts that would generally commit future generations to similar uses, involve a large commitment of nonrenewable resources, unjustifiably consume resources (i.e., use energy or water wastefully), or involve the uses in which irreversible damage could result from any potential accidents associated with the project.

In accordance with NEPA Section 102 (42 U.S.C. 4332) and NEPA regulations, an EIS must discuss any irreversible or irretrievable commitment of resources that would be involved in the proposed project, should it be implemented (40 CFR 1502.16, 43 CFR 46.415). In general, “irreversible” commitments of resources are those that cannot be reversed, and “irretrievable” commitment of resources are those that are lost for a period of time. Examples of irreversible commitments include the extinction of a species, the mining of ore, and use of fossil fuels. An example of an irretrievable comment is the establishment of a utility right-of-way where timber productivity on the right-of-way is lost over the time that the right-of-way remains (Freeman 1992). Furthermore, this regulation specifically requires each EIS to discuss the energy requirements and energy conservation potential for each alternative, including mitigation measures (40 CFR 1502.16(e)). Likewise, each EIS must discuss the natural resource and depletable resource requirements of each alternative, and discuss the potential of each alternative to conserve natural and depletable resources, including mitigation measures (40 CFR 1502.16(f)).

Irreversible environmental changes attributable to planned urban development were analyzed in the following sections of the three General Plan EIRs discussed in Section 3.4:

- Chapter 12, Section 12.4, Significant Irreversible Environmental Changes, in the *Galt General Plan Update: 2030 Final Environmental Impact Report* (Galt 2008)
- Chapter 7, Section 7.2 7, Significant Irreversible Environmental Effects, in the *City of Rancho Cordova General Plan Final EIR* (Rancho Cordova 2006b)
- Chapter 17, Irreversible Environmental Changes, in the *Sacramento County General Plan Update Final EIR* (Sacramento County 2010)

The three General Plan EIRs analyzed the potential for urban development to result in the permanent conversion of currently undeveloped open space and agricultural land areas to become residential, commercial, industrial, office, public, and recreational land covers. All three

alternatives would result in additional urbanization of Sacramento County, Galt, and Rancho Cordova, and all three alternatives would result in irreversible and irretrievable commitment of existing agricultural land covers and other natural land covers to urban development, and loss of productive agricultural resources and natural resources. In addition, development under the General Plans would irreversibly commit building materials and energy resources to the construction and maintenance of such development. Finally, construction of new urban development consistent with the three General Plans, under any of the EIS/EIR alternatives would result in the consumption of fossil fuels such as natural gas and gasoline, as well as commit limited renewable resources, such as water.

As discussed in Section 3.4, the three General Plan EIRs used different study periods—ending in 2030 (Galt 2009), in 2030 (Rancho Cordova 2006b), and 2050 (Sacramento County 2010). However, the 50-year study period for this EIS/EIR ends in 2065 (Section 3.6.3). Additional urban development can be expected to occur within Galt, Rancho Cordova, and Sacramento County in the years after their General Plan EIR study periods end, and until this EIS/EIR’s study period ends in 2065. Therefore, the impact analyses and conclusions incorporated from the three General Plan EIRs may not have considered all of the future urban development that is included in the project description of each EIS/EIR alternative. Consequently, additional irreversible commitments of resources and significant irreversible environmental changes would occur that were not analyzed in the General Plan EIRs. The lead agencies considered the impact analysis and the conclusions incorporated by reference from the General Plan EIRs, along with the effects of all urban development activities and projects included in the description of each EIS/EIR alternative.

As discussed in Section 3.6.7, only the No Action/No Project Alternative would result in the displacement or shifting of 1,900 acres of planned development to areas located outside the current Sacramento County Urban Services Boundary (USB). Therefore, the two action alternatives would result in fewer vehicle miles traveled (VMT) than the No Action/No Project Alternative (see Chapter 13, Traffic and Circulation). Consequently, the commitment of fossil fuel resources is expected to be slightly lower for each of the two action alternatives when compared to the No Action/No Project Alternative baseline condition, because of the smaller VMT.

As discussed in Chapter 2, new Preserves would be established under each of the alternatives to mitigate the effects of future urban development on species, waters, and the natural environment. Establishment of Preserves, whether purchased in fee title or easements, would not be an irreversible or irretrievable commitment of natural resources. However, establishment of Preserves under each of the alternatives would result in a minor irreversible commitment of fossil fuels to perform surveys and construct relatively small habitat re-establishment/establishment projects. However, the habitat Preserves would

continue existing ranching or farming operations on the preserved lands, so the new Preserve operation and maintenance vehicle trips would be replacing vehicle trips currently occurring under the existing agricultural operations. Therefore, vehicle trips and consumption of fossil fuels would not be discernably different from the new Preserves.

17.6 GROWTH INDUCEMENT AND RELATED EFFECTS (CEQA)

The CEQA Guidelines require the analysis of a project’s potential to induce growth. Specifically, Section 15126.2(d) requires that environmental documents “discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” Growth-inducing impacts can occur if a project would induce urban growth either directly or indirectly in the surrounding environment. Furthermore, Section 15126.2(d) of the CEQA Guidelines states that “[i]t must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.”

The action alternatives would not have any direct growth-inducing impacts because no development would be specifically authorized by either action alternative. As discussed previously in Sections 1.6.4 and 3.6.1, the description and scope of each EIS/EIR alternative (Chapter 2) does not include local approvals or entitlements for individual urban development projects or activities. Accordingly, the analysis presented in this EIS/EIR does not provide project-level CEQA or NEPA coverage for the impacts of future Covered Activities on inducement of urban growth. The action alternatives would not directly cause growth to occur, but rather would accommodate growth that is already planned in the urban growth boundaries by the approved General Plans (Sacramento County 2011; Galt 2009; Rancho Cordova 2006a). However, the action alternatives would provide a mechanism for individual future development projects to comply with the federal Endangered Species Act, California Endangered Species Act, and the Clean Water Act. Therefore, the two action alternatives would not remove a barrier to growth, but would expedite the regulatory and local approvals of future individual development projects and activities. This is an indirect growth-inducing effect of each action alternative.

17.7 ENVIRONMENTALLY PREFERABLE ALTERNATIVE (NEPA) AND ENVIRONMENTALLY SUPERIOR ALTERNATIVE (CEQA)

NEPA regulations requires that the Record of Decision (ROD) on a final EIS must identify all alternatives that were considered by the agency in reaching its decision, and specify the alternative or alternatives that were considered to be environmentally preferable (40 CFR 1505.2(b)). Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative that best protects, preserves, and

enhances historic, cultural, and natural resources (CEQ 1981). The identification of the environmentally preferable alternative may involve difficult judgements, particularly when one environmental value must be balanced against another environmental value. Normally, the lead agency will select and identify the environmentally preferable alternative in the EIS document (CEQ 1981; 43 CFR 46.450). The public and other agencies reviewing a draft EIS can assist the lead agency in identifying the environmentally preferable alternative by providing their views in comments on the draft EIS. However, the lead agency must identify the environmentally preferable alternative in each ROD.

The CEQA Guidelines (Section 15126.6(e)(2)) require that an environmentally superior alternative be identified among the alternatives considered. The CEQA Guidelines do not define “environmentally superior;” however, the environmentally superior alternative is generally defined as the alternative that would result in the least adverse environmental impacts to the project site and surrounding area, based on the analysis included in the EIR.

The impacts of each EIS/EIR alternative on the different elements of the human environment analyzed in Chapters 4 through 16 are compiled and summarized in Tables ES-1 and ES-2 of the Executive Summary. The Proposed Action/Proposed Project Alternative would provide the greatest level of preservation of remaining natural communities in the Planning Area, particularly outside the current USB boundary. Preservation of these natural communities would provide greater preservation of habitat for Planning Area native species, better conservation of Planning Area special-status species, including the Covered Species, and more preservation of aquatic resources. The Proposed Action/Proposed Project Alternative would provide more linkages and wider linkages to existing Preserves, maintaining wildlife movement corridors as well as hydrologic connectivity. For all of these reasons, the benefits to native species, natural communities, and watersheds would therefore be greatest under the Proposed Action/Proposed Project Alternative. In addition, the Proposed Action/Proposed Project Alternative would establish Avoidance and Minimization Measures (AMMs) that would provide new and enhanced methods to avoid and minimize impacts to wetlands and other waters, including requirements that urban development be set back 50–150 feet from the banks of each stream and creek in the Planning Area. These AMMs would better reduce potential direct and indirect impacts to existing stream hydrology, water quality, and downstream habitat as compared to the expected protections under the No Action/No Project Alternative. The Proposed Action/Proposed Project Alternative would also have minor beneficial effects to land use compatibility (Chapter 4), the protection of agricultural resources (Chapter 6), hydrology and water quality (Chapter 7), cultural resources (Chapter 11), demand for expanded public services and facilities (Chapter 12), transportation planning and transportation infrastructure (Chapter 13), air quality (Chapter 14), and greenhouse gases (Chapter 15). Therefore, the Proposed Action/Proposed Project Alternative is the environmentally preferable alternative

under NEPA and the environmentally superior alternative under CEQA. **Consequently, the USFWS has also identified the Proposed Action/Proposed Project Alternative as the USFWS's preferred alternative.**

17.8 CONSISTENCY WITH EXECUTIVE ORDERS

17.8.1 Executive Order 11988 – Floodplain Management

As discussed in Section 7.1.1.1, Executive Order 11988 (Floodplain Management), requires federal agencies to prepare floodplain assessments for proposed federal 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.

Under the two action alternatives, the Implementing Entity would implement stream restoration actions within floodplains and active floodways (see Section 2.3.5 and Section 2.4.5). The Implementing Entity would take appropriate precautions to ensure that stream restoration projects implemented under either action alternative do not have adverse effects to floodplains (see Chapter 7). This would include implementation of AMM LEVEE-1, which would require the Implementing Entity to conduct a hydrologic analysis to ensure that riparian restoration and other habitat restoration activities will not result in an increase in flood stage elevations or flood risk on lands outside the Preserve. Because the lands would be managed consistent with the stated HCP biological goals and objectives, which would not conflict with floodplain management, no floodplain impacts are expected.

17.8.2 Executive Order 11190 – Protection of Wetlands

As discussed in Section 10.1.1, Executive Order 11990 (Protection of Wetlands), requires federal agencies to prepare wetland assessments for federal actions 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 action alternatives have been designed to avoid and minimize impacts on wetlands and other aquatic resources, and mitigate for impacts that cannot be avoided. As described in Section 2.3.5, the South Sacramento Habitat Conservation Plan (SSHCP) includes specific biological goals and measureable objectives for aquatic resources, and the Conservation Strategy includes a range of specific AMMs to avoid and minimize impacts to these resources (see Section 2.3.5).

17.8.3 Executive Order 12898 – Environmental Justice

As discussed in Section 16.1.1, 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 minority and low-income populations and communities. Potential impacts related to environmental justice are discussed in Chapter 16.

Executive Order 12898 includes the requirement for federal agencies to ensure effective public participation and access to information. Consequently, a key component of compliance with Executive Order 12898 is outreach to potentially affected minority and/or low-income populations to discover issues of importance that may not otherwise be apparent. Outreach to affected communities has been conducted as part of the decision-making process for the SSHCP and alternatives. This outreach is described in Chapter 1 of this EIS/EIR.

17.9 REFERENCES CITED

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