

## Chapter 16

# Other Required NEPA and CEQA Analyses

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NEPA requires an EIS and CEQA requires an EIR to evaluate a number of other types of environmental impacts 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.

## 16.1 Significant and Unavoidable Impacts

Tables ES-2 and ES-3 and Appendix C summarize the significant and unavoidable impacts and their determinations, as disclosed in Chapters 4 through 15 of this EIS/EIR, for the proposed action. The resources are listed below.

- Agricultural Resources as a result of converting agricultural lands to urban land uses or native habitat, primarily due to covered activities, but also due to the conservation strategy, within Local Agency jurisdictions and the Plan Area.
- Air Quality and Climate Change as a result of conflicts with the Northern Sacramento Valley Planning Area 2006 Air Quality Attainment Plan due to covered activities for the cities of Gridley, Oroville, and Biggs (i.e., urban land uses identified in the Local Agencies' general plans); violations of air quality standards as a result of covered activities for all Local Agencies; causing cumulatively considerable net increases in criteria pollutants as a result of covered activities for all Local Agencies; generation of greenhouse gas emissions as a result of covered activities for Local Agencies but also due to the conservation strategy; and, exposing sensitive receptors to objectionable odors as a result of covered activities for the cities of Oroville and Gridley.
- Hydrology, Water Resources, and Water Quality as a result of exposing structures and people to loss, injury, death involving flooding due to covered activities within all Local Agency jurisdictions (i.e., urban land uses identified in Local Agencies' general plans).
- Noise as a result of substantial and permanent increase in ambient noise levels above levels currently existing due to covered activities (i.e., urban land uses identified in Local Agencies' general plans) and as a result of substantial temporary or periodic increase in ambient noise levels associated with construction and agricultural uses within the city of Biggs.
- Public Services and Utilities as a result of the increased use and need of public services and utilities due to covered activities within the city of Gridley (i.e., urban land uses).
- Recreation and visual resources as a result of increased use of recreational facilities and substantial changes to the visual character and quality of the area due to covered activities within the city of Gridley (i.e., urban land uses).
- Population as a result of substantial increases population growth in the cities of Gridley, Biggs, and Oroville due to the implementation of covered activities (i.e., urban land uses).
- Environmental Justice as a result of disproportionately high and adverse effects on minority and low-income populations in the Plan Area due to covered activities on agricultural resources, air quality, hydrology and water quality, noise, public services and utilities, recreation and visual

resources, and transportation. Implementation of the conservation strategy would also contribute to the significant and unavoidable impacts on agricultural resources and air quality.

- Transportation 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 all Local Agency jurisdictions (i.e., urban land uses); and as a result of increasing traffic safety hazards and inadequate emergency access due to covered activities within the city of Biggs.

## **16.2 Short-Term Uses of the Environment versus Maintenance and Enhancement of Long-term Productivity (NEPA)**

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. 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.

## **16.3 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 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 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 development as described by the Local Agencies' 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 a covered activity by the proposed action, but such conversion is not specifically authorized by the proposed action. The irreversible commitment of lands to urban uses and of nonrenewable and renewable resources have been evaluated in the Local Agencies' general plan EIRs and incorporated into the analysis, as described below.

- **Butte County.** Implementation of the general plan would result in the conversion of vacant land to other land uses and the intensification of underutilized areas. This development would constitute a long-term commitment of these areas to urban-type land uses. In addition, construction of buildings and infrastructure in the general plan area would irretrievably commit nonrenewable resources, both from within and outside the county. These non-renewable resources include mined materials, such as sand, gravel, steel, lead, copper, and other metals. Implementation of the general plan also would commit the consumption of fossil fuels, natural gas, and gasoline, as well as commit limited, renewable resources, such as lumber and water for the long term. (Butte County 2010.)
- **City of Biggs.** Implementation of the general plan could result in the conversion of undeveloped properties to residential, commercial, office, public, and recreational uses. Subsequent development under the general plan would constitute a long-term commitment to these uses. Development of the city would irretrievably commit energy and building materials to construction and maintenance. Renewable, nonrenewable, and limited resources including water, oil, gasoline, lumber, sand and gravel, asphalt, steel, and similar materials. (City of Biggs 2013.)
- **City of Chico.** Implementation of the general plan would result in the conversion of undeveloped and/or underutilized residentially zoned properties to other uses. It is unlikely that circumstances would arise that would justify the return of those sites to their original condition. Development of the city as allowed by the general plan would irretrievably commit building materials and energy to construction and maintenance. Renewable, nonrenewable, and limited resources that would likely be consumed include oil, gasoline, lumber, sand and gravel, asphalt, water, steel, and similar materials. (City of Chico 2010.)
- **City of Gridley.** The land use designations proposed in the general plan would result in the commitment of allowable land uses to certain areas for the foreseeable future. Specifically, it would allow the conversion of agriculture to other land uses, thus resulting in an irreversible environmental change. Irreversible changes would also likely occur as a result of future excavation, grading, and associated construction activities for development of land uses within the general plan planning area. The construction and operation of future urban development would consume renewable and nonrenewable resources, such as energy and water, as well as concrete, glass, plastic, and petroleum products. These resources would also be irreversibly committed as urban development occurs. (City of Gridley 2009.)
- **City of Oroville.** Development allowed under the general plan would result in the conversion of vacant land to commercial and residential uses and the intensification of underutilized area. This would constitute a long-term commitment to urban-type land uses. Development would also irretrievably commit nonrenewable resources associated with the construction and operation of urban buildings and infrastructure, including sand, gravel, steel, lead, copper, and other materials. It would also represent a long-term consumption of fossil fuels, natural gases, and gasoline, as well as renewable resources such as lumber and water. (City of Oroville 2008.)

Due to the irreversible commitment of resources and significant irreversible environmental changes that would occur as a result of general plan implementation, irreversible commitment of resources and significant irreversible environmental changes are expected to occur under the proposed action.

## 16.4 Growth Inducement (CEQA)

CEQA requires that an EIR discuss the extent to which a proposed project 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 Local Agencies' general plans.

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 Agencies' 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 and transportation 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.

- **Butte County.** Implementation of the general plan would directly induce population, employment, and economic growth by allowing development in areas not currently designated for urban growth. However, the proposed general plan includes policies to control how growth occurs within the county and to encourage infill development. It also includes policies that would maintain the rural character of the county and minimize the environmental impacts of anticipated growth. Indirect growth-inducing impacts would be growth induced in the region by additional demands for housing, goods, and services associated with the population increase caused by a new project allowed under the general plan (Butte County 2010).
- **City of Biggs.** Implementation of the general plan would induce population and job growth in the city. The general plan may indirectly induce growth by removing an obstacle to additional growth and development, such as removing a constraint on a required public service. Proposed roadway improvements would support such growth in the city's planning area. Infrastructure development, including extension of infrastructure into unserved areas, would be provided for under the general plan. Therefore, the general plan is considered growth inducing (City of Biggs 2013).
- **City of Chico.** The intent of the general plan is to accommodate anticipated growth through compact, infill, and mixed use development, as well as to focus redevelopment along transit corridors and at key locations in the city. The general plan would provide for anticipated growth, would minimize outward expansion of the city's boundaries, and would retain the current Butte County greenline. Thus, growth accommodated under the general plan would be confined to the immediate Chico area and would avoid growth effects of sprawl development patterns or induced growth on parcels adjacent to the city (City of Chico 2010).

- **City of Gridley.** The general plan intends to provide for and address future growth and conservation in the city and its planning area. Indirect growth-inducing effects would result, in part, from changes in the goals and policies of the general plan, as they provide the framework to accommodate future growth; thus, the general plan is considered growth inducing (City of Gridley 2009).
- **City of Oroville.** The general plan allows for additional growth, however, no direct impacts would occur as a result of implementing the plan, since the general plan does not ensure that development in the planning area would occur. Although the general plan does allow for additional growth, it includes policies which focus new development within existing city limits and sphere of influence and would control growth such that it would maintain and enhance the character of Oroville (City of Oroville 2008).

The 50-year term of the proposed action and take permits would extend beyond the planning horizon of the local 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 ESA and CESA. 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.

## 16.5 Environmentally Preferable/Superior 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. 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 15, the environmentally preferable/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.

## 16.6 Executive Orders

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

### Executive Order 11988—Floodplain Management

Executive Order 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.

The proposed action includes covered activities that would allow future development that may occur in floodplains within the incorporated cities. This development is planned development that has been evaluated, and mitigation measures have been identified in the Local Agencies' general plan EIRs and incorporated in Chapter 9, *Hydrology, Water Resources, and Water Quality*.

### 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 proposed action includes all practicable measures to minimize harm to wetlands.

The proposed action has 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. Specific measures included in the proposed action include the following.

- **CM1: Protect Natural Communities.** This conservation measure provides the mechanism and guidance for the acquisition of lands and the establishment of the BRCP conservation lands system that will meet the natural community and covered species habitat protection biological objectives presented in Section 5.3 of the BRCP. This includes the protection of wetlands and waters of the United States.
- **CM4: Develop and Implement Site Specific Wetland and Riparian Restoration Plans.** The BRCP Implementing Entity will restore 579 acres of riparian forest habitat, 34 acres of riparian willow scrub, 121 acres of emergent wetland, and 307 acres of vernal pool and other seasonal wetlands in the quantities indicated for each of the CAZs. Restoration will be conducted on BRCP

conservation lands, be designed to support habitat for covered species, and be dominated by native plant species that are typical of these riparian and wetland habitat types in the Plan Area.

- **CM5: Enhance Protected Natural Communities for Covered Species.** The BRCP Implementing Entity will prepare and implement management plans for protected natural communities and covered species habitats supported by those communities. The communities include riparian natural community, wetland natural community, and aquatic natural community.
- **AMM1: Conduct Planning Surveys.** Project proponents are required to delineate CWA Section 404 jurisdictional wetlands and other waters of the United States within project sites. Project proponents are required to conduct delineate Section 1602 Fish and Game Code jurisdictional riparian habitat within project sites. All covered species planning surveys will be conducted during the specified time period indicated by the BRCP. All planning surveys will be conducted by qualified and permitted (as necessary) biologists using the methods indicated in the BRCP or alternative methods approved by the BRCP Implementing Entity, USFWS, and CDFW.
- **AMM6: Establish Permanent Habitat Buffers along Stream and Riparian Corridors.** Residential, commercial, public, and industrial facility projects will be designed to include a minimum 100-foot permanent habitat buffer zone (set-back easement) from the top of bank along both sides of all natural perennial stream corridors as defined in the BRCP GIS database and a minimum 25-foot permanent habitat buffer zone from the edge of existing or restored riparian forest and scrub if riparian forest/scrub is wider than 75 feet from the top of the stream bank. For major water conveyance channels that support woody riparian vegetation a minimum 25-foot permanent habitat buffer zone will be established from the edge of the existing or restored riparian forest and scrub. Permanent habitat buffers apply to stream and riparian habitat areas that remain following construction of permanent development projects (note the allowable level of impacts is identified in the BRCP).

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

## 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 14, *Population and Housing, Socioeconomics, and Environmental Justice*.

## 16.7 References

Butte County. 2010. *Butte County General Plan 2030 Final Environmental Impact Report*. August 30. Oroville, CA. Available: <<http://www.buttegeneralplan.net/>>. Accessed: February 25, 2013. City of Biggs. 2013. *Biggs General Plan Draft Environmental Impact Report*. October. Prepared for the City of Biggs by PMC, Chico, CA.

City of Chico. 2010.

———. 2011. *2030 General Plan Update Final Environmental Impact Report*. January. SCH# 2008122038. Chico, CA. Prepared by PMC, Chico, CA.

City of Gridley. 2009. *2030 General Plan Final Environmental Impact Report*. November. Gridley, CA. Prepared by EDAW/AECOM, Sacramento, CA.

City of Oroville. 2008.

———. 2009. *2030 General Plan Final Environmental Impact Report*. March 31. SCH# 2008022024. Oroville, CA. Prepared by Design, Community & Environment, Berkeley, CA, in association with Fehr & Peers Associates and Jones & Stokes Associates, Inc. Available: <<http://www.cityoforoville.org/index.aspx?page=452>>. Accessed: February 25, 2013.