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# A G E N D A

**Wednesday, August 26, 2020  
10:45 p.m.**

**Placer County Transportation Planning Agency  
299 Nevada Street, Auburn, CA 95603**

## **PUBLIC PARTICIPATION PROCEDURES**

To protect public health and the safety of our Placer County citizens, Public Comment for this June 24, 2020 meeting will be offered through a remote call-in line or joining the web-based meeting. Public Comment will be opened for each agenda item in sequence. Be prepared to speak on the specific agenda item you wish to comment on when the Board Chair announces the item. Please see below for remote access to this meeting:

**Remote access:** <https://us02web.zoom.us/j/87340574004>

**You can also dial in using your phone:** +1 669 900 9128

**Webinar ID:** 873 4057 4004

- A. Flag Salute**
- B. Roll Call**
- C. Approval of Minutes: June 24, 2020** **Action**  
Pg. 1
- D. Agenda Review**
- E. Public Comment**
- F. 10:45 A.M. PUBLIC HEARING: Placer County Conservation Program (PCCP) Adoption and Joint Final Environmental Impact Report (EIR) / Environmental Impact Statement (EIS)** **Action**  
Pg. 4
  - Conduct a public hearing to consider PCCP adoption and joint EIR/EIS.
  - Approve Resolution #20-09 to adopt PCCP and related documents/agreements.
  - Approve Resolution #20-10 to make responsible agency findings regarding a joint Final EIR/EIS, Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program.

**G. Executive Director's Report** **Info**

1. Update on Traffic Model/SPRTA Tier 1 and Tier 2 Fee Process

**H. Board Direction to Staff**

**I. Informational Items** **Info**

1. TAC Minutes – August 11, 2020 **Pg. 120**

Next regularly scheduled SPRTA Board Meeting  
September 23, 2020



**ACTION MINUTES (DRAFT)**  
**June 24, 2020**

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A regular meeting of the South Placer Regional Transportation Authority Board convened on Wednesday, June 24, 2020, at 10:45 a.m. This meeting was conducted remotely under Executive Order N-29-20.

**BOARD IN**

<b>ATTENDANCE:</b>	John Allard, Chair	<b>STAFF:</b>	Aaron Hoyt
	Ken Broadway		Mike Luken
	Paul Joiner		David Melko
	Kirk Uhler		Luke McNeel-Caird
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Chair Allard explained the meeting procedures to the Board and public as it relates to participating by means of a teleconference under Governor Newsom's March 12, 2020 Executive Order N-25-20.

**APPROVAL OF MINUTES**

Upon motion by Broadway and second by Allard, the minutes of May 27, 2020 were unanimously approved by the following roll call vote:

**AYES:** Allard, Broadway, Joiner, Uhler  
**NOES:** None  
**ABSTAIN:** None

**AGENDA REVIEW**

Upon motion by Joiner and second by Broadway, the June 24, 2020 agenda was approved as submitted by the following roll call vote:

**AYES:** Allard, Broadway, Joiner, Uhler  
**NOES:** None  
**ABSTAIN:** None

**PUBLIC HEARING - CONTINUED: SOUTH PLACER REGIONAL  
TRANSPORTATION AND AIR QUALITY MITIGATION FEE PROGRAM  
INFLATIONARY ADJUSTMENT 2020**

*Staff report presented by Luke McNeel-Caird, Deputy Executive Director.*

The Public Hearing as presented was continued from the May 27, 2020 SPRTA Board Meeting. No public testimony or comments were received.

Upon motion by Joiner and second by Broadway, Resolution #20-02, adopting the inflationary adjustment for the South Placer Regional Transportation and Air Quality Mitigation Fee was approved by the following roll call vote:

**AYES:** Allard, Broadway, Joiner, Uhler  
**NOES:** None  
**ABSTAIN:** None

**FY 2020/21 ADMINISTRATIVE BUDGET**

*Staff report presented by Luke McNeel-Caird, Deputy Executive Director.*

Upon motion by Uhler and second by Broadway, the Board approved the FY 2020/21 budget for the administration of the South Placer Regional Transportation Authority by the following roll call vote:

**AYES:** Allard, Broadway, Joiner, Uhler  
**NOES:** None  
**ABSTAIN:** None

**REGIONAL TRANSPORTATION AND AIR QUALITY MITIGATION FEE ALLOCATION REQUEST AND ESTABLISHING AN ADMINISTRATIVE PROCESS FOR RIGHT-OF-WAY ACQUISITION FOR HIGHWAY 65 WIDENING**

*Staff report presented by Luke McNeel-Caird, Deputy Executive Director.*

Public comment was received from Mike Garabedian, Placer County Tomorrow.

Upon motion by Joiner and second by Uhler the Board adopted Resolution #20-05 to allocate \$600,000 of Regional Transportation and Air Quality Mitigation Fees to the Placer County Transportation Planning Agency (PCTPA) as mitigation for the Highway 65 Widening project by the following roll call vote:

**AYES:** Allard, Broadway, Joiner, Uhler  
**NOES:** None  
**ABSTAIN:** None

Upon motion by Joiner and second by Uhler the Board adopted Resolution #20-06 establishing an administrative process for right-of-way acquisition related to the Highway 65 Widening Phase 1 project by the following roll call vote:

**AYES:** Allard, Broadway, Joiner, Uhler  
**NOES:** None  
**ABSTAIN:** None

**REGIONAL TRANSPORTATION AND AIR QUALITY MITIGATION FEE ALLOCATION REQUEST AND ESTABLISHING AN ADMINISTRATIVE PROCESS FOR RIGHT-OF-WAY ACQUISITION FOR I-80 AUXILIARY LANES**

*Staff report presented by David Melko, Senior Transportation Planner*

Upon motion by Joiner and second by Uhler, the Board adopted Resolution #20-07 to allocate \$400,000 of Regional Transportation and Air Quality Mitigation Fees to the Placer County Transportation Planning Agency (PCTPA) to complete design and right-of-way acquisition for I-80 Auxiliary Lanes project by the following roll call vote:

**AYES:** Allard, Broadway, Joiner, Uhler  
**NOES:** None  
**ABSTAIN:** None

Upon motion by Joiner and second by Uhler the Board adopted Resolution #20-08 establishing an administrative process for right-of-way acquisition related to the I-80 Auxiliary Lanes project by the following roll call vote:

**AYES:** Allard, Broadway, Joiner, Uhler  
**NOES:** None  
**ABSTAIN:** None

#### **PLACER PARKWAY PHASE 1 UPDATE**

The staff report was presented by Mike Luken, Executive Director. Richard Moorehead, Engineering Manager for the Placer County Department of Public Works, informed the Board of the status of design and construction. Moorehead provided background, an overview and status of the project. A subsequent update will be brought to the Board at the next SPRTA meeting.

#### **EXECUTIVE DIRECTOR'S REPORT**

No Executive Director's report was provided.

#### **ADJOURN**

The SPRTA Board meeting was adjourned at approximately 11:20 a.m.

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Michael W. Luken, Executive Director

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John Allard, Chair



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City of Lincoln • City of Rocklin • City of Roseville • Placer County

**TO: SPRTA Board of Directors**

**DATE: August 26, 2020**

**FROM: Luke McNeel-Caird, Deputy Executive Director**

**SUBJECT: 10:45 A.M. PUBLIC HEARING: PLACER COUNTY CONSERVATION PROGRAM (PCCP) ADOPTION AND JOINT FINAL ENVIRONMENTAL IMPACT REPORT (EIR)/ENVIRONMENTAL IMPACT STATEMENT (EIS)**

### **Action Requested**

1. Conduct a public hearing to consider the PCCP adoption and joint EIR/EIS
2. Approve Resolution #20-09 to adopt the PCCP, including a joint Habitat Conservation Plan and Natural Community Conservation Plan and related Implementing Agreement, a County Aquatic Resources Program, and a Cultural Resources Management Plan
3. Approve Resolution #20-10 to make responsible agency findings regarding the Final EIR (SCH#2005032050), Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program prepared for the project in accordance with CEQA

### **Background**

The Placer County Conservation Program (PCCP) is a regional, comprehensive program intended to protect, enhance, and restore natural resources while streamlining permitting for public and private projects in Western Placer County and the City of Lincoln, and for projects carried out by Placer County Water Agency (PCWA) and South Placer Regional Transportation Authority (SPRTA). Attachment 1 shows the PCCP area. This program was initiated by Placer County in 2001 and the City of Lincoln joined the PCCP as a participating local agency in 2009.

### **Discussion**

The PCCP is key for streamlining projects included in the SPRTA fee programs, including reconfiguring the I-80/SR 65 interchange, widening Highway 65, and constructing Placer Parkway to name a few key projects. Without the PCCP, a transportation project would continue to undergo CEQA/NEPA review and then separately apply for permits from the state and federal agencies for wetlands and endangered species impacts. This separate review often results in project delays, inconsistent mitigation requirements, potential project modifications, and a lack of a consistent strategy for minimizing and mitigating impacts. The PCCP establishes consistent, predictable environmental review and mitigation requirements for state and federal wetland and endangered species permitting and related CEQA compliance, shortens permitting processes, and enables the implementation of a long-term conservation strategy.

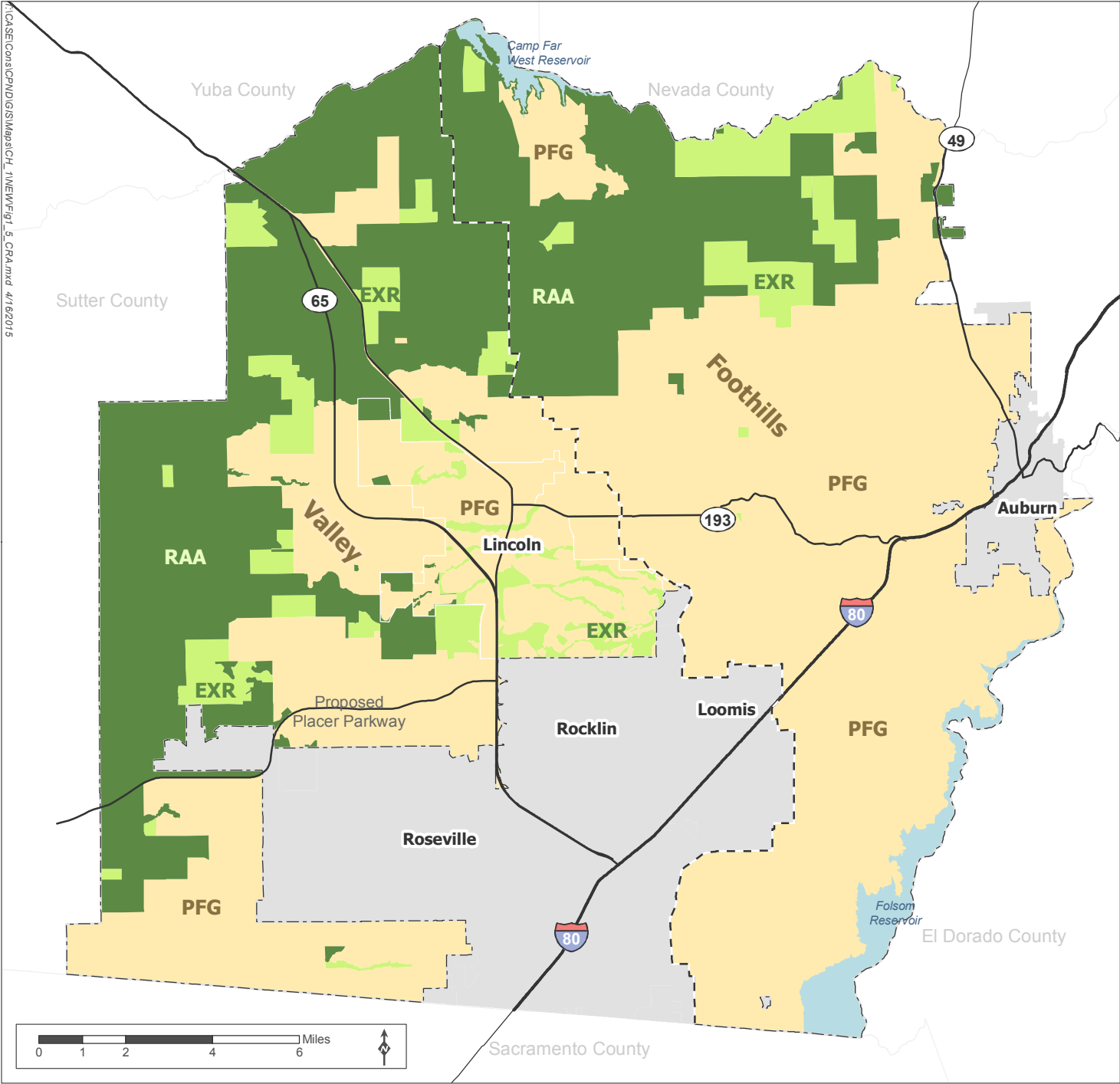
**SPRTA Board of Directors**  
**PCCP ADOPTION AND JOINT FINAL EIR/EIS**  
**August 2020**  
**Page 2**

Placer County has led the effort on the PCCP adoption and EIR/EIS, while SPRTA is a responsible agency. The Final EIS/EIR was filed with the State Clearinghouse (SCH# 2005032050) on May 22, 2020 and the Final EIS was posted in the U.S. Federal Register (FR#2020-10401) on the same date. The final PCCP documents were posted in the Federal Register and the County's website concurrent with the Final EIR/EIS (<https://www.placer.ca.gov/3362/Placer-County-Conservation-Program>). As a responsible agency, a public notice was published in the Auburn Journal on Wednesday, August 12 to notice this SPRTA public meeting.

As discussed in the CEQA findings and Statement of Overriding Considerations, the approval of the PCCP and related programs may collectively result in significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures and there are no feasible alternatives to the PCCP that would mitigate or substantially lessen these impacts. The SPRTA Board, as a responsible agency under CEQA, is asked to consider the Final EIR and adopt the Findings of Fact, the Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program, included in Attachment 2, and that in light of the economic, legal, social, and other benefits, including implementation of a comprehensive landscape level habitat conservation program, approval of the PCCP as the Project is warranted, notwithstanding the potential for significant, unavoidable environmental impacts.

The SPRTA Technical Advisory Committee (TAC) concurs with the proposed adoption of the PCCP.

LM:ML:ss



Source: Placer County, 2014; MIG | TRA 2015

- Reserve Acquisition Area (RAA)
- Potential Future Growth Area (PFG)
- Existing Reserve (EXR)
- Non-participating City
- Area A Boundary
- Highways
- Valley/Foothill Divide



# **CEQA Findings of Fact and Statement of Overriding Considerations of the County of Placer**

## **for the Placer County Conservation Program**

**August 25, 2020**

## I. INTRODUCTION

Placer County (County), as the lead agency for the California Environmental Quality Act (CEQA) and other applicants being the City of Lincoln (City), Placer County Water Agency (PCWA), and South Placer Regional Transportation Authority (SPRTA) (collectively referred to as Permit Applicants), and the California Department of Fish and Wildlife (CDFW) and Central Valley Regional Water Quality Control Board (RWQCB) as responsible agencies for CEQA, prepared a joint environmental impact report (EIR) and environmental impact statement (EIS) for the Placer County Conservation Program (PCCP, or HCP/NCCP). The U.S. Fish and Wildlife Service (USFWS) as the federal lead agency and the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) and U.S. Army Corps of Engineers (Corps) as cooperating agencies prepared the National Environmental Policy Act (NEPA) portion of the environmental document. CDFW, in addition to being a CEQA responsible agency, is a CEQA trustee agency.

The document consists of the December 2018 Draft EIS/EIR and the May 2020 Final EIS/EIR (State Clearinghouse No. 2005032050) (collectively referred to hereafter as the EIS/EIR). The EIS/EIR for the project presents an assessment of the reasonably foreseeable and potentially significant adverse environmental effects associated with issuing state and federal endangered species and Clean Water Act Section 401-404 permits and implementing the PCCP. These findings have been prepared in accordance with the CEQA (Public Resources Code [PRC] Section 21000 et seq.) and its implementing guidelines (CEQA Guidelines) (California Code of Regulations [CCR] Title 14, Section 15000 et seq.). The Placer County Board of Supervisors (Board) is the decision-making authority for the Proposed Project/Action. The Board adopts these findings in that capacity.

## II. PROJECT DESCRIPTION

The County is proposing to adopt and implement the PCCP, as a regional, comprehensive program that would provide a framework to protect, enhance, and restore the natural resources in western Placer County, while streamlining permitting for Covered Activities (Generally any action undertaken in the Plan Area by or under the authority of the Permittees that may affect Covered Species or covered natural communities. Covered activities may be projects, programs, or operations and maintenance (O&M)). Within this framework, the PCCP would achieve conservation goals and comply with state and federal environmental regulations while streamlining planning and permitting for anticipated urban and rural growth, and the construction and maintenance of infrastructure needed to serve the County's unincorporated population. The PCCP includes three integrated programs:

- The *Western Placer County Habitat Conservation Plan and Natural Community Conservation Plan*, a joint habitat conservation plan and natural community conservation plan (HCP/NCCP) that would protect fish, wildlife, plants, and their habitats and fulfill the requirements of the federal Endangered Species Act of 1973, as amended (ESA) and the state Natural Community Conservation Planning Act (NCCPA), as amended.
- The *Western Placer County Aquatic Resources Program* (CARP) that would protect streams, wetlands, and other water resources and fulfill the requirements of the federal Clean Water Act (CWA) and analogous state laws and regulations.
- The *Western Placer County In-Lieu Fee Program* (ILF Program) that fulfills compensatory mitigation requirements under Sections 401 and 404 of the CWA.

Collectively these programs are referred to as the Project or “Proposed Project/Action” (“Proposed Project” for CEQA and “Proposed Action” for NEPA). The EIS/EIR was prepared pursuant to CEQA (California Public Resources Code [PRC] Sections 21000–21178.1); the State CEQA Guidelines (PRC 21000 et seq.; 14 California Code of Regulations 1500 et seq.); NEPA (42 United States Code 4321; 40 Code of Federal Regulations [CFR] 1500.1); and the President’s Council on Environmental Quality (CEQ) guidelines on implementing NEPA.

The Proposed Project/Action is described in detail in Chapter 2, *Proposed Action and Alternatives*, of the EIS/EIR. The Proposed Project/Action under NEPA is issuance of incidental take<sup>1</sup> permits (ITPs) by the USFWS and NMFS, pursuant to Section 10(a)(1)(B) of the ESA. The Proposed Project under CEQA consists of issuance of an NCCP permit from CDFW, pursuant to Section 2835 of the California Fish and Game Code; adoption of the PCCP, including the HCP/NCCP and the CARP by the agencies receiving the endangered species and wetlands permits (see Section 1.1, *Placer County Conservation Program Overview*, below); and approval of associated implementing actions such as adoption of the PCCP, amendments to the County’s General Plan, and adoption of implementing ordinances.

The permits from the wildlife agencies would authorize take of certain state- and federally listed species or species of special concern (Covered Species - the (14) species, listed and non-listed, whose conservation and management are provided for in the HCP/NCCP and for which Incidental Take is authorized by the Wildlife Agencies pursuant to the Take Permits) during the course of otherwise lawful activities (Covered Activities). To fulfill an application requirement for these permits, the Permit Applicants have prepared the PCCP, which serves as an HCP under the ESA and an NCCP under the NCCPA. The PCCP is intended to support the issuance of ITPs from USFWS and NMFS and issuance of an NCCP permit from CDFW with a term of 50 years. The PCCP includes a long-term conservation plan to protect and contribute to the recovery of Covered Species and natural communities in the Plan Area (See Section A for definition), while streamlining development and maintenance activities that are compatible with local policies and regulations. The PCCP identifies where future impacts on protected species would likely occur and lays out a strategy for avoidance, minimization, and mitigation of the impacts on natural resources that would result from these activities. The PCCP also goes beyond the mitigation requirements of the ESA to include measures that protect and contribute to the recovery of Covered Species and natural communities in the Plan Area, as required by the NCCPA.

The second component of the PCCP, the CARP, establishes a local program to conserve aquatic resources in the Plan Area through the avoidance and minimization of impacts on such resources that could result from regional growth and development. It provides for the conservation of wetlands, streams, and the waters and the watersheds that support them in the Plan Area while streamlining the Corps’ CWA Section 404 and the RWQCB Section 401 permit processes for Covered Activities.

The third component of the PCCP, the ILF Program, provides a mechanism under which compensatory mitigation requirements under Section 404 and 401 of the CWA can be fulfilled by payment of a fee to purchase mitigation “credits.” The ILF Program provides compensatory mitigation for impacts on aquatic resources for all projects and activities that are covered under the HCP/NCCP and the CARP.

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<sup>1</sup> As defined by the ESA, *take* means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” *Harm* is defined as “any act that kills or injures the species, including significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering” (50 CFR 17.3). *Take* is defined under the California Fish and Game Code Section 86 as any action or attempt to “hunt, pursue, catch, capture, or kill.”

## A. PCCP BACKGROUND

In 1998, the Board directed the County’s Planning Department to prepare a program to implement the open space and conservation goals and policies of the 1994 *Placer County General Plan*. This program, now known as the Placer Legacy Open Space and Agricultural Conservation Program (Placer Legacy Program), was approved in June 2000. The Placer Legacy Program and other general plan implementation programs provided the policy foundation for initiating the PCCP. The Placer Legacy Program further refined the direction provided by the general plan, including the decision to prepare an NCCP and a comprehensive program to address wetlands and streams that became the CARP. The PCCP was initiated in 2001 after the Board voted unanimously to sign the PCCP Planning Agreement (Planning Agreement). In 2007, the Board formed the PCCP Ad Hoc Committee consisting of two Board members from Placer County and two Council members from the City of Lincoln. The Ad Hoc Committee was created to engage elected representatives of the two jurisdictions and to develop a consistent framework, a reserve map, and priorities. In 2008, the Board unanimously adopted the Ad Hoc Committee’s recommendations to work with partners (City, PCWA, and SPRTA), and to coordinate with the public and resource agencies to finish the work plan and prepare a second draft conservation plan. On July 10, 2012, the Board of Supervisors directed staff to proceed with the draft reserve map that, with the consensus of the Wildlife Agencies and Corps, provided the foundation for the preparation of the proposed conservation strategy.

The 2001 Planning Agreement was entered into by the County, CDFW, USFWS, and NMFS. That document identified the Permit Applicants, the program areas and phases, regulatory goals, the planning process, guidelines for plan development, commitment of resources to complete the program, and other miscellaneous provisions. The Planning Agreement was subsequently amended in December 2011, 2015, 2018, and 2019 to remain effective until December 1, 2020.

The process used to develop the PCCP relied on many of the same principles of the Placer Legacy Program, which included independent scientific input and analysis, extensive public participation, and advice from key stakeholder groups. To assist in the development of the PCCP, the County formed working groups consisting of citizens, agency staff and science advisors serving on the Biological Stakeholder Working Group (BWG), and the Finance Committee.

The “Plan Area” is that land proposed for permit coverage under the PCCP as shown on EIS/EIR Figure 1-1 (Attachment A). The Plan Area was developed with a focus on areas where growth and development may greatly affect state and federally protected species and their habitats, including wetlands. As shown in Figure 1-1, the Plan Area boundary includes a portion of western Placer County, including all unincorporated lands in western Placer County, and the City of Lincoln. Also shown in EIS/EIR Figure 1-1, the Plan Area also includes areas where some Covered Activities of the County and PCWA would be located within the non-participating cities, a portion of the Raccoon Creek<sup>2</sup> floodplain in Sutter County, canals in Sutter County that are important for salmonid fish passage, and the Big Gun Conservation Bank in Michigan Bluff.

The Covered Activities and locations of Covered Activities are described in detail in EIS/EIR Chapter 2, *Proposed Action and Alternatives*.

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<sup>2</sup> The name *Coon Creek* has been officially changed by the U.S. Board of Geographic Names to *Raccoon Creek*. While the EIS/EIR uses the updated terminology, many background studies cited have not been modified.

The Permit Applicants' objectives for the proposed PCCP are stated in HCP/NCCP Section 1.1.4. The broad objective for the PCCP is stated as follows:

The purpose of the PCCP is to protect and enhance ecological diversity and function, including aquatic resource functions and values, in the greater portion of western Placer County while allowing appropriate and compatible growth in accordance with applicable laws.

This broad objective—planning for Western Placer County's conservation and development—was addressed by the County and the other Permit Applicants in consultation with State and federal agencies, with advice from a scientific working group; with input from stakeholders representing environmental, land ownership, development, and community interests; and through a series of public meetings and coordination with elected representatives from the County and the City. HCP/NCCP Section 1.4 provides an overview of the planning process.

## Objectives

The specific objectives of the Proposed Project/Action for Placer County and the other Permit Applicants are:

- Provide comprehensive species, natural community, and ecosystem conservation in the Plan Area.
- Provide for the conservation and management of the Covered Species in the Plan Area and contribute to the recovery of listed species in Placer County and Northern California.
- Protect and enhance biological and ecological diversity in Placer County.
- Establish a regional system of habitat reserves to preserve, enhance, restore, manage, and monitor native species and the habitats and ecosystems upon which they depend.
- Enhance and restore stream and riparian systems inside and outside the habitat reserves to provide additional benefit to native fish and other stream-dwelling species.
- Allow issuance of federal permits to the Permittees for lawful incidental take of species listed as threatened or endangered pursuant to the ESA resulting from development under the Permittees' adopted plans, policies, and programs.
- Allow issuance of a state authorization to the Permittee for lawful take of both non-listed species and species listed as threatened or endangered pursuant to the CESA resulting from development under the Permit Applicants' adopted plans, policies, and programs.
- Streamline and simplify the process for future incidental take authorization of currently non-listed species that may become listed pursuant to the ESA or CESA during the permit term.
- Standardize avoidance, minimization, mitigation, and compensation requirements of all applicable laws and regulations related to biological and natural resources within the Plan Area so that public and private actions will be governed equally and consistently, thereby reducing delays, expenses, and regulatory duplication.
- Provide a less costly, more efficient project review process that will result in greater conservation than the current project-by-project, species-by-species endangered species compliance process.

- Provide a streamlined aquatic resource protection and permitting process, the CARP, to provide the basis for streamlined USACE/CWA permitting and 1602 permitting for PCCP Covered Activities, as well as provide the basis for a CWA Section 404 PGP for Covered Activities and a programmatic certification of the PGP by the Regional Water Quality Control Board under CWA Section 401.
- Provide a means for local agencies receiving permits to extend incidental take authorization to private entities subject to their jurisdiction, integrating endangered species permitting with local land use authorization.

## FINDING

**Based on its own independent review of the EIS/EIR and other information, evidence and testimony received in connection with the Proposed Project/Action, the Placer County Board of Supervisors finds these objectives to be acceptable and persuasive from a public policy standpoint. In choosing to approve the Proposed Project/Action, the Board thus adopts these objectives, and accords them weight in considering the feasibility of alternatives set forth in the EIS/EIR. (See *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508; *Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal. App. 4th 704, 715 (Sequoyah Hills)).**

## B. DISCRETIONARY APPROVALS

The following County actions are necessary to implement the Proposed Project/Action:

- ▲ Certification of the Final EIR and adopting the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program
- ▲ Adoption of the PCCP
  - Western Placer County Habitat Conservation Plan / Natural Community Conservation Plan & Implementing Agreement (HCP/NCCP)
  - Western Placer County Aquatic Resources Program (CARP)
  - Cultural Resources Management Plan
  - PCCP Fee Program and Nexus Study
  - Open Space and Fire Hazard Management Fee and Nexus Study
- ▲ Amendments to the Placer County General Plan
  - Amend the goals and policies of Section 1 (*Land Use*) for Open Space, Habitat, and Wildlife Resources; and
  - Amend the goals and policies of Section 6 (*Natural Resources*) for Wetland and Riparian Areas, Fish and Wildlife Habitat, Vegetation and Open Space for the Preservation of Natural Resources
- ▲ Ordinance adding Chapter 19 to Placer County Code – implementation and regulatory provisions of PCCP
- ▲ Ordinance amending Chapter 17 of Placer County – Zoning
- ▲ Amendments to Other Placer County Code

- Chapter 12, Article 12.16 Tree Preservation Generally
- Chapter 15, Article 15.48 Grading, Erosion and Sediment Control
- Chapter 15, Article 15.60 Cultural and Historic Resources Preservation
- Chapter 16, Subdivisions
- Chapter 18, Environmental Review

### III. ENVIRONMENTAL REVIEW PROCESS

The purpose of the EIR component of the joint EIS/EIR is to inform the public and agency decision-makers about the potential, significant environmental impacts of the Proposed Project/Action; potential mitigation measures to avoid, minimize, and mitigate these significant impacts; and reasonable alternatives that could reduce the significant environmental impacts of the Proposed Project/Action. The EIR will be used by the Permit Applicants approving the PCCP to comply with CEQA for actions (described in detail in Chapter 2, *Proposed Action and Alternatives*) taken by these jurisdictions and agencies to adopt and implement the PCCP. The EIR would also be used by CDFW to comply with CEQA in issuing to the Permit Applicants the state NCCP permit.

The purpose of the EIS component of this joint EIS/EIR is to inform the public and federal agencies about the potential effects on the human environment resulting from issuance of the ITPs to the Permit Applicants and the implementation of the PCCP. USFWS and NMFS would use the EIS to comply with NEPA for issuing ITPs to the Permit Applicants. In addition, the Corps would use information in the EIS to support its own NEPA compliance actions in the Plan Area for the programmatic general permit (PGP) and other related permit issuance and other permitting over time, as described in more detail below (EIS/EIR Section 1.3, *Purpose and Need* and Section 1.4.4, *U.S. Army Corps of Engineers*).

#### PUBLIC SCOPING MEETINGS

In accordance with Section 15082 of the State CEQA Guidelines, the public scoping process, which also establishes the environmental baseline, began in March 2005, with the publication of a notice of intent (NOI) in the Federal Register (pursuant to NEPA) and submittal of a notice of preparation (NOP) to the State Clearinghouse (pursuant to CEQA). The NOI and NOP notified the public and agencies of the PCCP, the intent to prepare an EIS/EIR, and the opportunity for the public to provide comments.

The NOP and NOI served as a public notice for the USFWS, as the NEPA lead agency, and the County, as the CEQA lead agency, to hold joint public scoping meetings at the following locations.

- City of Roseville Corporation Yard, Rooms 2 and 3, 2005 Hilltop Circle, Roseville, CA 95747, on March 15, 2005, from 6:00 p.m. to 8:00 p.m.
- Placer County Planning Commission Chambers, 11414 B Avenue, Auburn, CA 95603, on March 16, 2005, from 6:00 p.m. to 8:00 p.m.
- City of Lincoln McBean Pavilion, 65 McBean Park Drive, Lincoln, CA 95648, on March 17, 2005, from 7:30 p.m. to 9:30 p.m.

The NOI and NOP also informed the public that written comments on the NOI and NOP should be received by April 6, 2005, respectively. The NOI and NOP and scoping comments are included in EIS/EIR Appendix D.

## SIGNIFICANT ISSUES IDENTIFIED IN SCOPING COMMENTS

The review period for the NOP ended on April 8, 2005. Comments were received from Placer County Flood Control and Water Conservation District; Placer County Department of Facility Services, Special Districts; California Department of Fish & Game (now CDFW); California Department of Conservation; California Department of Transportation (District 3); City of Lincoln; USFWS; and the California Governor's Office of Planning and Research (State Clearinghouse and Planning Unit). The following topics were raised in comments.

- The role of various agencies in development and review of the PCCP and EIS/EIR
- Definition and use of an environmental baseline in impact analysis
- Selection and analysis of a range of alternatives
- Specificity of Covered Activities and associated impact analyses
- Location of and requirements for mitigation
- Increased burden on storm water and flood-carrying facilities and alteration of floodplain boundaries
- Areas designated for expanded public utilities
- Impacts on agricultural land including Williamson Act lands
- Identification and consideration of future transportation facilities

## PCCP AND DRAFT EIS/EIR PUBLIC REVIEW

On June 21, 2019, the USFWS published a Notice of Availability for the public draft PCCP and draft EIS/EIR in the Federal Register. This started a public comment period of 60 days, which concluded on August 20, 2019. Similarly, and concurrent with the Federal Register, the County posted the CEQA Notice of Completion with the Placer County Clerk-Recorder and the State Clearinghouse. The Notice of Completion was also distributed to stakeholders and the general public, including on the County website and notices in local newspapers.

The Draft EIS/EIR includes an analysis of the following issue areas:

- Agricultural and Forestry Resources
- Air Quality, Greenhouse Gases, and Climate Change
- Biological Resources
- Cultural and Paleontological Resources
- Mineral Resources
- Energy
- Transportation and Circulation
- Hydrology and Water Quality
- Land Use Planning
- Noise and Vibration
- Population and Housing
- Socioeconomics and Environmental Justice
- Recreation

Three public meetings/workshops were held during the comment period:

- August 1, 2019 (Auburn)



- August 8, 2019 (Auburn, Planning Commission meeting to accept comments from the public on the draft EIR)
- August 15, 2019 (Lincoln)

The following is a list of all EIS/EIR workshops and related meetings:

- PCCP Meeting/Workshop—Thursday, August 1, 2019, Placer County Community Development & Resource Agency
- City of Lincoln, City Council PCCP Work Session—Wednesday, August 7, 2019
- Placer County Planning Commission Meeting – Thursday, August 8, 2019
- PCWA Board of Directors Meeting—Thursday, August 15, 2019
- PCCP Meeting/Workshop—Thursday, August 15, 2019, Lincoln City Hall

During the draft EIS/EIR public review process, interested parties (agencies, other stakeholders, and the general public) submitted a total of 49 comment letters or other written correspondence (e.g., emails, comment cards). Comments letters and responses to comments were addressed in compliance with CEQA Guidelines (Sections 15088, 15132) and are provided in Final EIS/EIR Appendix I.

## FINAL EIS/EIR

On May 22, 2020, the USFWS published a Notice of Availability for the Final PCCP and Final EIS/EIR in the Federal Register. This started a final listing period of 30 days, which concluded on June 22, 2020. Similarly, and concurrent with the Federal Register, on May 22, 2020, the County posted the CEQA Notice of Completion with the Placer County Clerk-Recorder and submitted the same to the State Clearinghouse. The County also issued the same notice to stakeholders and the general public, including posting on the County website and published notices in local newspapers.

The public hearing on the PCCP and EIR was duly noticed and held by the Placer County Planning Commission on July 9, 2020. The public hearing on the PCCP and EIR was duly noticed and held by the Placer County Board of Supervisors on August 25, 2020. Additional hearings by the Permittees including the City of Lincoln, PCWA, and SPRTA will be scheduled in the future.

The Final EIS/EIR includes comments received on the Draft EIS/EIR and PCCP; responses to these comments; and revisions to the Draft EIS/EIR and PCCP, as necessary, in response to these comments to amplify or clarify material or discussions in the Final EIS/EIR and PCCP.

Changes to the PCCP since the release of the Draft on June 21, 2019 fall into the following categories:

- Edits to document text and figures, such as correction of spelling errors
- Updates to geographical naming conventions (e.g., Coon Creek revised to Raccoon Creek)
- Minor text clarifications and corrections such as correcting cross-references to other parts of the document
- Minor numeric corrections, such as small adjustments to land cover acreages
- Clarification of activities not covered by the HCP/NCCP

- Updates to wildlife species accounts and associations with habitats in the Plan area
- Clarification of how Plan Conservation Strategy objectives related to vernal pool branchiopod occupancy will be monitored
- Clarifications of how Plan Conservation Strategy objectives related to habitat restoration and creation will be monitored
- Clarifications and additional details of vernal pool conservation measures
- Increased detail of Species Conditions, such as those for tricolored blackbird, valley elderberry longhorn beetle, and vernal pool fairy shrimp and vernal pool tadpole shrimp
- Increased detail of the process for granting take authorization for private projects
- Clarification of HCP/NCCP implementation under the Placer Vineyards Specific Plan as a Covered Activity
- Changes in estimated costs and fees to reflect updated information

The Final EIS/EIR reflects changes to the PCCP as described, where applicable, within the document. In addition, the following updates are included:

- Clarified rationale for incorporating by reference City of Lincoln and Placer County General Plans and associated EIRs
- Updates to NEPA significance determinations previously designated “significant and unavoidable” to “significant”, to appropriately distinguish between CEQA and NEPA terminology. (Note: These revisions are not related to any changes in EIS/EIR analysis, and the physical effects on the environment remain the same.)
- Comments received on the Draft PCCP and Draft EIS/EIR, and response to those comments

The Final EIS/EIR analyzes these updates to determine whether they would result in any changes to the impact analysis or conclusions reached in the Draft EIS/EIR published on June 21, 2019. The analysis determines that the proposed changes to the PCCP do not alter the analysis or impact conclusions presented in the Draft EIS/EIR, and do not warrant recirculation of the EIR under CEQA.

The Draft and Final EIS/EIR were made available for public review on the internet at <http://www.placer.ca.gov/3362/Placer-County-Conservation-Program> and [www.fws.gov/sacramento](http://www.fws.gov/sacramento). Due to the COVID-19 pandemic and the State Shelter in Place Order, print copies were not made available at libraries due to their closure. Pursuant to CEQA Guidelines section 15087(g), CEQA recommends but does not require the same. In addition, print copies were made available for review during normal business hours in the lobbies of the Placer County Community Development Resource Center at 3091 County Center Drive in Auburn, and the Placer County Clerk’s Office at 2954 Richardson Drive in Auburn. Copies of the same were posted on the County’s website.

As discussed below in Section X, Findings Regarding Recirculation of the Draft EIR, none of the changes to the Draft EIS/EIR, or information added to the Draft EIS/EIR, constitute “significant new information” requiring recirculation of the Draft EIS/EIR pursuant to PRC Section 21092.1 and State CEQA Guidelines Section 15088.5.

While the County is not required under CEQA to provide formal responses to late comments received on the Final EIR pursuant to CEQA Guidelines section 15088(a), the County has prepared responses, which are attached and incorporated as Attachment C hereto. Comments received after the Planning Commission and during the Board hearing will be included in the administrative record, but responses are not required or provided.

#### FINDING

**Based on the County’s review of these comments and the substantial evidence in the administrative record, the Placer County Board of Supervisors concludes that none of the comments received raised significant new information or evidence of a substantial increase in the severity of an identified environmental impact or identified a feasible project alternative or mitigation measure that is considerably different from those previously analyzed in the Final EIS/EIR (State CEQA Guidelines Section 15088.5). As a result, the Board concludes there is no evidentiary or legal basis upon which to require recirculation of the EIS/EIR prior to certification.**

## IV. RECORD OF PROCEEDINGS

In accordance with California PRC Section 21167.6(e), the record of proceedings for the County’s decision on the Proposed Project/Action includes the following documents:

- The NOP for the Proposed Project/Action and all other public notices issued by the County in conjunction with the Project;
- All comments submitted by agencies or members of the public during the comment period on the NOP;
- The Public Review Draft EIS/EIR for the Project and all appendices;
- All comments submitted by agencies or members of the public during the comment period on the Public Review Draft EIS/EIR;
- The Final EIS/EIR for the Project, including comments received on the Public Review Draft EIS/EIR, and responses to those comments and appendices;
- Documents cited or referenced in the Draft EIS/EIR and Final EIS/EIR;
- The MMRP;
- All findings and resolutions adopted by the Board in connection with the Project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County’s compliance with the requirements of CEQA and with respect to the County’s action on the Project;
- All documents submitted to the County by other public agencies or members of the public in connection with the Project, up through the close of the final public hearing;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the Project;

- Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings;
- Any and all resolutions adopted by the County regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by PRC Section 21167.6(e).

The documents constituting the record of proceedings are held by the custodian of records for this Proposed Project/Action: Placer County Community Development, Planning Services Division, at 3091 County Center Drive Auburn, CA 95603.

## V. CONSISTENCY WITH APPLICABLE PLANS

### FINDING

**The Placer County Board of Supervisors finds that the Project is consistent with the Placer County General Plan (County General Plan)<sup>3</sup> and the County’s zoning and development policies, as well as other applicable plans, as amended through approval of the Project. The Project is intended to achieve the County’s longtime vision and direction provided under the Placer County General Plan and Placer Legacy Program to protect and conserve open space and agricultural lands. Further, one of the Placer Legacy Program objectives is to obtain regulatory compliance through a comprehensive planning and permitting program in the form of a Natural Communities Conservation Program (NCCP) and a Habitat Conservation Plan (HCP).**

Specifically, and at the direction of the Board, the Project implements General Plan Section 6 – Natural Resources: Fish and Wildlife Habitat – Implementation Program 6.11.

The County shall initiate a cooperative effort to develop, adopt, and implement a Countywide National Communities Conservation Plan (NCCP) (Fish and Game Code Sections 2800-2840), and Habitat Conservation Plan (HCP) (Section 10 of the Federal Endangered Species Act (FESA)) to address the long-term conservation and maintenance of sufficient natural habitat to support indefinitely the diversity of plants and wildlife species currently represented in Placer County. The NCCP/HCP will serve as a means of achieving programmatic regulatory compliance with these statutes and Federal wetland statutes (Section 404 of the Clean Water Act).

Specific General Plan policy consistency determinations are attached as Exhibit C to the Placer County Board of Supervisors Resolution Amending the Placer County General Plan as it relates to the Placer County Conservation Program. Accordingly, the Board finds the Project to be consistent with the following General Plan goals and policies:

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<sup>3</sup> Placer County. 2013 (May 21). *Placer County General Plan*. Adopted August 16, 1994; reflects amendments through May 21, 2013.

## **Section 1: Land Use**

### General Land Use

Goal 1.A To promote the wise, efficient, and environmentally-sensitive use of Placer County lands to meet the present and future needs of Placer County residents and businesses.

(See Policies 1.A.1 – 2)

### Open Space, Habitat, and Wildlife Resources

Goal 1.I To establish and maintain interconnected greenbelts and open spaces for the protection of native vegetation and wildlife and for the community's enjoyment.

(See Policies 1.I.1 – 2)

### Economic Development

Goal 1.N To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, public safety, and service needs of Placer County residents and to expand the economic base to better serve the needs of residents.

(See Policies 1.N.1 & 1.N.3)

## **Section 2: Housing**

### New Residential Construction

Goal A To provide new housing opportunities to meet the needs of existing and future Placer County residents in all income categories.

(See Policies A-1 to A-3)

## **Section 4: Public Facilities and Services**

### Drainage and Water Quality

Goal 4.E To manage rainwater and storm water at the source in a sustainable manner that least inconveniences the public, reduces potential water-related damage, augments water supply, mitigates storm water pollution, and enhances the environment.

(See Policies 4.E.1 – 3, 10, 16)

### Flood Protection

Goal 4.F To protect the lives and property of the citizens of Placer County from hazards associated with development in floodplains and manage floodplains for their natural resource values.

(See Policies 4.F.2, 5, 8, 10)

## **Section 5: Recreational and Cultural Resources**

### Public Recreation and Parks

Goal 5.A To develop and maintain a system of conveniently located, properly-designed parks and recreational facilities to serve the needs of present and future residents, employees, and visitors.

(See Policies 5.A.1, 3, 4, 13, 22, 24)

### Recreational Trails

Goal 5.C To develop a system of interconnected hiking, riding, and bicycling trails and paths suitable for active recreation and transportation and circulation.

(See Policies 5.C. 1 & 3)

### Cultural Resources

Goal 5.D To identify, protect, and enhance Placer County’s important historical, archaeological, paleontological, and cultural sites and their contributing environment.

(See Policies 5.D.3, 6, 7, 12)

## **Section 6: Natural Resources**

### Water Resources

Goal 6.A To protect and enhance the natural qualities of Placer County’s rivers, streams, creeks and groundwater.

(See Policies 6.A.1, 3-10, 12)

### Wetland and Riparian Areas

Goal 6.B To protect wetland communities and related riparian areas throughout Placer County as valuable resources.

(See Policies 6.B.1 – 5)

### Fish and Wildlife Habitat

Goal 6.C To protect, restore, and enhance habitats that support fish and wildlife species so as to maintain populations at viable levels.

(See Policies 6.C.1, 2, 5 – 14)

### Vegetation

Goal 6.D To preserve and protect valuable vegetation resources of Placer County.

(See Policies 6.D.3 – 11, 14)

Open Space for the Preservation of Natural Resources

Goal 6.E To preserve and enhance open space lands to maintain the natural resources of the County.

(See Policies 6.E.1 – 3)

**Section 7: Agricultural and Forestry Resources**

Agricultural Land Use

Goal 7.A To provide for the long-term conservation and use of agriculturally-designated lands.

(See Policies 7.A.1 & 11)

**Section 8: Health and Safety**

Flood Hazards

Goal 8.B To minimize the risk of loss of life, injury, damage to property, and economic and social dislocations resulting from flood hazards.

(See Policies 8.B.1 & 8)

Fire Hazards

Goal 8.C To minimize the risk of loss of life, injury, and damage to property and watershed resources resulting from unwanted fires.

(See Policies 8.C.7 & 11)

FINDING

**The Placer County Board of Supervisors agrees with and is persuaded by the reasoning set forth in the EIS/EIR, including throughout Chapter 3, *Affected Environment* and Chapter 4 *Environmental Consequences*, and specifically Section 4.3, *Biological Resources* regarding the Project’s consistency with applicable plans and policies and as amended through the Proposed Project/Action approval. In making these findings, the Board ratifies, adopts, and incorporates into this discussion, the reasoning and determinations of the Draft and Final EIS/EIR relating to consistency with applicable plans and the goals and policies within those plans. The Board has reviewed the Proposed Project/Action and proposed amendments in relation to the County General Plan and the County’s zoning and other County Codes and development policies, and finds that the Project, as proposed for approval and adoption, will be consistent with and in furtherance of said plans and policies.**

**VI. FINDINGS REQUIRED UNDER CEQA**

The purpose of these findings is to satisfy the requirements of Sections 15091 and 15092 of the CEQA Guidelines associated with the approval of the Placer County Conservation Program. The CEQA statute (Public Resources Code Section 21002) provides that “public agencies should not approve projects as

proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects....” The same statute provides that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to provide that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles presented in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

PRC Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” The State CEQA Guidelines Section 15364 adds another factor: “legal” considerations. (See *Citizens of Goleta Valley v. Bd. of Supervisors* (“*Goleta II*”) (1990) 52 Cal.3d 553, 565.)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) Moreover, “feasibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 (“*CNPS*”).)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations appear to be verified by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-521 (“*Laurel Hills*”), in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.



Although the State CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] *or* substantially lessen[ed],” these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level, or has simply been substantially lessened but remains significant. Moreover, although Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the Final EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (State CEQA Guidelines Section 15091[a], [b].)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (State CEQA Guidelines Sections 15093, 15043[b]; see also PRC Section 21081[b].) The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.)

The Placer County Board of Supervisors has adopted the third permissible finding with respect to all significant and unavoidable effects identified in the EIS/EIR, concluding that not all effects can be mitigated to less-than-significant levels. The Board therefore must consider the feasibility of project alternatives. (PRC Section 21002; *Laurel Hills, supra*, 83 Cal.App.3d at p. 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 400-403.)

As noted above, despite mitigation, certain significant environmental impacts of the Project will not be mitigated to less-than-significant levels. Thus, the Board is required to adopt a Statement of Overriding Considerations for the Project. On [REDACTED], 2020, the Board separately adopted the Statement of Overriding Considerations.

## VII. LEGAL EFFECT OF FINDINGS

These findings constitute the County’s best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various mitigation measures outlined in the Final EIS/EIR are feasible and have not been modified, superseded or withdrawn, the County hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the Board adopts a resolution approving the Project. Adoption of the Statement of Overriding Considerations allows the Board to approve the Project, even though it has the potential to result in significant and unavoidable impacts.

## VIII. MITIGATION MONITORING AND REPORTING PROGRAM

PRC Section 21081.6(a)(1) requires lead agencies to “adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment.” An MMRP has been prepared for the Project and is being approved by the Board by the same Resolution that has adopts these findings. The County will use the MMRP to track compliance with the Project and its mitigation measures. The MMRP provides a list of all adopted Project mitigation measures, identifies the parties responsible for implementing such measures, and identifies the timing for implementing each measure. The MMRP will remain available for public review during the compliance period. The Final MMRP is incorporated herein by reference as it is incorporated into the environmental document approval resolution and is approved in conjunction with certification of the Final EIS/EIR and adoption of these Findings of Fact.

## IX. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The significant effects and mitigation measures are summarized in the Draft and Final EIS/EIR first by species that would result from Project implementation and alternatives as summarized in Executive Summary Table ES-1, *Summary of Impact Determinations by Species Considered* (Attachment B) as updated by the revisions to the Draft EIS/EIR as set forth in the Final EIS/EIR, summarizing impacts on species discussed in Section 4.3 Biological Resources. In most cases, impacts of the Project to species that have been identified would be less than significant as the Project is the implementation of a regional HCP/NCCP and its related programs and conservation strategy. In three instances, incorporation of the mitigation measures proposed in the Draft EIS/EIR and Final EIS/EIR would reduce the impacts to levels that are less than significant. Under CEQA, no mitigation measures are required for impacts that are less than significant (PRC Section 21002; State CEQA Guidelines Sections 15126.4[a][3], 15091).

Significant effects by resource topic determinations are summarized in Table ES-2, *Summary of Impact Determinations by Resource* (Attachment B). All of the significant and unavoidable impacts under the Alternative 1 – No Action Alternative would result primarily from activities expected under the implementation of the local jurisdictions’ current general plans.

The following non-biological resources had less-than-significant impacts or no impact under all action alternatives.

- Land Use and Planning
- Mineral Resources
- Population and Housing, Socioeconomics, and Environmental Justice
- Recreation

Pursuant to CEQA Guidelines section 15091, findings are not required for less than significant impacts.

The following non-biological resources had impacts that were significant and unavoidable under all action alternatives.

- Agricultural and Forestry Resources

- Air Quality, Greenhouse Gases, and Climate Change
- Cultural and Paleontological Resources
- Hydrology and Water Quality
- Noise and Vibration
- Transportation and Circulation

The County’s findings with respect to the Proposed Project/Action’s cumulatively significant and significant and unavoidable effects and mitigation measures are set forth in Section XIII below. This section does not attempt to describe the full analysis of each environmental impact contained in the Draft and Final EIS/EIR. Instead, the section provides a summary description of each impact, describes the applicable mitigation measures identified in the Draft and Final EIS/EIR and adopted by the Board, and articulates the Board’s findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Draft and Final EIS/EIR, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the Final EIS/EIR’s determinations regarding the Proposed Project/Action’s potential impacts and mitigation measures designed to address those potential impacts. In making these findings, the Board ratifies, adopts, and incorporates into these findings the analysis and explanation in the Draft and Final EIS/EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Draft and Final EIS/EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The Board has adopted all the mitigation measures identified in these sections as summarized in Table ES-3 *Summary of Impacts and Mitigation Measures* (Attachment B). To the extent any of the mitigation measures are within the jurisdiction of other agencies, the Board finds those agencies can and should implement those measures within their jurisdiction and control.

## **X. FINDINGS REGARDING RECIRCULATION OF THE DRAFT EIR**

The Board adopts the following findings with respect to whether to recirculate the Draft EIS/EIR. Under Section 15088.5 of the State CEQA Guidelines, recirculation of an EIR is required when “significant new information” is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term “information” can include changes in the Project or environmental setting, as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

- a) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- b) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

- c) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
- d) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(State CEQA Guidelines Section 15088.5.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is “not intend[ed] to promote endless rounds of revision and recirculation of EIRs.” (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132.) “Recirculation was intended to be an exception, rather than the general rule.” (*Ibid.*)

The Board recognizes that the Final EIS/EIR incorporates updated information obtained by the County since the Draft EIS/EIR was completed, and contains additions, clarifications, modifications, and other changes. (See Final EIS/EIR Appendix I for a summary of the updated information).

The Final EIS/EIR also includes revisions to the text of the Draft. As discussed in the Final EIS/EIR, none of the information added to the Draft altered the significance conclusions. Rather, the new information amplified and clarified the information provided in the Draft. None of the revisions or updates to the Draft’s analyses represents “significant new information” as that term is defined by the State CEQA Guidelines Section 15088.5(a).

While not required under CEQA, the County has responded to comments received on the Final EIR. In bringing the Proposed Project/Action forward for action by the Board, the County concludes that no comments on the Final EIR identified significant new information that would require recirculation of the EIR.

#### FINDING

**The Placer County Board of Supervisors finds that recirculation of the Draft EIS/EIR is not required: (1) because recirculation is not required where the new information added to the EIS/EIR merely clarifies, amplifies, or makes insignificant modifications in an adequate EIS/EIR (State CEQA Guidelines Section 15088.5(b); and (2) because no “substantial adverse” impact would result from any of the revisions to the portions of the Draft EIS/EIR that were not recirculated (State CEQA Guidelines Section 15088.5[e]). The County further finds that none of the comments received after release of the Final EIS/EIR require recirculation of the Draft EIS/EIR for the reasons set forth herein.**

## XI. FINDINGS FOR PROJECT ALTERNATIVES

### A. BASIS FOR ALTERNATIVES FEASIBILITY AND ENVIRONMENTAL IMPACT ANALYSIS

CEQA mandates that every EIR evaluate a no project alternative (Alternative 1, *No Action Alternative*), plus a range of potentially feasible alternatives to the Project or its location that would avoid or substantially lessen the significant impacts of the Project (CEQA Guidelines Section 15126.6[a][b]). The Placer County Board of Supervisors finds that the range of alternatives studied in the EIS/EIR reflects a reasonable range of alternatives.

These findings consider the feasibility of each alternative analyzed in the EIS/EIR. Under CEQA, “(f)feasible’ means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (State CEQA Guidelines Section 15364.) As described above, the concept of feasibility permits agency decisionmakers to consider the extent to which an alternative is able to meet some or all of a project’s objectives. In addition, the definition of feasibility encompasses desirability to the extent that an agency’s determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors. (See *CNPS, supra*, 177 Cal.App.4th 957, 1001.) An “alternative that ‘is impractical or undesirable from a policy standpoint’ may be rejected as infeasible.” (*Ibid.*) Additionally, an alternative “may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record.” (*Ibid.*)

### B. DESCRIPTION OF ALTERNATIVES AND FEASIBILITY ASSESSMENT

Final EIS/EIR Appendix E, *Revised Alternative Screening and Action Alternatives Descriptions*, incorporated herein by reference, describes twelve potential alternatives, in addition to the Proposed Project/Action and the no action alternatives, were screened through the comprehensive process summarized below. Some alternatives consist of variations in different components of the PCCP, such as the length of the permit term, types of Covered Activities, or number of Covered Species. Other alternatives were identified during the PCCP planning process by the Resource Agencies, including the USACE’s use of the EIS/EIR to satisfy its requirements under the CWA Section 404(b)(1).

To select the action alternatives, the EIS/EIR consultant ICF followed a three-tiered screening process and applied the criteria described in Final EIS/EIR Section 2.2, *Alternatives Screening*.

#### Description of the Potential Alternatives

Twelve alternatives were identified and labeled A through L, were screened against a set of criteria using a systematic screening process. Screening occurred in three tiers, with separate criteria used in each tier. Potential alternatives that met the screening criteria in one tier were carried forward to the next tier. Only alternatives that satisfied criteria for all three tiers were carried forward in the Draft and Final EIS/EIR for detailed analysis.

The screening criteria were based on a number of considerations, including (1) legal requirements for adequate discussions of alternatives in the EIS/EIR, as set forth in NEPA and CEQA and the regulations

and case law interpreting those statutes; (2) concepts of “potential feasibility” under CEQA and “reasonableness” under NEPA; and (3) CWA Section 404(b)(1) screening criteria.

- A. Reduction in Permit Term to 30 Years
- B. Reduction in Covered Species
- C. Increase in Permit Area
- D. Reduced Development/Reduced Impacts to Jurisdictional Wetlands and Other Waters of the United States—Map Alternative 2
- E. Reduced Development/Reduced Impacts to Jurisdictional Wetlands and Other Waters of the United States—Map Alternative 4
- F. Reduced Development/Reduced Impacts to Jurisdictional Wetlands and Other Waters of the United States—Map Alternative 6
- G. Reduced Development/Reduced Impacts to Jurisdictional Wetlands and Other Waters of the United States—Map Alternative 7
- H. Habitat Conservation Plan/2081 Conservation Plan
- I. Reserve System Limited to Placer County
- J. No Programmatic General Permit or Letter of Permission Issued by USACE
- K. No Fill Alternative
- L. Expanded Reserve Acquisition Area

Under CEQA, alternatives to be included in an EIR, in addition to a no project alternative, must satisfy the following requirements:

- Are potentially feasible
- Attain most of the basic objectives of the project
- Avoid or substantially lessen any of the significant impacts of the project

### **First Tier Screening Criteria**

The legal requirements of CEQA and NEPA were considered in the context of the statements of project objectives and purpose (HCP/NCCP Chapter 1, Section 1.3, *Purpose and Need*) to develop the First Tier screening criteria. These criteria (EIS/EIR Section 2.2.1) assumed that allowing appropriate and compatible growth in accordance with applicable laws includes allowing sufficient land area for development under the general plans of the City and County.

Four alternatives were eliminated from consideration at this First Tier as described in EIS/EIR Section 2.3, *Alternatives Eliminated from Further Consideration*.

### **H. Habitat Conservation Plan/2081 Conservation Plan (no natural community conservation plan [NCCP])**

While the HCP/2081 alternative would provide the same level of streamlining for the federal ESA compliance as an HCP/NCCP because the HCP components of the plan (federal covered species and conservation strategy) would likely be the same or similar, the HCP/2081 would not provide the same

level of permit streamlining for state ESA compliance because fewer species (i.e., fully protected species) would be listed in this plan, and effects on some non-listed species would be handled outside of the HCP/2081 process, thus resulting in a less streamlined permitting process.

For these reasons, this alternative would not provide a comprehensive plan meeting the project objective of protecting and enhancing ecological diversity and function, including aquatic resource functions and values, in the greater portion of western Placer County while allowing appropriate and compatible growth in accordance with applicable laws.

#### **J. No Programmatic General Permit, Letter of Permission, or Regional General Permit Issued by USACE**

Although this alternative would include the conservation strategy of the HCP/NCCP, it would only consider effects on waters of the United States, including wetlands, on a project-by-project basis. Therefore, protection of wetlands would not be coordinated in the long-term with conservation and management of species in the Plan area at a regional scale and the alternative would not make the process more predictable for future development. Because effects on waters of the United States, including wetlands, would be considered on a project-by-project basis such that coordination and standardization for mitigation and compensation requirements would not occur between ESA, CESA, NEPA, CEQA, the CWA, and other applicable laws and regulations related to biological and natural resources within the Plan Area this alternative would not provide a comprehensive plan meeting the project objective of protecting and enhancing ecological diversity and function, including aquatic resource functions and values, in the greater portion of western Placer County while allowing appropriate and compatible growth in accordance with applicable laws.

#### **K. No Fill Alternative**

Under this alternative, the Corps would not permit any development that affects waters or wetlands of the United States as part of the PCCP. Covered Activities would not receive programmatic 404 permit coverage and the PCCP's conservation strategy would not serve as the Regional LEDPA described in the Corps' permitting strategy. Avoidance of all jurisdictional waters, including wetlands, within the Plan Area would be logistically and cost prohibitive. It would not govern public and private actions equally or consistently because the action would likely need to be modified depending on the type and extent of jurisdictional waters, including wetlands. This alternative would not allow for land uses and development as specified under the approved general plans of Placer County and the City of Lincoln, nor planned and programmed projects of SPRTA and PCWA. 404 permit applications would be evaluated on a project-by-project basis separate from the PCCP' conservation strategy. For these reasons, this alternative would not provide a comprehensive plan meeting the project objective of protecting and enhancing ecological diversity and function, including aquatic resource functions and values, in the greater portion of western Placer County while allowing appropriate and compatible growth in accordance with applicable laws.

#### **L. Expanded Reserve Acquisition Area**

The expansion of the RAA would reduce land available for development consistent with the general plans of the County and the City, and in particular, would reduce land available for new development by approximately half. This alternative would limit growth in portions of the Placer Vineyards Specific Plan and would not allow the previously approved Placer Ranch Specific Plan or Brookfield Amoruso Ranch projects to proceed. Portions of the Sunset Industrial Area, located in the County, are proposed for incorporation into the PCCP reserve. The stated growth objectives of the City are not accommodated with this reserve design. The coverage provided by this potential alternative would be inconsistent with the approved growth plans and development identified in applicant-approved plans or programmed projects in the Plan Area and the coverage of species would not "balance" growth, but actually reduce it.

For these reasons, this alternative would not provide a comprehensive plan meeting the Project objective of protecting and enhancing ecological diversity and function, including aquatic resource functions and values, in the greater portion of western Placer County while allowing appropriate and compatible growth in accordance with applicable laws.

## **Second Tier**

Potential alternatives that advanced to the Second Tier of screening were evaluated under CEQA using the following question:

- Would the potential alternative avoid or substantially lessen any of the significant environmental effects of the proposed action?

The following alternatives meeting these criteria were carried forward to the Third Tier of screening.

- A. Reduction in Permit Term
- C. Increase in Permit Area
- D. Reduced Development/Reduced Fill—Map Alternative 2
- E. Reduced Development/Reduced Fill—Map Alternative 4
- F. Reduced Development/Reduced Fill—Map Alternative 6
- G. Reduced Development/Reduced Fill—Map Alternative 7

## **Third Tier**

The Third Tier criteria focus on CEQA’s concept of feasibility and NEPA’s principle of reasonableness. Under CEQA, alternatives evaluated in an EIR should be potentially feasible. CEQA Guidelines Section 15364 defines *feasible* as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Under NEPA, an EIS must rigorously explore and objectively evaluate a reasonable range of alternatives that achieve the proposed action’s objectives as provided by the purpose and need statement (40 CFR 1502.14[a]; 46 FR 18026).

The range of alternatives should provide a range of options to decision-makers to support informed decision-making. Reasonable alternatives include those that are practical or feasible from a technical or economic standpoint and using common sense, rather than alternatives that are simply desirable from the applicant’s perspective. Under both NEPA and CEQA, potential alternatives can be developed using economic considerations, social factors, legal feasibility under species protection laws, and technical factors to inform the general concepts of feasibility under CEQA and reasonableness under NEPA. The Section 404(b)(1) analysis must consider similar issues to those under CEQA and NEPA. These include costs, logistics, existing technology, and overall purpose.

Of the alternatives carried forward to the Third Tier of screening, the following alternatives were identified for consideration in the EIS/EIR:

- A. Reduction in Permit Term



- D. Reduced Development/Reduced Fill—Map Alternative 2
- E. Reduced Development/Reduced Fill—Map Alternative 4
- F. Reduced Development/Reduced Fill—Map Alternative 6
- G. Reduced Development/Reduced Fill—Map Alternative 7

Alternatives D, E, F, and G were combined into one alternative, as described in Final EIS/EIR Section 2.4.3, *Alternative 3—Reduced Take/Reduced Fill*.

### **Alternatives carried forward**

The alternatives screening process described in EIS/EIR Section 2.2, *Alternatives Screening*, resulted in four alternatives to be further analyzed. Each of these four alternatives is described in detail below and evaluated in subsequent chapters of the EIS/EIR.

- Alternative 1—No Action
- Alternative 2—Proposed Action
- Alternative 3—Reduced Take/Reduced Fill
- Alternative 4—Reduced Permit Term

### **FINDING**

**The Placer County Board of Supervisors finds that, as the CEQA lead agency, the range of alternatives analyzed were structured around a reasonable definition of a fundamental underlying purpose, and it needed not study alternatives that could not achieve the basic Project objectives.**

The feasibility of each of the alternatives is addressed below.

### **Alternative 1—No Action**

The EIS/EIR includes an analysis of a no action alternative/no project alternative in accordance with the requirements of NEPA and CEQA, respectively. The no action/no project alternative is Alternative 1, *No Action*. The analysis of this alternative allows decision-makers to compare the effects of approving or of not approving the proposed action.

The geographic area for Alternative 1 is the same as the Project’s Plan Area, as described in EIS/EIR Chapter 1, Section 1.1.2, *Plan Area*, and Section 2.4.2, *Alternative 2, Proposed Action*.

Under Alternative 1, permits would not be issued by USFWS, NMFS, CDFW for incidental take of the proposed Covered Species through a regional-scale programmatic HCP or NCCP. As a result, Permit Applicants and the private developers within their jurisdictions would remain subject to the take prohibition for federally listed species under ESA and state-listed species under CESA. The Permit Applicants and others with ongoing activities or future actions in the Plan Area that may result in the incidental take of federally listed species would need to apply, on a project-by-project basis, for incidental take authorization from either USFWS or NMFS through ESA Section 7 (when a federal agency is involved) or Section 10 (for nonfederal actions). Similarly, Permit Applicants and others whose ongoing activities or future actions have the potential for incidental take of state-listed species in the Plan Area would apply for incidental take authorization under CESA through a Section 2081(b)

permit. In addition, a Section 404 permitting strategy would not be developed by the USACE and, as a result, Permit Applicants and private developers within their jurisdictions would follow existing procedures for activities subject to Section 404 CWA.

Under Alternative 1, because the Permit Applicants and private developers would generate environmental documentation and apply for permits on a project-by-project basis, there would be no comprehensive means to coordinate and standardize mitigation and compensation requirements of ESA, NCCPA, CEQA, NEPA, and the CWA within the Plan Area. This is anticipated to result in a more costly, less equitable, and less efficient project review process that would reap fewer conservation benefits. Conservation planning and implementation would not happen in Placer County at a regional scale and therefore would not establish an efficient and effective system of conservation lands to meet the needs of the species covered by the PCCP. Mitigation would not occur in a coordinated fashion and would likely result in smaller mitigation areas as there would be more onsite mitigation for specific projects. Accordingly, Alternative 1 would not streamline the permitting process or provide local control of the endangered species permitting process. It would therefore not be expected to provide species with the benefits of a comprehensive system of conservation lands that would be provided through a coordinated effort to minimize biological effects throughout the Plan Area.

#### FINDING

**The Placer County Board of Supervisors finds that Alternative 1 – No Action would not achieve any of the objectives of the Project and would result in greater impacts than would occur through implementation of any of the other alternatives, as further described in detail in Table ES-1 and ES-2 of the Final EIS/EIR.**

#### **Alternative 3—Reduced Take/Reduced Fill**

Alternative 3 would reduce the level of take authorized by the Project consistent with the adjustments described in Table 2-17 of the EIS/EIR. To implement this alternative and still meet the housing and employment demand forecasted for the 50 year permit term in both the County and City, it would be necessary to increase onsite avoidance of vernal pool complexes and other aquatic habitats, increase acquisition of reserve lands within the Planned Future Growth (PFG), and/or reduce the development footprint in the Valley portion of the PFG.

Alternative 3 is derived from the Second Tier alternatives screening process evaluation of Alternatives D, E, F, and G. These alternatives are based on different versions of a conservation and development map originally considered in 2005 during an early phase of the PCCP planning process (Reserve Map Alternatives 2, 4, 6, and 7), which examined different boundaries for reserve acquisition in the western area of the Valley portion of the Plan Area. The maps were also based upon an early version of land cover mapping that was subsequently determined to be inadequate for purposes of mapping vernal pool complexes. Subsequent mapping, completed in 2011, superseded the mapping that provided the foundation for Reserve Map Alternatives 2, 4, 6, and 7. As a group, these Maps were considered to be a basis for developing a Proposed Project/Action, as acknowledged by the USACE/USEPA letter dated August 24, 2007. (Table 2-17. Alternative 3 - *Reduced Take/Reduced Fill Permit Limits for Direct Effects and Comparison with Proposed Plan*).

Under Alternative 3, permits would be issued by USFWS and NMFS under Section 10(a)(1)(B) of the ESA and by CDFW under Section 2081(b) for incidental take of the proposed Covered Species through a regional-scale programmatic HCP and NCCP. These permits would cover take of the Plan's 14 Covered Species. The permit durations would be for 50 years.

The Draft and Final EIS/EIR did not screen out Alternative 3 due to the USFWS and consultant ICF exercising their independent review and NEPA discretion. Therefore, Alternative 3 was carried forward in the full EIS/EIR analysis.

Compared with the Proposed Project/Action (Alternative 2), the conservation principle of the earlier maps is essentially equivalent in the Foothills, but it differs mainly in the balance between the Reserve Acquisition Area (RAA) and PFG area in the Valley. The four maps all have a smaller amount of land designated PFG in the Valley, ranging from a reduction of 13% for Map 6 to a reduction of 5% for Map 4, described in detail in Appendix E, *Revised Alternative Screening and Action Alternatives Descriptions*.

Alternative 3 is infeasible for three reasons. (1) While the land conversion for vernal pool complexes is reduced by 10% (approximately 1,250 acres), Alternative 3 could result in increased environmental impacts to non-wetland resources; (2) Alternative 3 would not and could not reduce the assumed future land development that is projected in the County and City General Plans and would result in growth occurring elsewhere in the region in conflict with the objectives of the Project; and (3) While Alternative 3 would result in a reduction of the total extent of land conversion by approximately 1,000 acres in the PFG, roughly the same level of conservation and restoration is required. The result is an imbalance in the financial model and level of financial support required to support the PCCP and the projected level of financial deficit is unlikely to be covered by federal, state, or local grant funds.

*Alternative 3 would result in a reduction in land conversion for vernal pool complexes but conversely could result in a potential increase in environmental impacts to non-wetland resources.*

Alternative 3 reduces the vernal pool complex land conversion for the Valley PFG by 10% (about 1,250 acres) compared to the Proposed Project/Action and there are similar reductions in other communities associated with wetlands or other waters. When the spatial model assumes those land cover types are not available for land development by Covered Activities, the model reallocates future land development to other land cover types, resulting in a corresponding increase in conversion of some of the other natural community types. In order to minimize the impact on non-wetland associated communities, the total extent of land conversion in the Valley PFG is reduced for this alternative by 1,000 acres, compared to the Project. This limits increased conversion of non-wetland associated communities to less than 5%, as shown in Table 2-17. However, the reduced effects to wetland communities under this alternative, would be accompanied by some increase in non-wetland effects. In addition, as discussed in the next section, reducing the area of land conversion for the PCCP does not reduce development allowed under the County and City general plans. Instead would displace projected development and related environmental effects to other areas.

*Alternative 3 would not and could not reduce the assumed future land development that is projected in the County and City General Plans.*

The EIS/EIR considered Alternative 3 under which the HCP/NCCP would not cover the full amount of growth and development that was estimated to occur over the 50-year term of the Project and permits. However, this alternative could not assume that less growth and development would occur as a result of the reduced level of coverage for two reasons: (1) because the County's and City's land use plans and policies—not the Plan and permits—determine how much growth and development can occur in the Plan Area; and (2) covering less growth under Alternative 3 would not preclude individuals seeking to pursue their own permits under various environmental laws and regulations (ESA, CESA, CWA, etc.);

therefore, reducing the level of coverage under the HCP/NCCP and permits would not by itself reduce the extent of growth and development.

It is not a project objective *to meet* regional growth projections. Rather, the growth projections in the Growth Scenario Memo were used to determine the maximum extent of growth and development that could be covered by the HCP/NCCP and proposed for coverage under the permits in order to meet project objectives to:

- Allow issuance of federal permits to the Permittees for lawful incidental take of species listed as threatened or endangered pursuant to the ESA resulting from development under the Permittees' adopted plans, policies, and programs.
- Allow issuance of a state authorization to the Permittee for lawful take of both non-listed species and species listed as threatened or endangered pursuant to the CESA resulting from development under the Permittees' adopted plans, policies, and programs. (Plan, p. 1-7)

In addition, expanding the RAA as proposed under Alternative 3 does not change the market factors underlying the PCCP growth scenario. Alternative 3 would not reduce the number of acres designated for future urban and suburban development because those designations are established in currently approved County and City General Plans and zoning. Nor would Alternative 3 reduce the planned scope of SPRTA and PCWA Covered Activity projects, which are also the product of separate project approvals. Projected development would likely instead be accommodated in the City of Roseville (also in Placer County) or, alternatively, outside of Placer County elsewhere in the Sacramento Metropolitan Area. This would be counter to these project objectives.

*While Alternative 3 results in a reduction of the total extent of land conversion by 1,000 acres in the PFG, the same level of restoration of conserved lands would be required. This would cause an imbalance in the financial model and level of financial support required for the PCCP and result in a structural financial deficit.*

Alternative 3 results in a slightly reduced Reserve System acreage for vernal pool complex, 16,158 acres as compared to 17,000 acres for the Proposed Project/Action (Alternative 2), yet it maintains the same commitment to restoration of 3,000 acres of vernal pool complex within the Reserve System above and beyond mitigation. The cost of fulfilling this commitment would not be reduced, despite the reduction in PCCP fee revenues under Alternative 3.

During the HCP/NCCP planning process, the extent and location of likely urban and rural development in western Placer was modeled by a growth scenario. Its purpose was to define the amount of housing and employment growth and corresponding land development area likely needing to be accommodated in the 50-year permit term. As with other planning parameters such as land cover mapping and Covered Species occurrences, the same growth scenario is assumed for all alternatives.

The Project's analysis of impacts on Covered Species, and the EIS/EIR's analysis of environmental impacts, assumes this level of growth and development will occur to ensure such impacts are adequately analyzed and are not underestimated, and that proposed avoidance, minimization, and mitigation measures will be adequate if the growth and development in fact occurs. If the growth projections in the Growth Scenario Memo *overestimate* actual growth, and the maximum extent of coverage under the permits is not used, the Project would still meet its objectives for compliance and permit coverage for development under adopted land use plans, policies, and programs. If growth is lower than projections, PCCP fee revenues would also likely fall short of projections. However, the Plan Permittees could seek

an extension of the HCP/NCCP and permits as needed to use the maximum extent of take coverage and collect the full extent of project PCCP revenues, if other sources of funding for implementation were not available.

Alternative 3 would reduce the maximum extent of take coverage for land conversion in the Valley subarea by 1,000 acres compared to the Proposed Project/Action regardless of the level of growth that occurs. If the maximum extent of take coverage were reached, project proponents would then apply for environmental permits individually, and would not pay PCCP fees. Yet costs would not be substantially reduced under Alternative 3. The reduction in the extent of take that could be covered under the PCCP, would therefore cap fee revenues in a manner that would cause a structural funding deficit that could endanger the overall efficacy of the PCCP. According to the projections of the Project's financial consultant, the financial deficit would be approximately \$42 million. (Urban Economics Memorandum, Robert Spencer, June 25, 2020.)

As the CEQA Lead Agency exercising its separate independent judgement in accordance with CEQA, the County has determined that while Alternative 3 would reduce impacts to vernal pool habitats, it would result in increased impacts to other non-wetland habitat types as examined in EIS/EIR Appendix E. Alternative 3 would not achieve the objectives of the Project since it would not cover appropriate and compatible growth resulting from development under the Permittees' adopted plans, policies, and programs. Alternative 3 would be financially infeasible because it would require largely the same commitment to conservation and restoration as the Proposed Project/Action (Alternative 2), but with an estimated \$42 million dollars less in fee revenues derived from Covered Activities to pay for the related costs. For example, while Alternative 3 results in a slightly reduced Reserve System acreage for vernal pool complex, 16,158 acres as compared to 17,000 acres for the Proposed Project/Action (Alternative 2), it maintains the same commitment to restoration above and beyond mitigation of 3,000 acres of vernal pool complex within the Reserve System.

## FINDING

**For the reasons set forth above, the Placer County Board of Supervisors finds that Alternative 3, *Reduced Take/Reduced Fill* would not achieve the objectives of the Project since it would increase conversion of grassland, agriculture and rice land, it would hinder appropriate and compatible growth in accordance with applicable laws and it would be financially infeasible. Implementation of Alternative 3 instead of the Proposed Project/Action would create an estimated \$42 million dollar funding gap for the PCCP because of the reduction in the amount of development covered by the PCCP and corresponding reduction in PCCP Development Fees collected. The PCCP has been financially structured based on the level of development projected under the County and City General Plans, the acreage of habitat needed to mitigate for that development, and the costs of funding the PCCP as needed to meet Federal and State requirements. While there may be some additional grant and other state and federal funding available during the 50 year permit term, it will likely not significantly reduce the projected \$42 million dollar deficit. It is speculative to assume that the County or City would be able to commit sufficient funds on an annual budget basis to cover this deficit. A deficit of this degree would likely endanger the overall long-term viability of the PCCP in direct conflict with the County's General Plan goals and the objectives of the Proposed Project/Action.**

## Alternative 4—Reduced Permit Term

Under Alternative 4 - Reduced Permit Term, the Plan Area, Covered Species, Covered Activities, and implementation of the Plan and CARP would be the same as under the proposed action. The HCP/NCCP

would include the same permit conditions for Covered Activities and similar conservation measures and conservation strategy as Project Alternative 2, except the permit term would be for 30 years instead of 50. Appendix M, *Growth Scenario Memo*, of the Plan provides the details on the population and employment forecast. Also see Section 1.2.7, *Permit Term*, in Chapter 1 of the Plan.

The impacts by year 30 as shown in PCCP Table 2-5, *Land Development to Accommodate Growth for the 50-year Permit Term by 10-year Period*, were used to estimate of impacts under Alternative 4. As shown in EIS/EIR Table 2-1, land development at year 30 for the Valley and Foothill portions of Plan Area A and Plan Area B would be 55%, 60%, and 95%, respectively, of the total estimated by year 50. The individual impacts under Alternative 4 were developed by multiplying these percentages by the total impacts on natural communities, agricultural lands, and covered species as would occur under the Proposed Project/Action (Alternative 2).

The result of a shorter 30 year permit term would be fewer Covered Activities being accommodated under the Plan resulting in less funding to acquire, maintain, enhance and restore the reserve system. Alternative 4 would not change the market factors underlying the PCCP growth scenario and would not reduce the number of acres designated for future urban and suburban development in the County and City general plans and zoning. Also, Alternative 4 would not reduce the planned scope of SPRTA and PCWA Covered Activities. The balance of projected development would be accommodated beyond year 30 after the PCCP's permits expire through separate Clean Water Act and Endangered Species Act actions and the conservation strategy would no longer apply to mitigation actions. This would be counter to the PCCP' stated purpose of "allowing appropriate and compatible growth in accordance with applicable laws". The growth occurring beyond year 30 would occur without the PCCP's comprehensive conservation strategy and in perpetuity management and monitoring of a permanent reserve.

The Project Alternative 2 permit term of 50 years was selected because it allows for the full and successful implementation of (1) the Covered Activities (Chapter 2, *Covered Activities*); (2) the conservation strategy (Chapter 5, *Conservation Strategy*); (3) the monitoring and adaptive management program (Chapter 7, *Monitoring and Adaptive Management Program*); and (4) the funding strategy (Chapter 9, *Costs and Funding*).

## FINDING

**Based on the implementation horizon for covered projects, the ongoing regulatory requirement of O&M activities, the need to acquire lands for a successful Reserve System, and the need for adequate funding, the Placer County Board of Supervisors finds that a 30-year permit term would not address the regulatory and biological considerations and is not the most feasible project alternative as it wouldn't provide sufficient time or funding to accomplish the following critical elements of the PCCP:**

1. Allow sufficient time for implementation of current general plans
2. Fully implement the Permittees' projects that are covered by the Plan
3. Implement the Permittees' conservation activities as long as is feasible
4. Allow sufficient time to assemble the Plan Reserve System from willing sellers and partnerships with local agencies and private landowners
5. Secure all necessary funding for Plan implementation during the permit term to generate funding for the Plan in perpetuity

6. Develop an effective adaptive management program that will be implemented in perpetuity, given the uncertainties about the ecology of Covered Species and appropriate responses to resource management
7. Provide sufficient incentive for the Plan Permittees to commit the substantial resources necessary to complete the conservation plan (i.e., the permit term covers enough projects and activities to make the large up-front investment in the Plan cost effective)
8. Time for restoration to be put in place and monitored

The length of the permit term must provide adequate time for the assembly of a Reserve System and development of a management program on reserve lands. Land will be acquired only from willing sellers. A 30-year permit term would not provide adequate time for willing landowners to become available and for the land agents of the PCCP to negotiate a fair price for the land in fee title or conservation easement (see Chapter 5, *Conservation Strategy*, for a description of the land acquisition requirements of the HCP/NCCP and Chapter 8, *Plan Implementation*, for a description of the land acquisition process). It may take several years to complete a single land acquisition or purchase a conservation easement. Because many such transactions will be required to assemble the Reserve System, adequate time is needed to ensure this can happen before the end of the permit term. Conservation actions that occur outside the Reserve System on stream segments (e.g., stream barrier removal or modification) may require similarly long-time periods to negotiate and implement.

## XII. FINDINGS REGARDING GROWTH INDUCEMENT

CEQA requires a discussion of the ways in which the Project would be growth-inducing. CEQA Guidelines Section 15126.2(d) identifies a project as growth-inducing if it fosters economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. The Project would not directly induce growth because it would not directly authorize economic or population growth, or new development as described in detail in Chapter 5, Section 5.5 of the Final EIS/EIR.

The 50-year term of the Proposed Project/Action Alternative 2 is anticipated to allow sufficient time for implementation of current City and County general plans and to fully implement the Permittees' projects that are covered by the PCCP. The proposed action does not induce future growth since other factors (e.g., updates to the general plans) serve to authorize growth rather than the attainment of take authorization. In addition, the Proposed Project/Action would not allow incidental take coverage for activities that would propose to increase density or intensity of uses allowed by current general plan and zoning designations outside the Planned Future Growth Area where much of the land conversion is expected to occur.

The proposed action would provide a streamlined mechanism for Covered Activities to comply with state and federal endangered species acts and the Clean Water Act. Improved permitting mechanisms would not remove barriers to growth, rather it would only impose standardized avoidance, minimization, and mitigation measures on Covered Activities rather than negotiating those on an ad-hoc project by project basis under the status-quo state and federal permitting regimes. Under the proposed action, permit approval would need to meet standards for development applicants to meet (Chapter 6, *Program Participation and Conditions on Covered Activities*), resulting in efficiencies and potential cost savings.

## FINDING

**The Placer County Board of Supervisors finds that the Project may influence the timing with which development could proceed, but not whether development occurs or 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. The Project would not directly induce growth because it would not directly authorize new development as described in detail in EIS/EIR Chapter 5 Section 5.5, *Growth-Inducing Impacts*.**

## CEQA Section 15091 Findings

### XIII. FINDINGS REGARDING IMPACTS THAT CANNOT BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE AND CUMULATIVE IMPACTS

This section identifies those impacts of the Proposed Project/Action that cannot be mitigated below a level of significance. For these impacts, there are no feasible mitigation measures or feasible alternatives that would reduce the impacts to a less-than-significant level and the impacts would remain significant and unavoidable.

In addition, this section identifies CEQA cumulative impacts which 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]). The background for the cumulative analysis is presented in Final EIS/EIR 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.

Tables ES-1, ES-2, and ES-3 summarize significant and unavoidable impacts, as disclosed in Chapter 4, *Environmental Consequences*, of the EIS/EIR, for all alternatives considered. The analysis determined that biological resources would be subject to significant and unavoidable impacts under the No Project Alternative and less-than-significant impacts under the Proposed Project/Action.

The following non-biological resources had impacts that were significant and unavoidable under all action alternatives.

- Agricultural and Forestry Resources.
- Air Quality, Greenhouse Gases, and Climate Change.
- Cultural and Paleontological Resources.
- Hydrology and Water Quality.
- Noise and Vibration.
- Transportation and Circulation.



## **Impact: Agricultural and Forestry Resources (Significant/Unavoidable – Cumulatively Considerable)**

- **Agricultural and Forestry Resources** as a result of converting agricultural lands to urban land uses or native habitat within the Plan Area.

**Impact AG-1: Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use** (NEPA: significant; CEQA: significant and unavoidable). The Proposed Project/Action could result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance that is located within the RAA. Covered Activities associated with public and private development envisioned in the County General Plan and the City of Lincoln General Plan and infrastructure projects associated with SPRTA and PCWA would also result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use. While the goals, policies, and actions of the general plans as well as SPRTA and PCWA BMPs could reduce impacts on some of the agricultural lands in these jurisdictions, such impacts would not be reduced to less-than-significant levels. Implementation of the PCCP would result in acquisition of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance for habitat protection. Some of this land could remain in agriculture, but a substantial amount of this land could be converted to non-agricultural uses associated with habitat protection. No additional mitigation is available to reduce this impact. Accordingly, this impact would be significant and unavoidable.

**Impact AG-2: Conflict with existing zoning for agricultural use or with a Williamson Act contract** (NEPA: significant; CEQA: significant and unavoidable). The Proposed Project/Action could result in conflicts with, and the acquisition of, land zoned for agriculture or land enrolled in Williamson Act contracts located within the RAA. Some of the agricultural land to be acquired as a part of the conservation strategy or converted as a result of Covered Activities, such as transportation programs, maintenance of water infrastructure, and habitat restoration, could be land enrolled in Williamson Act contracts. This impact would be significant and unavoidable.

**Impact AG-5: Potential to cause other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to nonagricultural use or conversion of forest land to non-forest use** (NEPA: significant; CEQA: significant and unavoidable). No indirect conversion impacts were identified in the EIRs for the County's or the City's general plans. Additionally, both jurisdictions have Right to Farm regulations to reduce the potential for indirect effects from adjacent or neighboring land uses. Alternative 2, the Proposed Project/Action, would result in the acquisition of lands that could be located adjacent to farmland and could result in indirect effects causing the premature conversion of those adjacent farmlands. This impact would be reduced to a less-than-significant level by the PCCP requirement for buffers. However, it is possible that SPRTA and PCWA projects could result in restrictions on agricultural uses of land in addition to direct conversion. Accordingly, this impact would be significant and unavoidable.

- **Cumulative Impacts Summary Description:** Project Alternative 2, the Proposed Project/Action, would directly result in the acquisition of land, some of which is designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and enrolled in Williamson Act contracts. Up to 8,050 acres of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in the RAA could be converted to nonagricultural use. Although the County and the City's general plans have policies in place to protect agriculture and forest lands, agricultural land would be converted to non-agricultural use under implementation of these plans. Alternative 2 would contribute to this effect because it could result in additional conversions of agricultural

land to non-agricultural use for habitat restoration. Therefore, the Proposed Project/Action would be cumulatively considerable.

### Mitigation Measures

No mitigation measures were identified that would reduce the potential for significant effects to a less than significant level. However, the Proposed Project/Action description includes measures to conserve agriculture, as the Board of Supervisors has determined that it is an important component of the economy and culture of Placer County, and while normal agricultural activities are exempt from the PCCP's requirements, the PCCP is designed to achieve a sustainable balance of agriculture and conservation within the landscape. Thus, the PCCP commits to the preservation of 8,240 acres of agriculture of which 2,000 acres of rice production is required to be conserved and managed for species benefits. The remaining 6,240 acres will not be required to be maintained in any particular crop type, and therefore will not count toward meeting the permit requirements or habitat commitments for mitigation. In addition, livestock grazing is an important and required component for managing invasive plants and reducing fuel loads within the PCCP Reserve System.

### FINDING

**Changes or alterations have been required in, or incorporated into, the Proposed Project/Action that lessen, though not to a less-than-significant level, the significant environmental effects as identified in the Final EIR for project specific or cumulative impacts. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081(a)(1) and (a)(3); State CEQA Guidelines Sections 15091(a)(1) and (a)(3).)**

As discussed in the Final EIR, Placer County and the City of Lincoln previously determined that the implementation of their general plans would allow growth that would result in significant or potentially significant impacts by converting Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural uses. As stated in those EIRs, no feasible mitigation measures were identified that would reduce these impacts to less-than-significant levels. The 2010 EIR for the *Placer County General Plan* concluded that up to 840 acres of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance could be converted due to growth during the planning horizon used for projections for the general plan, with an additional amount of conversion continuing through 2040 that was not quantified, which would be significant and unmitigable.

While the Placer County General Plan covers the entire county, nearly all the Prime Farmland, Unique Farmland or Farmland of Statewide Importance in the County is located within the PCCP Plan Area. There are approximately 21,870 acres of Prime Farmland, Unique Farmland or Farmland of Statewide Importance that could be acquired under the Proposed Project/Action to be managed for the benefit of species. While some of the land would remain in agriculture as discussed above, a substantial amount of this land could potentially be converted to non-agricultural uses associated with habitat restoration. As a result, and taking a conservative approach to CEQA, the Proposed Project/Action on a project and cumulative basis could contribute to an impact that has already been deemed significant and unavoidable.

None of the alternatives analyzed in the Final EIR will reduce this impact to a less than significant level. Under Alternative 4 (Reduced Permit Term), it is expected that fewer acres would be developed compared to the Proposed Project/Action, because the reduced permit term would mean some long-term projects would not be covered by the permits but would be developed under the normal state/federal

permitting process nonetheless. Additionally, it is expected that fewer acres would be acquired and restored than under the Proposed Project/Action because there would be fewer fees collected and overall conservation would be less due to less development occurring resulting from the shorter permit term; accordingly, there would be less potential to convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

In addition, no feasible mitigation measures have been identified that will reduce this impact to a less than significant level. BMP measures, for the SPRTA and PCWA projects, will reduce potential impacts but not eliminate them. While the PCCP anticipates preserving a certain percentage of agricultural lands for certain species habitat, that percentage will not result in reducing either the project level or cumulative impacts to a less than significant level.

It is also not feasible to acquire replacement agricultural lands, including Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and enrolled in Williamson Act contracts in Placer County because the majority of this land is already located within the PCCP's Reserve Acquisition Area. It is important to note that the Placer County Williamson Act ordinance allows Williamson Act contracted lands to also be covered by a PCCP conservation easement so long as the easement allows for the continuation of such agricultural uses.

Finally, while the Proposed Project/Action will result in the conversion of agricultural resources to non-agricultural uses, including habitat restoration, it will result in the acquisition, protection, enhancement and restoration of fish, wildlife, plants and their habitats, including streams, wetlands and other water resources, as well as oak woodland. Therefore, the Board finds that the above factors and considerations render additional mitigation infeasible and the Proposed Project/Action's and cumulative impacts to agricultural resources remain significant and unavoidable.

Cumulatively considerable and significant and unavoidable impacts on agricultural resources would result from the conversion of Important Farmland to nonagricultural uses resulting from the Covered Activities.

Avoidance of this impact is infeasible for the reasons stated above and the following:

- No changes to the Proposed Project/Action would reduce this impact to a less than significant level, as the impact is entirely a result of implementation of the Covered Activities, including the restoration of habitat on conserved lands.
- No alternative to the Proposed Project/Action would reduce this impact either since the impact is due to implementation of the Covered Activities, and would occur under the No Action/No Project condition as well as other the Action Alternatives.
- Cumulative impacts of the No Action/No Project Alternative would be greater than under the Proposed Action alternative.

### **Impact: Air Quality, Greenhouse Gases, and Climate Change (Significant/Unavoidable – Cumulatively Considerable)**

- **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 the County and the City); 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 (California Health & Safety Code Section 38500 et seq.).

**Impact AQ-1: Conflict with or obstruct implementation of the applicable air quality plan** (NEPA: significant; CEQA: significant and unavoidable). Implementation of BMPs described in the PCCP, which are intended to minimize the effects of dust on vegetation and wildlife habitats in the Plan Area, would help reduce effects on humans in the vicinity of dust-generating Covered Activity and conservation measure work. Effects of implementation of the PCCP may exceed the Feather River Air Quality Management District's (FRAQMD's) construction thresholds for reactive organic gases (ROG) and nitrogen oxide (NOx) of 25 pounds/day. In addition to applicable FRAQMD regulatory measures shown in Appendix G, Mitigation Measure AQ-1 would reduce emissions from PCCP implementation to a level below FRAQMD thresholds. Effects of implementation of the PCCP within Placer County are not anticipated to exceed Placer County Air Pollution Control District's (PCAPCD's) construction or operational thresholds for any criteria pollutant with implementation of applicable PCAPCD regulatory measures shown in Appendix F. Emissions from construction and O&M activities associated with the Covered Activities, however, could still result in short-term exceedances of air district significance thresholds indicated in Tables 4.2-2, 4.2-3, 4.2-5, and 4.2-6. This impact would be significant and unavoidable. In addition to the standard mitigation measures and best available mitigation measures shown in Appendix G, MM AQ-1 may be used to further reduce and, if necessary, offset exhaust emissions to below FRAQMD construction thresholds.

**Impact AQ-2: Violation of any air quality standard or substantial contribution to an existing or projected air quality violation** (NEPA: significant; CEQA: significant and unavoidable). Implementation of BMPs described in the PCCP, which are intended to minimize the effects of dust on vegetation and wildlife habitats in the Plan Area, would help reduce effects on humans in the vicinity of dust-generating Covered Activity and conservation measure work. Activities associated with PCCP implementation may result in emissions that exceed FRAQMD's construction thresholds for ROG and NOx of 25 pounds/day. In addition to applicable FRAQMD regulatory measures shown in Appendix G, MM AQ-1 would reduce emissions from PCCP implementation to a level below FRAQMD thresholds. Effects of implementation of the PCCP within Placer County are not anticipated to exceed PCAPCD's construction thresholds for any criteria pollutant with implementation of applicable PCAPCD regulatory measures shown in Appendix F. Emissions from construction and O&M activities associated with Covered Activities, however, could still result in short-term exceedances of air district significance thresholds indicated in Tables 4.2-2, 4.2-3, 4.2-5, and 4.2-6. This impact would be significant and unavoidable.

**Impact AQ-3: Potential to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard** (NEPA: significant; CEQA: significant and unavoidable). Implementation of BMPs described in the PCCP, which are intended to minimize the effects of dust on vegetation and wildlife habitats in the Plan Area, would help reduce effects on humans in the vicinity of dust-generating Covered Activity and conservation measure work. Construction and O&M activities associated with PCCP implementation may result in emissions that exceed FRAQMD's construction thresholds for ROG and NOx of 25 pounds/day. In addition to applicable FRAQMD regulatory measures shown in Appendix G, MM AQ-1 would reduce emissions from PCCP implementation to a

level below FRAQMD thresholds. Effects of implementation of the PCCP within Placer County are not anticipated to exceed PCAPCD's construction thresholds for any criteria pollutant with implementation of applicable PCAPCD regulatory measures shown in Appendix F. Emissions from construction and O&M activities associated with Covered Activities, however, could still result in short-term exceedances of air district significance thresholds indicated in Tables 4.2-2, 4.2-3, 4.2-5, and 4.2-6. This impact would be significant and unavoidable.

**Impact AQ-4: Exposure of sensitive receptors to substantial pollutant concentrations** (NEPA: significant; CEQA: significant and unavoidable). Implementation of BMPs described in the PCCP, which are intended to minimize the effects of dust on vegetation and wildlife habitats in the Plan Area, in addition to applicable air district rules and regulations, would help reduce effects from naturally occurring asbestos exposure and fugitive PM emissions on sensitive receptors in the vicinity of dust-generating Covered Activity and conservation measure work to less-than-significant levels. Cal/OSHA and National Emission Standards for Hazardous Air Pollutants (NESHAP) standards would also reduce asbestos containing material (ACM) exposure to less-than-significant levels. Emissions from construction and O&M activities associated with PCCP implementation and Covered Activities, however, could result in exposure of sensitive receptors to substantial diesel particulate matter (DPM) pollutant concentrations even with implementation of applicable air district rules and regulations. This impact would be considered significant and unavoidable.

**Impact AQ-6: Generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment** (NEPA: significant; CEQA: significant and unavoidable). Construction and O&M activities associated with implementation of the PCCP would result in temporary emissions of GHGs. Emissions resulting from PCCP implementation are not anticipated to exceed PCAPCD's construction threshold 10,000 MT CO<sub>2</sub>e/year. Applicable air district regulatory measures would further reduce emissions from PCCP implementation. Emissions from construction and O&M activities associated with Covered Activities, however, could still result in exceedances of PCAPCD GHG significance thresholds indicated in Table 4.2-4. This impact would be significant and unavoidable.

**Impact AQ-7: Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases** (NEPA: significant; CEQA: significant and unavoidable) Construction and O&M activities associated with implementation of the PCCP would result in temporary emissions of GHGs. Emissions resulting from activities associated with PCCP implementation are not anticipated to exceed PCAPCD's construction threshold of 10,000 MT CO<sub>2</sub>e/year. Applicable air district regulatory measures would further reduce emissions from PCCP implementation. Emissions resulting from PCCP implementation would not conflict with AB 32 or SB 32. Emissions from construction and O&M activities associated with Covered Activities, however, could still result in exceedances of PCAPCD GHG significance thresholds indicated in Table 4.2-4 and would conflict with AB 32 and SB 32. This impact would be significant and unavoidable.

- **Cumulative Impacts Summary Description:** Past, present, and reasonably foreseeable future projects and Covered Activities are identified in the Final EIS/EIR. Overall, these projects have had or are anticipated to have a cumulative impact on air quality as a result of land-disturbing activities such as converting agricultural lands to urban development, including roadway projects, and developing and operating infrastructure projects.

With respect to the action alternatives, emissions resulting from construction and operation of the implementation of the Covered Activities, including implementation of the PCCP conservation

strategy, in combination with other development in the Sacramento Valley and Mountain Counties Air Basins, could result in cumulatively significant levels of emissions under all alternatives. Some of the Covered Activities would generate emissions that could exceed applicable air district thresholds, which, according to PCAPCD and FRAQMD guidance, would result in cumulative impacts. Implementation of applicable air district regulatory measures would reduce emissions; however, it is anticipated they would not reduce construction emissions to below applicable air district thresholds. As PCAPCD's and FRAQMD's CEQA Handbooks indicate that projects in excess of their numeric thresholds would result in a significant cumulative impact unless offset, this impact is considered significant and unavoidable.

Build-out of the general plans for the jurisdictions encompassed by the Plan Area is anticipated to result in cumulative air pollutant and GHG emissions increases related to the construction and operation of various projects in the Plan Area. Emissions from these projects could combine with emissions from Covered Activities associated with the proposed action to result in significant cumulative air quality and GHG emission impacts.

Build-out of the general plans of Placer County and the City of Lincoln, in conjunction with activities associated with Alternative 2, the proposed action, could result in a cumulative impact related to construction- and operation-related air pollutant and GHG emissions. Alternative 2's contribution to this effect would be considered cumulatively considerable, as the magnitude of emissions of air pollutants and GHGs from Covered Activities and other future projects is currently unknown. Although applicable air district regulatory measures, described in EIS/EIR Section 3.2.1, *Regulatory Setting*, and shown in Appendices F and G, would reduce the project-related construction and operational air quality and GHG emission impacts, cumulative impacts related to air pollutant and GHG emissions in the Plan Area may still be significant. Cumulative construction- and operation-related air quality and GHG emissions impacts are conservatively considered to be significant and unavoidable.

In addition to the effects associated with build-out of the general plans, the conservation measures associated with the proposed action would result in temporary construction and maintenance projects and therefore would not result in a substantial permanent increase in air pollutant and GHG emissions in the Plan Area and therefore would not make a cumulatively considerable contribution to a cumulative air quality and GHG emissions impact.

## Mitigation Measures

Impacts to air quality, GHG, and climate change are cumulatively considerable and significant and unavoidable, although the effects are lessened by mitigation measures incorporated into the Proposed Project/Action. In addition to the Conditions on Covered Activities included in HCP/NCCP Chapter 6 (Program Participation and Conditions on Covered Activities), BMPs, and the existing regulatory setting which will collectively lessen the significant environmental effects of the Proposed Project/Action, including PCAPCD and FRAQMD requirements, the EIS/EIR includes the following mitigation measure to reduce Project impacts:

**Mitigation Measure AQ-1-4:** Implement FRAQMD exhaust controls and criteria pollutant offsets during construction and O&M activities.

## FINDING

**Changes or alterations have been required in, or incorporated into, the Proposed Action/Project that lessen, though not to a less-than-significant level, the significant environmental effects as identified in the Final EIR for project specific or cumulative impacts. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081(a)(1) and (a)(3); State CEQA Guidelines Sections 15091(a)(1) and (a)(3).)**

As discussed in the Final EIR, Placer County and the City of Lincoln previously determined that the implementation of their general plans would allow growth that would result in significant or potentially significant impacts resulting from emissions from general plan land use assumptions previously analyzed in the EIRs for the *City of Lincoln General Plan* and the *Placer County General Plan*. The EIR for the *Placer County General Plan* determined that activities in the general plan would be associated with cumulative emissions from anticipated growth that would generate significant amounts of criteria pollutants in excess of PCAPCD thresholds (Placer County 1994). These emissions could potentially conflict with the applicable air quality plans. This impact was considered significant and unavoidable.

The EIR for the *City of Lincoln General Plan* determined that activities in the general plan would be associated with construction and operational emissions from anticipated growth that would generate significant amounts of criteria pollutants in excess of PCAPCD thresholds (City of Lincoln 2008). These emissions could potentially conflict with the applicable air quality plans. This impact was also considered significant and unavoidable.

Build-out of the general plans of Placer County and the City of Lincoln, in conjunction with activities associated with the Proposed Project/Action, could result in a cumulative impact related to construction- and operation-related air pollutant and GHG emissions. The Proposed Project/Action's contribution to this effect would be considered cumulatively considerable, as the magnitude of emissions of air pollutants and GHGs from Covered Activities and other future projects is currently unknown. Although applicable air district regulatory measures, described in EIS/EIR Section 3.2.1, *Regulatory Setting*, and shown in Appendices F and G, would reduce the project-related construction and operational air quality and GHG emission impacts, cumulative impacts related to air pollutant and GHG emissions in the Plan Area may still be significant. Cumulative construction- and operation-related air quality and GHG emissions impacts are conservatively considered to be significant and unavoidable.

Finally it is important to note that while the Proposed Project/Action will result in impacts to air quality generally, it will also result in the acquisition, protection, enhancement and restoration of fish, wildlife, plants and their habitats, including streams, wetlands and other water resources as well as oak woodland which are integral to air quality and carbon sequestration. Substantial evidence in the record demonstrates these and various legal, social, and economic benefits that the local agencies will derive from the implementation of the Proposed Project/Action, including streamlined permitting, improved environmental mitigation for project impacts, certainty and time and cost savings in permitting, and concomitant benefits to the business community render additional mitigation infeasible and the Proposed Project/Action's and cumulative impacts to air quality, GHG, and climate change remain significant and unavoidable.

In addition to the effects associated with build-out of the general plans and Covered Activity implementation under those general plans, the conservation measures associated with the Proposed Project/Action were analyzed and would result in temporary construction and maintenance projects;

however, those impacts would not result in a substantial permanent increase in air pollutant and GHG emissions in the Plan Area and therefore would not make a cumulatively considerable contribution to a cumulative air quality and GHG emissions impact.

With respect to the Proposed Project/Action and action alternatives, emissions resulting from construction and operation of the implementation of the Covered Activities, including implementation of the PCCP conservation strategy, in combination with other development in the Sacramento Valley and Mountain Counties Air Basins, could result in cumulatively significant levels of emissions under all alternatives. Some of the Covered Activities would generate emissions that could exceed applicable air district thresholds, which, according to Placer County APCD and Feather River AQMD guidance, would result in cumulative impacts. Implementation of applicable air district regulatory measures would reduce emissions; however, it is anticipated they would not reduce construction emissions to below applicable air district thresholds. As Placer County APCD's and Feather River AQMD's CEQA Handbooks indicate, projects in excess of their numeric thresholds would result in a significant cumulative impact unless offset, this impact is considered significant and unavoidable.

For those impacts found to be cumulatively considerable and significant and unavoidable on Air Quality, Greenhouse Gases, and Climate Change, avoidance of this impact is infeasible for the following reasons:

- No changes to the Project would reduce this impact to a less than significant level, as the impact is entirely a result of implementation of the Covered Activities, including habitat restoration.
- All of the other action alternatives considered in the EIS/EIR, including the No Project alternative, would result in similar or greater cumulatively considerable, significant and unavoidable impacts resulting from implementation of the Local Agencies' general plans and other covered activities and implementation of the conservation strategy.

### **Impact: Cultural and Paleontological Resources (Significant/Unavoidable – Cumulatively Considerable)**

- **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.

Portions of the Plan Area may be sensitive for cultural resources. If cultural resources are present, they could be damaged during ground-disturbing activities associated with construction of Covered Activities. Compliance with the local jurisdictions' general plan goals and policies and the Cultural Resources Management Plan (CRMP) would reduce impacts, but implementation of the general plans would result in cumulative impacts, as identified in the EIR for the *Placer County General Plan*, which concluded that buildout of the general plan would make a considerable contribution to the cumulative impact.

Several geologic units in the Plan Area are sensitive for paleontological resources, and fossils could be present. If fossils are present, they could be damaged during ground-disturbing activities associated with construction of Covered Activities. According to the EIR for the *Placer County General Plan* (Placer County 1994:7-12), increased development could result in occasional accidental disruption and adverse effects on unidentified paleontological resources, resulting in a cumulative impact. Compliance with the local jurisdictions' general plan goals and policies would protect paleontological resources during



ground-disturbing activities in potentially sensitive areas, but the EIR for the *Placer County General Plan* (Placer County 1994:7-12) concluded that buildout of the general plan would make a considerable contribution to the cumulative impact.

**Impact CUL-1: Potential to cause alteration of characteristics of known or unknown cultural resources that may qualify such resources for listing in the National Register of Historic Places or NRHP (NEPA) or California Register of Historical Resources or CRHR (CEQA)** (NEPA: significant; CEQA: significant and unavoidable). Ground-disturbing activities or modifications to built resources associated with PCCP implementation under Alternative 2, the Proposed Project/Action, could result in impacts on cultural resources. These activities or modifications could impair the characteristics of known or unknown cultural resources that may qualify them for inclusion in the CRHR. Construction and O&M activities associated with Covered Activities could also affect cultural resources. However, identification procedures and treatment measures set forth in the PCCP CRMP, general plan policies, and standard agency measures are expected to reduce potential alterations to levels that are less than significant. Therefore, the impact would be less than significant. Implementation of the local jurisdictions' general plans would be required to comply with Section 106 (for federal actions related to the Clean Water and Endangered Species Acts) and Assembly Bill (AB) 52 on a project-by-project basis. Compliance with federal, state, and local regulations would reduce potential impacts associated with these projects, but not to a less-than-significant level. Therefore, because the impacts associated with general plan implementation would be significant and unavoidable, the overall impact would also be significant and unavoidable.

**Impact CUL-2: Disturbance of any human remains, including those interred outside of dedicated cemeteries** (NEPA: less than significant; CEQA: less than significant).

**Impact CUL-3: Direct or indirect destruction of a unique paleontological resource or site or unique geologic feature** (NEPA: significant; CEQA: significant and unavoidable). Under Alternative 2, the Proposed Project/Action, ground-disturbing activities associated with PCCP conservation measures and the Covered Activities have the potential to disturb potentially significant paleontological resources if the activities occur in geologic units that are sensitive for these resources. Compliance with the general plans would afford some protection to paleontological resources during ground-disturbing activities in potentially sensitive areas; however, the EIR for the *Placer County General Plan* found that these protections would not reduce potential impacts to a less-than-significant level. Therefore, the effect would be significant and unavoidable. While implementation of Mitigation Measures CUL-1 and CUL-2 would reduce the impacts of activities associated with implementation of PCCP conservation measures to a less-than-significant level, the overall impact would remain significant and unavoidable.

- **Cumulative Impacts Summary Description:** Portions of the Plan Area may be sensitive for cultural and paleontological resources. If resources are present, they could be damaged during ground-disturbing activities associated with construction of projects such as Placer Parkway or habitat restoration activities. Compliance with the local jurisdictions' general plan goals and policies and the CRMP would reduce impacts, but implementation of the general plans would result in cumulative impacts, as identified in the EIR for the *Placer County General Plan*, which concluded that buildout of the general plan would make a considerable contribution to the cumulative impact.

## Mitigation Measures

This impact is significant and unavoidable, although its effects lessened by mitigation measures that will be incorporated into the Proposed Project/Action. In addition to the Conditions on Covered Activities included in HCP/NCCP Chapter 6 (Program Participation and Conditions on Covered Activities), BMPs, and the existing regulatory setting which will collectively lessen the significant environmental effects, the EIS/EIR includes the following mitigation measures to reduce Proposed Project/Action's impacts:

**Mitigation Measure CUL-1:** Retain a qualified professional paleontologist to monitor significant ground-disturbing activities

**Mitigation Measure CUL-2:** Stop work if substantial fossil remains are encountered during construction

## FINDING

**Changes or alterations have been required in, or incorporated into, the Project that lessen, though not to a less-than-significant level, the significant environmental effects as identified in the Final EIR for project specific or cumulative impacts. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081(a)(1) and (a)(3); State CEQA Guidelines Sections 15091(a)(1) and (a)(3).)**

Generally, the action alternatives would have similar direct impacts on cultural and paleontological resources because all would serve to streamline permitting of Covered Activities envisioned by the Permit Applicants' long-term plans such as the City and County General Plans. The development activities contemplated in these plans could have substantial temporary and permanent impacts on cultural and paleontological resources.

However, Covered Activities would be consistent with the policies of the Permit Applicants' general plans and other long-term plans and that the Permit Applicants would comply with the existing regulatory requirements for identification of cultural resources, assessment of impacts, and treatment for affected resources outlined in the CRMP prepared for the PCCP. For CEQA projects where the County is the lead agency, the cultural resources policies and actions outlined in Section 7.2 of the *Placer County General Plan* would be implemented. For projects where the City of Lincoln is the lead agency, Goals LU-2 and LU-3 and Goal OSC-6 of the *City of Lincoln General Plan* would be implemented. Following these guidelines would reduce potential impacts on cultural resources, but the impacts identified in the EIR for the *Placer County General Plan* would not be reduced to a less-than-significant level. As a result, the Proposed Project/Action - on a project and cumulative basis - could contribute to an impact that has already been deemed significant and unavoidable.

The CRMP identifies standards pertaining to the identification and evaluation of related resources and the resolution of potential impacts on such resources under individual projects may include such methods as records searches, archaeological pedestrian surveys, built environment research and assessments, recordation of archaeological sites and built environment resources, subsurface archaeological testing, and evaluation and mitigation of cultural resources that may be affected by projects. In addition to adhering to the CRMP, actions of the PCCP that would require a Section 404 permit from the Corps are subject to review pursuant to Section 106 of the National Historic Preservation Act; accordingly, cultural resource studies would be conducted.

Under the Proposed Project/Action, ground-disturbing activities associated with PCCP conservation measures and the Covered Activities have the potential to disturb potentially significant paleontological resources if the activities occur in geologic units that are sensitive for these resources. Compliance with the general plans would afford some protection to paleontological resources during ground-disturbing activities in potentially sensitive areas; however, the EIR for the *Placer County General Plan* found that these protections would not reduce potential impacts to a less-than-significant level. While implementation of Mitigation Measures CUL-1 and CUL-2 would reduce the impacts of activities associated with implementation of PCCP conservation measures to a less-than-significant level, the overall impact would remain significant and unavoidable.

Impacts resulting from Covered Activities are an unavoidable outcome of infrastructure and other projects as foreseen in the implementation of the City and County general plans, this cumulative impact is significant and unavoidable for all alternatives. For those impacts found to be cumulatively considerable and significant and unavoidable, avoidance of this impact is infeasible for the following reasons:

- No changes to the PCCP would reduce this impact to a less than significant level, as the impact is entirely a result of implementation of the Covered Activities.
- No alternative to the PCCP would reduce this impact to a less than significant level, as the impact is entirely a result of implementation of the Covered Activities, and would occur under the No Action/No Project condition as well as other the Action Alternatives.

The Proposed Project/Action will result in direct impacts on cultural and paleontological resources. However, it will also result in the acquisition and protection of portions of the Plan Area containing sensitive cultural and paleontological resources. It will also result in the enhancement and restoration of fish, wildlife, plants and their habitats, including streams, wetlands and other water resources as well as oak woodland. Therefore, the Board finds that the above factors and considerations render additional mitigation infeasible and the Proposed Project/Action's impacts to cultural and paleontological resources on a project and cumulative basis remain significant and unavoidable.

### **Impact: Hydrology and Water Quality (Significant/Unavoidable - Not Cumulatively Considerable)**

- **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*).

**Impact WQ-9: Exposure of people or structures to significant risk involving flooding, including flooding as a result of the failure of a levee or dam** (NEPA: significant; CEQA: significant and unavoidable). Implementation of the PCCP conservation measures would increase exposure of people or structures to significant risk involving flooding, including flooding as a result of the failure of a levee or dam. Additionally, adherence to general plan policies and state and federal requirements would reduce effects from Covered Activities, but not to less-than-significant levels. Therefore, the overall impact would be significant and unavoidable.

- **Cumulative Summary Description:** The Proposed Project/Action, implementation of PCCP conservation measures would mostly provide beneficial environmental effects on water quality and hydrologic resources that would not contribute to cumulative impacts. The PCCP contains

conservation measures that provide for additional water quality and hydrologic benefit over the long-term. These include creation of new wetlands and enhancement and restoration of existing wetlands; establishment of vegetative buffers surrounding streams, wetlands, and uplands; and stream and floodplain restoration. Once implemented, these conservation measures would provide passive water treatment and stormwater attenuation benefits for existing and future projects.

In addition, implementation of the proposed PCCP, in combination with other regional conservation efforts, including Placer Legacy and other HCPs in progress in Sacramento and Yolo, may provide large, regional benefits to water quality. Therefore, implementation of the proposed PCCP would result in less-than-significant cumulative impacts on hydrologic and water quality resources.

## Mitigation Measures

The EIR identifies no mitigation measures that would avoid or substantially lessen this impact.

## FINDING

**Changes or alterations have been required in, or incorporated into, the Project that lessen, though not to a less-than-significant level, the significant environmental effects as identified in the Final EIR for project specific or cumulative impacts. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081(a)(1) and (a)(3); State CEQA Guidelines Sections 15091(a)(1) and (a)(3).)**

As explained in the EIR and above, even though implementation of the PCCP conservation measures would have tangible benefits and conditions on Covered Activities, BMPs, and the regulatory setting will collectively lessen the significant environmental effects of the Project, avoidance of this impact is infeasible for the following reasons:

- No changes to the PCCP would reduce this impact to a less than significant level, as the impact is entirely a result of implementation of the Covered Activities.
- No alternative to the PCCP would reduce this impact to a less than significant level, as the impact is entirely a result of implementation of the Covered Activities, and would occur under the No Action/No Project condition as well as other the Action Alternatives.

The additional development of housing and infrastructure related to the Covered Activities would occur in conjunction with similar development occurring in adjacent areas outside the Plan Area. The net result is exposure of more people and infrastructure to flood risk and increased area of impervious surfaces that would additionally alter local hydrologic resources. This could lead to increased peak flows, increased pollutant runoff into receiving waterbodies and groundwater, and increased erosion and sedimentation problems. However, the new development would be required to comply with existing policies and regulations to ensure minimization of impacts to a less-than-significant level. This includes enhancement of floodplain storage, erosion control measures, BMPs, and adequate levels of storm-water drainage infrastructure.

Some of the Covered Activities, such as the in-stream projects and flood protection projects, would provide benefits to hydrologic resources and water quality by reducing flood risk, stabilizing eroding

banks, improving channels, and enhancing conveyance through existing bridges and culverts. Furthermore, the benefits provided by the conservation measures would help mitigate for the effects of the Covered Activities. Therefore, implementation of the proposed Covered Activities would result in less-than-significant cumulative effects on hydrologic and water quality resources since the Conditions on Covered Activities included in HCP/NCCP Chapter 6 (Program Participation and Conditions on Covered Activities), BMPs, and the existing regulatory setting will collectively lessen the significant environmental effects of the Proposed Project/Action.

Further, the PCCP contains conservation measures that provide for additional water quality and hydrologic benefit over the long term. These include creation and enhancement of new wetlands; establishment of vegetative buffers surrounding streams, wetlands, and uplands; and stream and floodplain restoration. Once implemented, these conservation measures would provide water treatment and stormwater attenuation benefits for existing and future projects.

### **Impact: Noise and Vibration (Significant/Unavoidable–Cumulatively Considerable)**

- **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 the County and the City, 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.

Buildout of the general plans for the jurisdictions encompassed by the Plan Area is anticipated to result in cumulative significant and unavoidable noise increases related to Covered Activities in the Plan Area. Noise, including Covered Activity projects, could combine with noise from conservation measures activity associated directly with the Proposed Project/Action to result in significant cumulative noise impacts.

**Impact NOI-1: Exposure of persons to or generation of noise levels in excess of applicable standards** (NEPA: significant; CEQA: significant and unavoidable). Implementation of Alternative 2, the Proposed Project/Action, could result in the generation of construction noise from the use of heavy equipment for conservation activities and from Covered Activities (i.e., development of the local jurisdictions' general plans, including SPRTA and PCWA projects). Implementation of the PCCP BMP related to pile driving (shown above), which is intended to reduce negative noise effects on wildlife in the Plan Area, would also help reduce impacts on humans in the vicinity of noise-generating Covered Activity work that involves pile driving. However, construction activities associated with implementation of the PCCP could still result in short-term exceedances in local noise standards. Implementation of Mitigation Measure NOI-1 would reduce the impacts related to the generation of excessive noise levels from PCCP implementation; however, depending on the specific construction activities required for a future conservation measure or Covered Activity, it may not be possible to reduce construction noise impacts to less-than-significant levels. Further, and as described in the EIR for the *City of Lincoln General Plan*, future projects developed under the general plan could result in significant noise impacts related to the generation of noise in excess of thresholds from construction activities as well as operations. In addition, as stated in the EIR for the *Placer County General Plan*, traffic noise impacts from general PCCP implementation related to an exceedance of thresholds would also be significant. Therefore, impacts from the Proposed Project/Action related to the generation of noise in excess of thresholds from Project implementation would be significant and unavoidable.

**Impact NOI-2: Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels** (NEPA: significant; CEQA: significant and unavoidable). Implementation of a PCCP BMP, which is intended to reduce negative vibration effects on fish and wildlife in the Plan Area, would also help reduce vibration effects on humans and structures in the vicinity of vibration-generating Covered Activity or conservation measure work. Implementation of Covered Activities (i.e., development of the local jurisdictions' general plans, including SPRTA and PCWA projects) that require the use of construction equipment could result in the generation of construction vibration and in the exposure of persons to excessive groundborne vibration or noise. In addition, construction activities for conservation measures under the PCCP, could also result in excessive vibration levels if impact pile driving activity were to occur within 175 feet, vibratory pile driving activity were to occur within 100 feet, and other vibration-generating construction activity (e.g., the use of a vibratory roller or hoe ram) were to occur within 50 feet of nearby vibration-sensitive uses. Since the exact locations of future vibration-generating construction activities are not known at this time, construction activity is assumed to potentially occur within these distances, and this impact would be potentially significant. Implementation of Mitigation Measure NOI-2 would reduce impacts related to the generation of excessive vibration; however, it may not be possible to reduce vibration to a less-than-significant level in all instances. Therefore, this impact would be significant and unavoidable.

**Impact NOI-3: Generation of a substantial permanent increase in existing ambient noise levels in the project vicinity** (NEPA: significant; CEQA: significant and unavoidable). Conservation measures implemented under Alternative 2, the Proposed Project/Action, are not anticipated to result in a substantial permanent increase in noise, as construction and O&M activities associated with conservation measures under PCCP implementation would be short-term and temporary in any given area. This impact would be less than significant. However, as discussed in the EIRs for the local jurisdictions' general plans, it is possible that the implementation of Covered Activities (i.e., development of the local jurisdictions' general plans, including SPRTA and PCWA projects) could result in traffic increases or in the development of stationary noise sources that could have a substantial and permanent effect on ambient noise levels in a given area. Because it would not be possible to reduce the noise impacts associated with Covered Activities to less-than-significant levels, this impact would be significant and unavoidable.

**Impact NOI-4: Creation of a substantial temporary or periodic increase in existing ambient noise levels in the project vicinity** (NEPA: significant; CEQA: significant and unavoidable). Implementation of conservation measures under Alternative 2, the Proposed Project/Action, would involve the use of construction equipment and could result in a substantial temporary increase in noise. Although implementation of Mitigation Measure NOI-1 would reduce potential construction noise impacts from conservation measures, it is possible that construction noise generated would still constitute a substantial temporary increase in noise and that impacts related to a temporary increase in noise would remain significant. In addition, implementation of Covered Activities (i.e., development of the local jurisdictions' general plans, including SPRTA and PCWA projects) could also result in significant noise impacts even with implementation of Mitigation Measure NOI-1. This is because this mitigation measure would restrict noise-generating activities under the purview of the PCA to daytime hours and includes methods for reducing overall noise generated by heavy equipment. However, it would not be possible to reduce the noise impacts associated with Covered Activities to a less-than-significant level, as the PCA would not be the approving authority for these activities. This impact would be significant and unavoidable.

- **Cumulative Impact Summary Description:** Buildout of the general plans for the jurisdictions encompassed by the Plan Area is anticipated to result in cumulative noise increases related to the construction of various projects in the Plan Area. Noise from these construction projects,

including Covered Activity projects, could combine with noise from conservation measures activities associated directly with the proposed action to result in significant cumulative noise impacts.

### Mitigation Measures

The County and City general plans and BMPs would restrict noise-generating and other activities resulting from implementation of Covered Activities. Implementation of Mitigation Measure NOI-1 and NOI-2 would reduce the impacts related to the generation of excessive noise levels from PCCP implementation; however, depending on the specific construction activities required for a future conservation measure or Covered Activity, it may not be possible to reduce construction noise impacts to less-than-significant levels.

**Mitigation Measure NOI-1:** Implement measures to reduce noise resulting from conservation measures and Covered Activities during construction and O&M activities to ensure compliance with applicable noise standards, where feasible.

**Mitigation Measure NOI-2:** Employ vibration-reducing construction practices for vibration-generating activities associated with conservation measures and Covered Activities.

### FINDING

**Changes or alterations have been required in, or incorporated into, the Project that lessen, though not to a less-than-significant level, the significant environmental effects as identified in the Final EIR for project specific or cumulative impacts. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081(a)(1) and (a)(3); State CEQA Guidelines Sections 15091(a)(1) and (a)(3).)**

Adoption and implementation of the PCCP could result in the generation of construction noise from the use of heavy equipment for conservation activities and from Covered Activities (i.e., development of the local jurisdictions' general plans, including SPRTA and PCWA projects). Construction activities associated with implementation of the PCCP could result in short-term exceedances in local noise standards. Implementation of Mitigation Measure NOI-1 and NOI-2 would reduce the impacts related to the generation of excessive noise levels from PCCP implementation; however, depending on the specific construction activities required for a future conservation measure or Covered Activity, it may not be possible to reduce construction noise impacts to less-than-significant levels.

The Proposed Project/Action's contribution to this effect would be considered cumulatively considerable, as it is currently not known how near to one another conservation measure activities and other Covered Activities could occur. Although Mitigation Measures NOI-1 and NOI-2 would reduce construction noise impacts associated with the conservation measures under the Proposed Project/Action, cumulative impacts related to construction noise in the Plan Area (including impacts from construction for Covered Activities) may still be significant. Cumulative construction noise impacts would conservatively be considered to be significant and unavoidable.

The EIR for the *Placer County General Plan* stated that traffic noise impacts of general plan implementation would be significant. No mitigation measures were identified that could reduce this impact to a less-than-significant level (Placer County 1994). The EIR for the *City of Lincoln General Plan* determined that general plan implementation, even while incorporating mitigation measures, would result in significant noise impacts related to the generation of noise in excess of thresholds, the generation of excessive vibration, and substantial temporary and permanent increases in noise levels. As

stated in the EIR for the *City of Lincoln General Plan*, there are no feasible mitigation measures that would reduce impacts to a less-than-significant level (City of Lincoln 2008).

Avoidance of these impacts is infeasible for the following reasons:

- No changes to the PCCP would reduce these impacts to less than significant levels, as the impacts are entirely a result of implementation of the Covered Activities.
- No alternative to the PCCP would reduce these impacts to less than significant levels either, since the impacts result from implementation of the Covered Activities, and would occur under the No Action/No Project condition as well as other the Action Alternatives.
- The PCCP requires implementation of Mitigation Measure NOI-1 and NOI-2; however, it would not be possible to reduce the noise impacts associated with Covered Activities to a less-than-significant level. Therefore, the Final EIS/EIR identifies no additional measures that would avoid or substantially lessen this impact. The Placer County Board of Supervisors further finds that there are no additional feasible mitigation measures or alternatives that the County could adopt at this time which would reduce the impacts to less than significant levels.

Finally, while the Proposed Project/Action will result in project and cumulatively significant and unavoidable impacts to noise and vibration, approval and implementation of the Proposed Project/Action will result in the acquisition and protection of large contiguous open space and agricultural landscapes as well as the enhancement and restoration of fish, wildlife, plants and their habitats, including streams, wetlands and other water resources as well as oak woodland. Therefore, the Board finds that the above factors and considerations render additional mitigation infeasible and the Proposed Project/Action's and cumulative impacts to noise and vibration remain significant and unavoidable.

### **Impact: Transportation and Circulation (Significant/Unavoidable – Cumulatively Considerable)**

- **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).

**Impact TRA-1: Result in a substantial increase in traffic and affect capacity of the roadway system** (NEPA: significant; CEQA: significant and unavoidable). Impacts on traffic could result from implementation of proposed PCCP conservation activities that require construction activities, such as earthmoving for, and re-contouring of, vernal pools and excavating ponds and channels. These activities would require use of roadways by trucks and, possibly, construction equipment and by automobiles transporting workers. Some construction activity may be necessary on and near roads. However, these construction activities would be short-term and implemented in rural areas where traffic is typically uncongested. Once construction activities are completed, all roadways would be restored to their previous condition, and subsequent activities associated with the implementation of PCCP (e.g., monitoring) would result in little additional traffic on Plan Area roadways.

- **Cumulative Impact Summary Description:** Conclusions in the EIRs for the County General Plan, the City General Plan, and the Placer County Regional Transportation Plan (RTP) are based on analysis of past, present, and reasonably foreseeable future projects. Although the EIR for the Placer County RTP found that implementation of the RTP would not have a cumulatively



considerable impact on the transportation system, regional development would result in increased traffic congestion (Placer County Transportation Planning Commission 2015:4.0-9). Furthermore, the EIRs for the general plans determined that implementation of those general plans would result in cumulatively considerable impacts related to transportation. Because implementation of the PCCP, the proposed action, would be consistent with and facilitate general plan implementation, the proposed action would contribute to a cumulatively considerable impact on transportation and circulation.

## Mitigation Measures

Impacts resulting from implementation of Covered Activities would result in a substantial increase in traffic is expected compared to existing traffic volumes and the capacity of the roadway system.

The Final EIR identifies no measures that would avoid or substantially lessen this impact. The County further finds that there are no additional feasible mitigation measures or alternatives that the County could adopt at this time which would reduce Impact TRA-1 to a less than significant level.

## FINDING

**Changes or alterations have been required in, or incorporated into, the Project that lessen, though not to a less-than-significant level, the significant environmental effects as identified in the Final EIR for project specific or cumulative impacts. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081(a)(1) and (a)(3); State CEQA Guidelines Sections 15091(a)(1) and (a)(3).)**

Cumulatively considerable significant and unavoidable impacts on transportation and circulation could result from implementation of the Proposed Project/Action, as it would also serve to streamline the process for land and infrastructure development in the Plan Area envisioned in the *Placer County General Plan*, *City of Lincoln General Plan*, Placer County RTP, and long-term PCWA plans.

In addition, the proposed PCCP conservation activities require construction activities, such as earthmoving for wetland and habitat restoration. These activities would require use of roadways by trucks and, possibly, construction equipment and by automobiles transporting workers, however these activities would be short-term and implemented in rural areas where traffic is typically uncongested.

The EIR for the *Placer County General Plan* identified significant impacts related to traffic congestion and roadway capacity. Various road and transit improvements and travel demand management measures could reduce the amount of roads operating at an unacceptable LOS, but congestion would still be at levels greater than Placer County's standard by 2040 (Placer County 1994). The EIR for the *City of Lincoln General Plan* determined that general plan implementation, even while incorporating mitigation measures, would result in LOS at unacceptable levels at intersections in unincorporated Placer County, Rocklin, Loomis, and Roseville, and on SR 65 (City of Lincoln 2006; 2008). As stated in the EIRs for these general plans, there are no feasible mitigation measures that would reduce impacts to less-than-significant levels.

The EIR for the Placer County RTP concludes that although regional development would have significant and unavoidable impacts related to traffic congestion, adoption of the Placer County RTP would itself have a less-than-significant impact (Placer County Transportation Planning Commission 2015:3.13-19).

Implementation of PCWA projects may require water system construction work on and near roadways, which could result in short-term impacts on traffic and roadway capacity due to lane closures and detours. As a standard BMP, PCWA requires contractors to prepare and implement a traffic management plan that reduces traffic congestion caused by construction activities.

Avoidance of this impact is infeasible for the following reasons:

- No changes to the PCCP would reduce this impact to a less than significant level, as the impact is entirely a result of implementation of the Covered Activities.
- No alternative to the PCCP would reduce this impact to a less than significant level either since the impact is entirely a result of implementation of the Covered Activities, and would occur under the No Action/No Project condition as well as other the Action Alternatives.

While the Propose Project/Action could result in cumulatively considerable significant and unavoidable impacts from Covered Activities associated with implementation of agency plans and projects, including implementation of general plans for Placer County and the City of Lincoln, it will result in the acquisition and protection of large contiguous open space and agricultural landscapes as well as the enhancement and restoration of fish, wildlife, plants and their habitats, including streams, wetlands and other water resources as well as oak woodland. Therefore, the Board finds that the above factors and considerations render additional mitigation infeasible consistent with the general plans of the City and County, and the Proposed Project/Action's and cumulative impacts would remain significant and unavoidable.

## **XIV. STATEMENT OF OVERRIDING CONSIDERATIONS**

### **SECTION A. GENERAL INTRODUCTION**

When approving a project that is evaluated in a Final Environmental Impact Report (EIR) and that would result in significant, unavoidable environmental impacts, the Lead Agency must adopt a Statement of Overriding Considerations that explains why the project's economic, legal, social, technological, or other benefits outweigh its unavoidable environmental risks (Cal. Public Resources Code section 21081, subdivision (b); CEQA Guidelines Section 15093).

### **SECTION B. FINDING REGARDING SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL EFFECTS**

As discussed in the findings above, the Placer County Board of Supervisors' approval of the Placer County Conservation Program and related actions<sup>4</sup> could result in significant adverse environmental effects, project specific or cumulatively, that cannot be avoided even with the adoption of all available feasible mitigation measures. In addition, there are no feasible alternatives to the Proposed Project/Action that would avoid or substantially lessen these impacts. Despite the risk that these effects could occur, however, the Board has decided to approve the Proposed Project/Action because, in its

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<sup>4</sup> Actions related to the approval of the PCCP include: execution of the Implementing Agreement for the HCP/NCCP; acceptance of incidental take permits by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service; acceptance of an NCCP permit from the California Department of Fish and Wildlife; adoption of the federal Habitat Conservation Plan and state Natural Community Conservation Plan; adoption of the County Aquatic Resources Program; and adoption and amendment of related plans and ordinances.

view, the Proposed Project/Action’s economic, legal, social, and other benefits, including environmental permitting efficiencies and natural resources conservation, outweigh the risk of significant unavoidable environmental effects.

This section provides the County’s Statement of Overriding Considerations, as required by section 21081(b) of the Public Resources Code and section 15093 of the CEQA Guidelines.

## **SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL EFFECTS**

Tables ES-1, ES-2, and ES-3 summarize significant and unavoidable effects, as disclosed in Chapter 4, *Environmental Consequences*, of the EIS/EIR. The Project could result in significant and unavoidable effects to the resources broadly described below:

- **Agricultural and Forestry 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 the County and the City); 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 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 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 County and the City, 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).

## **Mitigation Measures**

The Final EIS/EIR identifies nine (9) mitigation measures, which are included in the Mitigation Monitoring and Reporting Program (MMRP) adopted by the Board and incorporated herein by reference. No additional feasible mitigation measures were identified for these significant and unavoidable impacts.

It is important to note that the County's and City's land use plans and policies, not the Proposed Project/Action, determine what land uses will be allowed and what growth and development can occur in the Plan Area. The PCCP and related permits provide a streamlined mechanism for certain growth and development (i.e., the Covered Activities) to comply with state and federal endangered species acts and the Clean Water Act, replacing the standard permitting mechanisms under these laws. These standard permitting mechanisms would remain available if the PCCP were not approved, and most if not all Covered Activities could still be constructed or implemented. The EIS/EIR analyzed the Covered Activities' effects on biological resources, hydrology, and water quality that would be covered by the PCCP and related permits. It also analyzed other reasonably foreseeable environmental effects of Covered Activities to provide context for the analysis of the Proposed Project/Action and alternatives. Most of the significant and unavoidable environmental effects identified in the EIS/EIR would not be covered by the PCCP or related permits and could occur regardless of whether the Proposed Project/Action is approved.

In its analysis of the potential impacts of the Project, the EIS/EIR considered fundamental components of the Project that would reduce Covered activities' effects on biological resources, hydrology, and water quality. Under the PCCP, these measures are required to be implemented during the design and construction of Covered Activities. The Project's Conditions on Covered Activities and Avoidance and Minimization Measures are included in and integral components of the Project.

In its analysis of other reasonably foreseeable environmental effects from Covered Activities, the EIS/EIR considered the extent to which existing local, state, and federal environmental laws and regulations pertinent to each resource analyzed would reduce the Project's effects. The EIS/EIR also considered existing City and County general plan policies that would reduce the Project's effects. The regulations are listed in the "Regulatory Setting" discussions in the EIS/EIR in Chapter 3, Affected Environment. Where regulations or policies would not avoid the potential impact or reduce it below a level of significance, the EIS/EIR included a mitigation measure, where available, that will further avoid or reduce that impact. For Impact AQ-1, for example, the EIS/EIR includes Mitigation Measure AQ-1: Implement FRAQMD exhaust controls and criteria pollutant offsets during construction and O&M activities.

## FINDING

**Pursuant to CEQA section 21081, subdivision (b), and CEQA Guideline 15093, after considering the information contained in the Final EIS/EIR for the Project, the public testimony and record in proceedings in which the Project was considered, and other information in the record, the Placer County Board of Supervisors finds:**

- **All available feasible mitigation measures have been included in the MMRP, and no additional feasible mitigation measures are available that would substantially lessen the Project's significant unavoidable environmental effects; and**
- **Each of the specific overriding economic, legal, social, technological and other benefits of the Project set forth in Section C below independently and collectively outweighs the significant and unavoidable environmental effects of the Project and is an overriding consideration warranting its approval.**

## SECTION C.

### SPECIFIC OVERRIDING CONSIDERATIONS

1. **The Project will achieve long-standing County objectives established in the Planning Agreement for the PCCP.** The Project is the culmination of nearly 20 years of Board of Supervisors' policy direction and work by the County and other Permit Applicants to achieve specific conservation objectives. The Project would achieve all of these objectives. Based on the Planning Agreement for the PCCP executed in 2001, the specific objectives for the Project are to:
  - Provide comprehensive species, natural community, and ecosystem conservation in the Plan Area.
  - Provide for the conservation and management of the Covered Species in the Plan Area and contribute to the recovery of listed species in Placer County and Northern California.
  - Protect and enhance biological and ecological diversity in Placer County.
  - Establish a regional system of habitat reserves to preserve, enhance, restore, manage, and monitor native species and the habitats and ecosystems upon which they depend.
  - Enhance and restore stream and riparian systems inside and outside the habitat reserves to provide additional benefit to native fish and other stream-dwelling species.
  - Allow issuance of federal permits to the Permittees for lawful incidental take of species listed as threatened or endangered pursuant to the ESA resulting from development under the Permittees' adopted plans, policies, and programs.
  - Allow issuance of a state authorization to the Permittee for lawful take of both non-listed species and species listed as threatened or endangered pursuant to the CESA resulting from development under the Permit Applicants' adopted plans, policies, and programs.
  - Streamline and simplify the process for future incidental take authorization of currently non-listed species that may become listed pursuant to the ESA or CESA during the permit term.
  - Standardize avoidance, minimization, mitigation, and compensation requirements of all applicable laws and regulations related to biological and natural resources within the Plan Area so that public and private actions will be governed equally and consistently, thereby reducing delays, expenses, and regulatory duplication.
  - Provide a less costly, more efficient project review process that will result in greater conservation than the current project-by-project, species-by-species endangered species compliance process.
  - Provide a streamlined aquatic resource protection and permitting process, the CARP, to provide the basis for streamlined USACE/CWA permitting and 1602 permitting for PCCP Covered Activities, as well as provide the basis for a CWA Section 404 PGP for Covered Activities and a programmatic certification of the PGP by the Regional Water Quality Control Board under CWA Section 401.

- Provide a means for local agencies receiving permits to extend incidental take authorization to private entities subject to their jurisdiction, integrating endangered species permitting with local land use authorization.
2. **The PCCP will facilitate economic development and streamline permitting for infrastructure projects.** Adoption of the PCCP will facilitate the economic development of western Placer County and benefit its residents and businesses by making environmental review and permitting more efficient, timely, and predictable. Without the PCCP, public infrastructure and private development projects are likely to continue to encounter substantial cost, time delays, and legal conflicts prior to being constructed or implemented due to the length of time it takes to secure individual permits. This consideration is especially important now in the post-COVID-19 recovery period. With the PCCP, public and private infrastructure and other projects will be afforded greater certainty of contributing to the economic stimulus and recovery.
  3. **The PCCP balances projected economic growth and development, and construction of infrastructure projects, with natural resources conservation.** The PCCP streamlines environmental review and permitting for economic growth, development, and infrastructure projects identified in the County general plan, City of Lincoln general plan, and Covered Activities of the Placer County Water Agency and South Placer Regional Transportation Authority and establishes a program to implement a comprehensive landscape-level conservation strategy and measures identified in PCCP Chapter 5 – *Conservation Strategy* and will create a large, interconnected reserve system of lands that ensures perpetual protection of restored habitat for sensitive species. Based on the Avoidance, Minimization, and Mitigation measures included in the PCCP, and other PCCP requirements, the PCCP will ensure that covered economic growth and development, and infrastructure projects, will not conflict or interfere with the successful implementation of the PCCP’s conservation strategy.

The PCCP’s conservation strategy maps out a path to protecting and restoring resource values on a large land area, consistent with foreseen continuing urban growth and thus serves to mitigate the impact of growth on biological resources at a regional scale. Accordingly, biological objectives are expressed as quantitative commitments for land acquisition, protection, and natural and semi-natural community restoration. Some commitments are independent of effects and are not directly tied to the impacts of Covered Activities; some commitments are dependent on effects and provide for additional restoration and creation to mitigate specific Covered Activity effects. To illustrate this distinction as one example: the PCCP commits to protecting a certain acreage of vernal pool complex lands independent of Covered Activity effects because those resources need to be protected to meet the regional scale conservation objective, regardless of impact on that resource. The PCCP also commits to restoring or creating additional vernal pool wetland acreage dependent on Covered Activity effects, in a prescribed 1.5:1 ratio to the amount of vernal pool wetlands actually lost to further mitigate Covered Activity impacts and to meet the CWA no net loss requirement. As opposed to the status-quo, all conservation and mitigation under the PCCP is required to be implemented within the County, and a portion of Raccoon Creek and the Cross Canal watershed within Sutter County, affording a greater balance of conservation and economic development.

4. **The PCCP will provide more effective mitigation for Covered Activities’ effects on habitat and aquatic resources that will be implemented in advance of the effects.** The PCCP requires compensatory mitigation that meets specific standards and requirements approved by state and federal regulatory agencies, including a requirement to assemble mitigation and conservation

lands over time into a large, diverse, and ecologically connected reserve system and use adaptive management and monitoring techniques in perpetuity. In addition, the benefits of the regional Reserve System will offset the adverse effects of loss of habitat to Covered Activities before such effects occur because assembly of the Reserve System will lead or “stay-ahead” of such effects – the PCA is required to conserve habitat faster than Covered Activities remove habitat. To meet the stay-ahead provision during the early implementation phase, nearly 3,600 acres of existing lands contributing to the biological goals and objectives of the PCCP have already been purchased by the County with non-mitigation funding under the Placer Legacy program and will be included in the Reserve System and counted toward acquisition commitments in order to “jump-start” implementation.

5. **The PCCP will create a large, interconnected Reserve System.** The PCCP’s conservation strategy will progressively establish a large system of interconnected blocks of conserved land within Placer County. The Reserve System will provide for protection, management, enhancement, restoration, and creation of natural community types, particularly as habitat for Covered Species and for protection for individuals and enhancement of populations of Covered Species. The Reserve System will be created by acquiring and managing large interconnected blocks of land where ecological sustainability can be maintained, including hydrologic function and land-cover diversity, while minimizing incompatibility of continuing land uses. The Reserve System established for the PCCP will build on a large area comprising approximately 21,800 acres of existing protected lands which includes private mitigation banks, land trust holdings, and public lands, a large portion of which was acquired by Placer County under the Placer Legacy program to support PCCP implementation. Over the 50-year permit term, the PCCP will conserve approximately 47,300 acres for natural and semi-natural community protection and restoration. The PCCP will also promote efficient environmental compliance for Reserve System management, restoration, and enhancement.
6. **The PCCP will protect and restore vernal pools.** The PCCP Reserve System will increase natural community protection, substantially adding to present protected vernal pool complex lands in the Valley and oak woodland in the Foothills, and adding a significant component of aquatic/wetland and riverine/riparian complex conservation in the Stream System, and agricultural lands surrounding Valley reserve lands.
7. **The PCCP will protect and restore stream systems.** The PCCP implements Stream System protection and enhancement of Covered Species’ habitats and water quality and maintains connectivity in the Reserve System. In-stream enhancement actions include removal or modification of barriers to fish passage, screening water diversions, improvement of in-channel features, and non-native fish control. The PCCP provides for protection, enhancement, restoration, and creation of the aquatic/wetland complex natural community including the surrounding upland necessary to sustain the wetlands’ hydrological function. Conservation measures on the reserve lands and implementation of the conservation strategy will accomplish avoidance and minimization on a regional scale.

Protecting, maintaining, and enhancing the integrity of the streams and floodplains of western Placer County is a key goal of the PCCP. Even though the present condition of the affected stream system may be in agriculture or contain upland communities such as grassland and oak woodland, and even if the affected area may be in a degraded condition, the PCCP requires restoration as riverine/riparian habitat elsewhere in the Stream System. This requirement is meant to sustain the overall function of the stream system and counter the impact of continuing diminution of this important part of the western Placer County landscape. Salmonid and many

other Covered Species' habitat is within the Stream System. The Stream System provides a connection linking protected lands along east-west corridors and habitat connectivity north and south.

8. **The PCCP will provide funding for adaptive management of the Reserve System.** The PCCP Reserve System will be adaptively managed using revenues from development fees. Adaptive management measures performance, tests alternative management methods, and adjusts future management actions based on the best available information. Monitoring results will be used for adaptive management to improve applied conservation techniques and to respond to changing regional trends, including those associated with global climate change. It allows the PCCP to respond to changing conditions, new scientific findings, and experience gained in implementation not possible with in the *status-quo* land management.
9. **The PCCP will engage the public and scientific community in the implementation of the PCCP conservation strategy.** Public input is fundamental to ensuring the success of and continuing support for the PCCP throughout implementation. Meetings of the PCA Board will be open to the public, and public comments will be solicited and heard at each meeting. The PCCP will establish a public advisory committee to solicit input from stakeholders with interest in PCCP implementation. Committee meetings will be open to the public and committee members will be drawn from a variety of interest groups, including conservation advocacy organizations, landowner groups, and development interests.

The PCA will engage Science Advisors on a regular basis to provide advice on PCCP implementation. The role of the Science Advisors will be to provide science-based expert opinion and recommendations, peer review, and feedback regarding key scientific aspects of PCCP implementation such as reserve design, reserve management, monitoring protocols, and grant proposals. Science Advisors will review annual reports to provide recommendations about how to improve the efficacy of the monitoring and research program and adaptive management process.

10. **The PCCP will likely increase state and federal funding for natural resources restoration in Placer County.** The restoration economy has a substantial local multiplier effect and the PCCP represents an important local commitment to the market for ecosystem services (*Economic Evaluation of the Placer County Conservation Program*, Hausrath Economics Group - 2018). One of the benefits of the PCCP over *status-quo* conditions for mitigating impacts to species and habitat is the ability of the PCCP to tap diverse sources of public funding. This is evident in state and federal agency commitments to the public conservation component of the PCCP. Placer County has been successful to-date in competitive funding for both land acquisition and planning funds offered by state and federal sources, attracting over \$9.3 million in state and federal grant funds. Higher levels of state and federal spending in Placer County are likely as the PCCP will be eligible for much greater state and federal grant funding for conservation and restoration. The flow of state and federal dollars into the local economy would have direct and indirect economic impacts—stimulating business activity, jobs, income, and consumer spending.
11. **The PCCP will provide a less costly, more efficient, environmental review and permitting process for Covered Activities.** The PCCP will provide substantial benefits to the County and other Permittees by reducing the uncertainty, time delays, and costs of state and federal environmental permitting for projects within their jurisdiction. The PCCP offers a comprehensive and long-term 50-year Incidental Take Permit for Covered Species and their habitat through a simple fee system for public infrastructure and private projects for compliance



with federal and state endangered species and related regulations. Once a project's impacts have been determined through surveys, and compliance with the PCCP's Conditions on Covered Activities and Avoidance, Minimization and Mitigation Measures have been demonstrated, a development fee is paid and the project proponent can receive permit coverage under state and federal endangered species acts directly from the County or City. This fee-based mitigation program eliminates the often uncertain and costly, time delayed process of working through competing local, state, and federal policies and agendas.

The PCCP's streamlined environmental review and permitting process will save public and private projects time and money by eliminating the current project-by-project negotiation through a myriad of local, state, and federal mitigation requirements, avoidance and minimization measures, and other conditions. The current regulatory process is slow, costly and often times redundant. It often results in significant project delays and costs and the resulting mitigation is disjointed and uncoordinated between the local, state and federal agencies because no single conservation strategy exists to meet the requirements of the *status-quo* regulatory process.

The Project would implement a standardized and comprehensive set of programmatic Avoidance, Minimization, and Mitigation Measures and Conditions on Covered Activities outlined in HCP/ NCCP Chapter 6 – *Program Participation and Conditions on Covered Activities* for impacts to Covered Species and habitat that are approved by the state and federal Agencies. While many other market and location factors are more significant to the overall pace of development than is planning for species and habitat conservation, it is reasonably foreseeable that the development process would become increasingly protracted without the PCCP. Under a continuation of the existing regulatory regime and planning process, projects would be less able to respond to market opportunities and to adapt projects to changes in market conditions.

The PCCP will also provide a substantial benefit to County and Permittees by reducing the uncertainty, time delay and cost of compliance under state, and federal laws protecting aquatic resources. Public infrastructure and private projects commonly encounter substantial cost, time delays, and legal conflicts when protected wetlands and other aquatic resources will be affected by a project. The current project-by-project permitting process that is often fraught with uncertainties, delays and higher costs. Under the PCCP this process is replaced with a streamlined permitting process and fee program that supports programmatic Clean Water Act Section 404 permits and a programmatic Section 401 certification from the California Regional Water Quality Control Board for Covered Activities. Instead of individual project proponents, the County or the Placer Conservation Authority, the implementing entity for the PCCP, will be responsible for implementing compensatory mitigation projects for effects on aquatic resources. Public and private projects will be afforded greater certainty as to the cost and timeline for compliance with sensitive species and their habitats, including wetlands, issues for each project.

- 12. The PCCP establishes a “regional” Least Environmentally Damaging Practicable Alternative (LEDPA) consistent with the Corps and U.S. EPA’s CWA §404 (b)(1) guidelines.** The LEDPA provides greater certainty for Covered Activities in permitting under the Clean Water Act. Under the PCCP, areas are identified for protection as part of a regional reserve system (Reserve Acquisition Area - RAA), while certain other areas are identified for development (Planned Future Growth Area - PFG). The RAA has been established based on sound scientific principles of conservation biology with the objective of meeting both the

biological requirements of the sensitive and covered species in western Placer County as well as providing for the long-term conservation of the areas' natural communities.

The standard permitting approach currently used under the Clean Water Act for development in Placer County can result in fragmentation of large vernal pool landscapes, as vernal pools are often preserved on the site of development projects under standard project-by-project guidance for on-site avoidance, minimization, and mitigation. This fragmentation exposes conservation sites to myriad threats associated with isolation in a matrix of suburban sprawl while foreclosing options for “natural” disturbance (e.g. burning and grazing) needed to maintain the health, biodiversity, and productivity of landscapes set-aside via “avoidance” measures or for mitigation.

Under the PCCP, the construction and implementation of Covered Activities will occur primarily in the PFG, and effects on existing aquatic resources and endangered species habitat in the RAA will be largely avoided. This framework provides avoidance and protection of thousands of acres of vernal pool grasslands, riparian forests, and oak woodlands within the RAA and thousands of acres of development according to County and City land use plans and policies within the PFG. Degraded parcels connecting priority conservation lands are targeted for enhancement and restoration as part of a regional compensatory mitigation strategy.

Under the LEDPA, within the PFG avoidance is limited primarily to stream corridors (Stream System), floodplains, wetlands adjacent to streams, and Low Impact Development Strategies (LIDS) incorporated into project design. These avoidance strategies are focused on mitigating negative impacts to water quality and surface water runoff by meeting conservation management objectives at the watershed-scale. The function of the LIDS is to mitigate for the direct, secondary, and cumulative impacts of on-site development, and to improve upon pre-construction environmental conditions (thereby reversing historical environmental damage and degradation). The LIDS will be designed to produce post-construction environmental conditions that represent an improvement in ecological health and function. This methodology allows for filling some on-site jurisdictional waters so long as the lost functions and services can be re-created and amplified elsewhere. Together, the LIDS and the Stream System setbacks will minimize adverse impacts from the introduction of new impervious surfaces, installation of storm drains, construction of wastewater treatment facilities and transportation infrastructure, landscaping, and other human activities.

- 13. The PCCP will provide programmatic state and federal incidental take permits for Covered Activities.** The PCCP will reduce the uncertainty, time delay and cost of local, state, and federal endangered species compliance for Covered Activities. Public infrastructure and private projects commonly encounter substantial cost, time delays, and legal conflicts when sensitive species and their habitats are affected by a project. The current project-by-project process that is often fraught with uncertainties, delays and higher costs is replaced under the PCCP with Federal ESA Section 10 programmatic Incidental Take Permits for 14 animal species from the U.S. Fish & Wildlife Service and NOAA National Marine Fisheries Service, and a Section 2081 Permit from the California Department of Fish & Wildlife. These actions will allow the County to extend its programmatic Incidental Take Permit coverage to projects that meet and comply with the PCCP requirements. The Placer Conservation Authority, the implementing agency for the PCCP, will be responsible for implementing habitat conservation, restoration, and enhancement mitigation requirements instead of project proponents. Public and

private projects are afforded greater certainty as to the cost and timeline for compliance with sensitive species and their habitats issues for each project.

- 14. The PCCP will maintain and improve ecosystem services and quality of life for the citizens of Placer County.** The PCCP will maintain and improve benefits that the citizens of Placer County enjoy from healthy natural habitats and working lands, including safe and reliable water supplies, clean air, plant pollination, wildlife species and habitat protection, recreation, soil formation and fertility, carbon sequestration and storage, pest and disease control. The PCCP investment in land acquisition, restoration, and natural lands management offers landowners a market for the conservation value of lands and potential cost sharing for such factors of production as water supply infrastructure and fencing. The PCCP represents an important local initiative to support rangeland and grassland conservation and the provision of ecosystem services.

Quality-of-life and scenic rural character continue to define Placer County's appeal to many segments of business, employment, housing, and education markets. The PCCP offers direct and indirect benefits to Placer County's natural environment and the range of values that various stakeholders derive from protected habitat, open space, and working lands. A landscape level conservation strategy and the application of consistent compensatory mitigation and land management practices, combined with a perpetual endowment providing a long-term commitment of funding for maintenance and management of the reserve system, represent substantial improvement over the *status quo*.

- 15. The PCCP will protect agricultural lands, ensuring they will not be converted to non-agricultural uses.** Agriculture is an important component of the economy and culture of Placer County. While normal agricultural activities are exempt from the PCCP's requirements, the PCCP will preserve 8,240 acres of agricultural lands, of which 2,000 acres of rice production is required to be conserved and managed for species benefits. The remaining 6,240 acres will not be required to be maintained in any particular crop type, and therefore will not count toward meeting the permit requirements or habitat commitments for mitigation. The crops planted on the 6,240 acres will vary depending on market demand, future water availability, climate change, and a host of other factors. The 6,240 acres will conserve representative natural and semi-natural landscapes, serve as buffers between incompatible land uses and reserve properties, maintain the ecological integrity of large habitat blocks, provide ecosystem function and biological diversity, and sustain the effective movement and interchange of organisms between habitat areas in a manner that maintains the ecological integrity of the habitat areas within western Placer County.

Maintaining or placing Williamson Act Contracts on PCCP Reserve System lands or recording conservation easement(s) is not precluded by the PCCP if easements recognize the agricultural nature of the property and do not preclude such activity. Grazing is an important component for managing invasive plants and reducing fuel loads. Substantial total economic value from the range of services generated by resource conservation practices on rangelands will continue under the PCCP: livestock production, drinking and irrigation water quality improvements, species conservation, biodiversity conservation and pollination, carbon sequestration and aesthetic benefits. Some conservation practices will make economic sense for ranchers, while others, where the benefits accrue to the public generally (water quality, species conservation, aesthetics) are funded through the PCCP fee program. The PCCP investment in land acquisition, restoration, and natural lands management offers agricultural and other willing landowners a potential source of revenue for the conservation value of their lands.

16. **The PCCP will establish a funding mechanism for its conservation program.** To receive incidental take permits under the state and federal endangered species acts, the PCCP is required to create a secure source of funding for the implementation of its conservation strategy. The total cost of implementation is estimated to be \$1.2 billion, including \$103 million to build an endowment to fund reserve management and monitoring costs in perpetuity, and \$13 million to reimburse the County for PCCP preparation costs. Development fees and other sources of funding to mitigate the effects of Covered Activities provide about 71 percent of total PCCP revenues. Other revenues, including state and federal grant funding, is expected to fund the conservation cost share of total costs. The fees will be adjusted annually, every five years, and over-time based on inflation and other changes in costs consistent with California's Mitigation Fee Act.

## SECTION D.

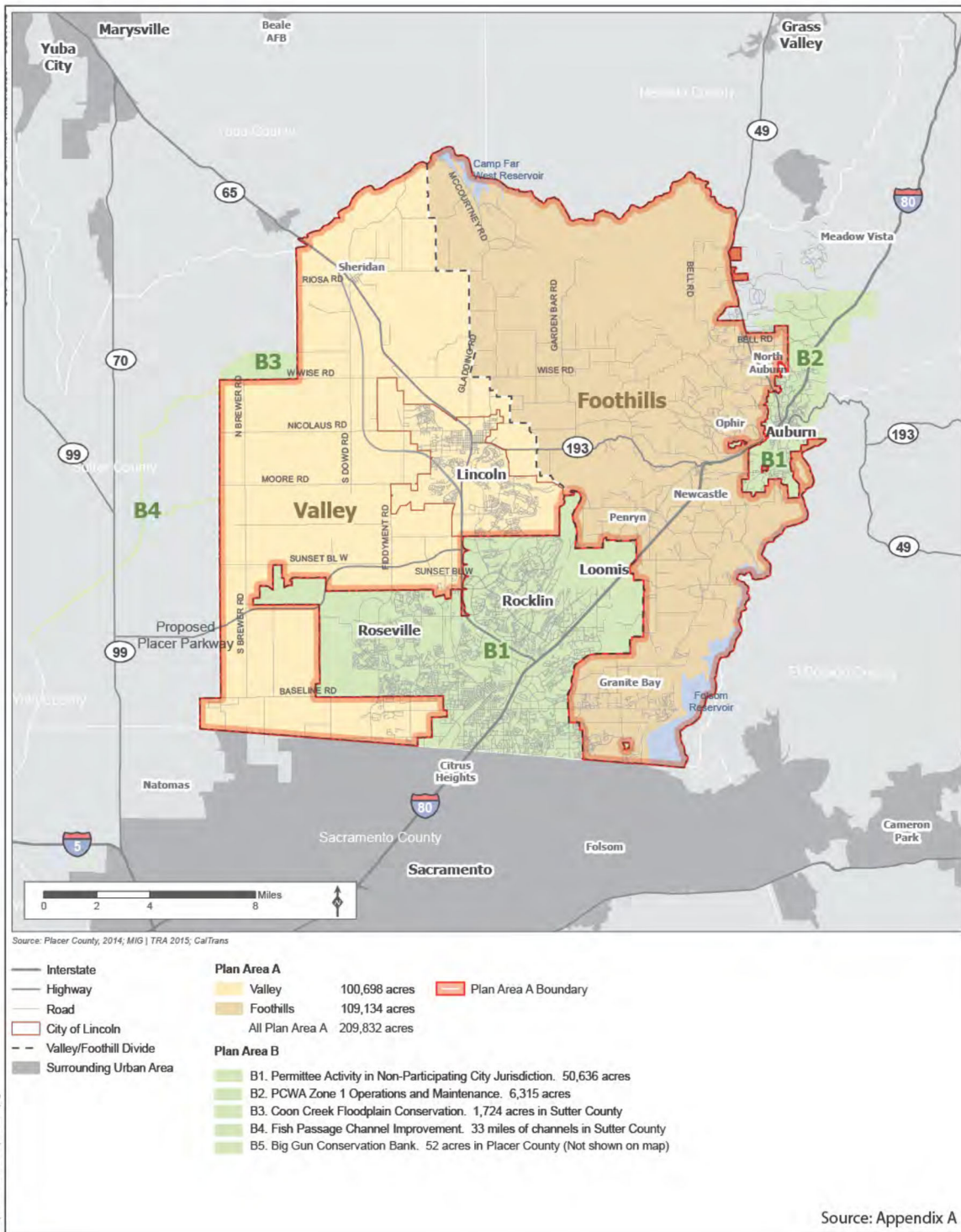
### CONCLUSION

The EIR component of the joint EIS/EIR for the PCCP was prepared pursuant to CEQA and the CEQA Guidelines. The Placer County Board of Supervisors has independently determined that the EIS/EIR fully and adequately addresses the impacts and mitigations of the PCCP and related programs as the Proposed Project/Action.

The Placer County Board of Supervisors has balanced these project benefits and considerations against the unavoidable and irreversible environmental effects identified in the EIR and has concluded that those impacts are outweighed by the project benefits. In conclusion, the Board finds that any remaining (residual) effects on the environment attributable to the PCCP, which are found to be unavoidable in the preceding Findings of Fact, are acceptable due to the overriding benefits of the PCCP and its implementation as set forth in Sections B (Specific Findings) and C (Overriding Considerations) of this Statement of Overriding Considerations.

The Placer County Board of Supervisors concludes that the Placer County Conservation Program should be adopted and implemented in its entirety.

# Attachment A: EIS/EIR Figure 1-1 Plan Area



Source: Appendix A



**Figure 1-1**  
**Plan Area**  
Placer County Conservation Program – EIS/EIR

# Attachment B

**Table ES-1. Summary of Impact Determinations by Species Considered**

Common Name	Covered Species?	Alternative 1	Alternative 2	Alternative 3	Alternative 4
<b>Fish</b>					
Central Valley steelhead	Yes	LTS	LTS	LTS	LTS
Central Valley fall/late fall-run Chinook salmon	Yes	LTS	LTS	LTS	LTS
Hardhead	No	LTS	LTS	LTS	LTS
Pacific lamprey	No	LTS	LTS	LTS	LTS
<b>Invertebrates</b>					
Valley elderberry longhorn beetle	Yes	LTS	LTS	LTS	LTS
Conservancy fairy shrimp	Yes	S/SU	LTS	LTS	LTS
Vernal pool fairy shrimp	Yes	S/SU	LTS	LTS	LTS
Vernal pool tadpole shrimp	Yes	S/SU	LTS	LTS	LTS
<b>Amphibians</b>					
California red-legged frog	Yes	LTS	LTS	LTS	LTS
Foothill yellow-legged frog	Yes	LTS	LTS	LTS	LTS
Western spadefoot	No	S/SU	LTS	LTS	LTS
<b>Reptiles</b>					
Giant garter snake	Yes	LTS	LTS	LTS	LTS
Western pond turtle	Yes	LTS	LTS	LTS	LTS
Coast horned lizard	No	LTS	LTSM	LTSM	LTSM
<b>Birds</b>					
Swainson's hawk	Yes	S/SU	LTS	LTS	LTS
California black rail	Yes	LTS	LTS	LTS	LTS
Western burrowing owl	Yes	S/SU	LTS	LTS	LTS
Tricolored blackbird	Yes	S/SU	LTS	LTS	LTS
<b>Mammals</b>					
Non-covered bats	No	LTS	LTSM	LTSM	LTSM
American badger	No	S/SU	LTSM	LTSM	LTSM

S/SU = significant (NEPA) / significant and unavoidable (CEQA); LTS = less than significant; LTSM = less than significant with mitigation.

**Table ES-2. Summary of Impact Determinations by Resource**

Resource	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Agricultural and Forestry Resources	S/SU	S/SU	S/SU	S/SU
Air Quality, Greenhouse Gases, and Climate Change	S/SU	S/SU	S/SU	S/SU
Biological Resources	S/SU	LTSM	LTSM	LTSM
Cultural and Paleontological Resources	S/SU	S/SU	S/SU	S/SU
Hydrology and Water Quality	S/SU	S/SU	S/SU	S/SU
Land Use and Planning	NI	LTS	LTS	LTS
Mineral Resources	NI	LTS	LTS	LTS
Noise and Vibration	S/SU	S/SU	S/SU	S/SU
Population and Housing, Socioeconomics, and Environmental Justice	LTS	LTS	LTS	LTS
Recreation	LTS	LTS	LTS	LTS
Transportation and Circulation	S/SU	S/SU	S/SU	S/SU

S/SU = significant (NEPA) / significant and unavoidable (CEQA); LTS = less than significant; LTSM = less than significant with mitigation; NI = no impact.

**Table ES-3. Summary of Impacts and Mitigation Measures**

Impact	Level of Significance: NEPA	Level of Significance: CEQA	Mitigation Measure	Significance after Mitigation: NEPA	Significance after Mitigation: CEQA
<b>Agricultural and Forestry Resources</b>					
<b>Alternative 2—Proposed Action</b>					
Impact AG-1: Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use	S	SU		N/A	N/A
Impact AG-2: Conflict with existing zoning for agricultural use or with a Williamson Act contract	S	SU		N/A	N/A
Impact AG-3: Conflict with existing zoning of forest land, timberland, or timberland zoned Timberland Production	NI	NI		N/A	N/A
Impact AG-4: Loss of forest land or conversion of forest land to non-forest use	NI	NI		N/A	N/A
<b>Air Quality, Greenhouse Gases, and Climate Change</b>					
<b>Alternative 2—Proposed Action</b>					
Impact AQ-1: Conflict with or obstruct implementation of the applicable air quality plan	S	SU	Mitigation Measure AQ-1: Implement FRAQMD exhaust controls and criteria pollutant offsets during construction and O&M activities	S	SU
Impact AQ-2: Violation of any air quality standard or substantial contribution to an existing or projected air quality violation	S	SU	Mitigation Measure AQ-1: Implement FRAQMD exhaust controls and criteria pollutant offsets during construction and O&M activities	S	SU
Impact AQ-3: Potential to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard	S	SU	Mitigation Measure AQ-1: Implement Feather River Air Quality Management District exhaust controls and criteria pollutant offsets during construction and operations and maintenance activities	S	SU
Impact AQ-4: Exposure of sensitive receptors to substantial pollutant concentrations	S	SU		N/A	N/A
Impact AQ-5: Potential to create objectionable odors affecting a substantial number of people	LTS	LTS		N/A	N/A



Impact	Level of Significance: NEPA	Level of Significance: CEQA	Mitigation Measure	Significance after Mitigation: NEPA	Significance after Mitigation: CEQA
Impact AQ-6: Generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment	S	SU		S	SU
Impact AQ-7: Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases	S	SU		S	SU
<b>Biological Resources</b>					
<b>Alternative 2—Proposed Action</b>				N/A	N/A
Impact BIO-1: Effects on vernal pool complex	LTS	LTS		N/A	N/A
Impact BIO-2: Effects on grassland	LTS	LTS		N/A	N/A
Impact BIO-3: Effects on aquatic/wetland complex	LTS	LTS		N/A	N/A
Impact BIO-4: Effects on riverine/riparian complex	LTS	LTS		N/A	N/A
Impact BIO-5: Effects on oak woodland	LTS	LTS		N/A	N/A
Impact BIO-6: Effects on valley oak woodland	LTS	LTS		N/A	N/A
Impact BIO-7: Effects on special-status plants in vernal pool habitats	S	S	Mitigation Measure BIO-1: Conduct surveys for and avoid special-status plants in proposed restoration and enhancement areas	LTS	LTS
Impact BIO-8: Effects on special-status plants in oak woodland habitats	S	S	Mitigation Measure BIO-1: Conduct surveys for and avoid special-status plants in proposed restoration and enhancement areas	LTS	LTS
Impact BIO-9: Effects on special-status plants in grassland habitats	S	S	Mitigation Measure BIO-1: Conduct surveys for and avoid special-status plants in proposed restoration and enhancement areas	LTS	LTS
Impact BIO-10: Effects on special-status plants in fresh emergent marsh and riverine habitats	S	S	Mitigation Measure BIO-1: Conduct surveys for and avoid special-status plants in proposed restoration and enhancement areas	LTS	LTS

Impact	Level of Significance: NEPA	Level of Significance: CEQA	Mitigation Measure	Significance after Mitigation: NEPA	Significance after Mitigation: CEQA
Impact BIO-11: Potential for construction and operation effects on Chinook salmon (fall-/late fall-run) and Central Valley steelhead	LTS	LTS		N/A	N/A
Impact BIO-12: Potential for construction and operation effects on non-covered species (hardhead and Pacific lamprey)	LTS	LTS		N/A	N/A
Impact BIO-13: Effects on valley elderberry longhorn beetle	LTS	LTS		N/A	N/A
Impact BIO-14: Effects on vernal pool branchiopods	LTS	LTS		N/A	N/A
Impact BIO-15: Effects on California red-legged frog	LTS	LTS		N/A	N/A
Impact BIO-16: Effects on foothill yellow-legged frog	LTS	LTS		N/A	N/A
Impact BIO-17: Effects on western spadefoot, a non-covered species	LTS	LTS		N/A	N/A
Impact BIO-18: Effects on giant garter snake	LTS	LTS		N/A	N/A
Impact BIO-19: Effects on western pond turtle	LTS	LTS		N/A	N/A
Impact BIO-20: Effects on coast horned lizard, a non-covered species	S	S	Mitigation Measure BIO-2: Conduct preconstruction surveys for coast horned lizard	LTS	LTS
Impact BIO-21: Effects on Swainson's hawk	LTS	LTS		N/A	N/A
Impact BIO-22: Effects on California black rail	LTS	LTS		N/A	N/A
Impact BIO-23: Effects on burrowing owl	LTS	LTS		N/A	N/A
Impact BIO-24: Effects on tricolored blackbird	LTS	LTS		N/A	N/A
Impact BIO-25: Effects on non-covered bats	S	S	Mitigation Measure BIO-3: Conduct preconstruction surveys for roosting bats and implement protective measures when implementing certain PCCP conservation measures	LTS	LTS
Impact BIO-26: Effects on American badger, a non-covered species	S	S	Mitigation Measure BIO-4: Conduct preconstruction survey for American badger when implementing certain PCCP conservation measures	LTS	LTS
Impact BIO-27: Effects on protected wetlands and waters	LTS	LTS		N/A	N/A

Impact	Level of Significance: NEPA	Level of Significance: CEQA	Mitigation Measure	Significance after Mitigation: NEPA	Significance after Mitigation: CEQA
Impact BIO-28: Effects on fish and wildlife corridors	LTS	LTS		N/A	N/A
Impact BIO-29: Effects of invasive plant species	LTS	LTS		N/A	N/A
<b>Cultural and Paleontological Resources</b>					
<b>Alternative 2—Proposed Action</b>					
Impact CUL-1: Potential to cause alteration of characteristics of known or unknown cultural resources that may qualify such resources for listing in the NRHP (NEPA) or CRHR (CEQA)	S	SU		N/A	N/A
Impact CUL-2: Disturbance of any human remains, including those interred outside of dedicated cemeteries	LTS	LTS		N/A	N/A
Impact CUL-3: Direct or indirect destruction of a unique paleontological resource or site or unique geologic feature	S	SU	Mitigation Measure CUL-1: Retain a qualified professional paleontologist to monitor significant ground-disturbing activities Mitigation Measure CUL-2: Stop work if substantial fossil remains are encountered during construction	S	SU
<b>Hydrology and Water Quality</b>					
<b>Alternative 2—Proposed Action</b>					
Impact WQ-1: Violation of any water quality standards or waste discharge requirements	LTS	LTS		N/A	N/A
Impact WQ-2: Substantial depletion of groundwater supplies or substantial interference with groundwater recharge	LTS	LTS		N/A	N/A
Impact WQ-3: Substantial alteration of existing drainage patterns in a manner that would result in substantial erosion or siltation onsite or offsite	LTS	LTS		N/A	N/A
Impact WQ-4: Substantial alteration of existing drainage patterns in a manner that would result in flooding onsite or offsite	LTS	LTS		N/A	N/A
Impact WQ-5: Creation of or contribution to runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff	LTS	LTS		N/A	N/A

Impact	Level of Significance: NEPA	Level of Significance: CEQA	Mitigation Measure	Significance after Mitigation: NEPA	Significance after Mitigation: CEQA
Impact WQ-6: Other substantial degradation of water quality	LTS	LTS		N/A	N/A
Impact WQ-7: Placement of housing within a 100-year flood hazard area	LTS	LTS		N/A	N/A
Impact WQ-8: Placement of structures that would impede or redirect flood flows within a 100-year flood hazard area	LTS	LTS		N/A	N/A
Impact WQ-9: Exposure of people or structures to significant risk involving flooding, including flooding as a result of the failure of a levee or dam	S	SU		N/A	N/A
Impact WQ-10: Contribution to inundation by seiche, tsunami, or mudflow	LTS	LTS		N/A	N/A
<b>Land Use and Planning</b>					
<b>Alternative 2—Proposed Action</b>					
Impact LU-1: Physical division of an established community	LTS	LTS		N/A	N/A
Impact LU-2: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect	LTS	LTS		N/A	N/A
Impact LU-3: Conflict with any applicable habitat conservation plan or natural community conservation plan	LTS	LTS		N/A	N/A
Impact LU-4: Result in safety hazards due to creation, restoration, or enhancement of habitats that can result in the creation of wildlife attractants in the vicinity of airports as identified in <i>FAA Advisory Circular 150-5200-33B Hazardous Wildlife Attractants on or Near Airports</i>	LTS	N/A		N/A	N/A
<b>Mineral Resources</b>					
<b>Alternative 2—Proposed Action</b>					
Impact MIN-1: Contribute to the loss of availability of a known mineral resource that would be of value to the region and the residents of the state	LTS	LTS		N/A	N/A

Impact	Level of Significance: NEPA	Level of Significance: CEQA	Mitigation Measure	Significance after Mitigation: NEPA	Significance after Mitigation: CEQA
Impact MIN-2: Contribute to the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan	NI	NI		N/A	N/A
<b>Noise and Vibration</b>					
<b>Alternative 2—Proposed Action</b>					
Impact NOI-1: Exposure of persons to or generation of noise levels in excess of applicable standards	S	SU	Mitigation Measure NOI-1: Implement measures to reduce noise resulting from conservation measures and Covered Activities during construction and O&M activities to ensure compliance with applicable noise standards, where feasible	S	SU
Impact NOI-2: Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels	S	SU	Mitigation Measure NOI-2: Employ vibration-reducing construction practices for vibration-generating activities associated with conservation measures and Covered Activities	S	SU
Impact NOI-3: Generation of a substantial permanent increase in existing ambient noise levels in the project vicinity	S	SU		N/A	N/A
Impact NOI-4: Creation of a substantial temporary or periodic increase in existing ambient noise levels in the project vicinity	S	SU	Mitigation Measure NOI-1: Implement measures to reduce noise resulting from conservation measures and Covered Activities during construction and O&M activities to ensure compliance with applicable noise standards, where feasible.	S	SU
Impact NOI-5: Presence of project-related activities within an airport land use plan area or within 2 miles of a public airport or public use airport, resulting in exposure of people residing or working in the Plan Area to excessive noise levels	LTS	LTS		N/A	N/A
Impact NOI-6: Presence of project-related activities in the vicinity of a private airstrip, resulting in exposure of people residing or working in the Plan Area to excessive noise levels	LTS	LTS		N/A	N/A

Impact	Level of Significance: NEPA	Level of Significance: CEQA	Mitigation Measure	Significance after Mitigation: NEPA	Significance after Mitigation: CEQA
<b>Population and Housing, Socioeconomics, and Environmental Justice</b>					
<b>Alternative 2—Proposed Action</b>					
Impact SOC-1: Creation of substantial population growth either directly or indirectly	LTS	LTS		N/A	N/A
Impact SOC-2: Displacement of a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere	LTS	LTS		N/A	N/A
Impact SOC-3: Displacement of a substantial number of people, necessitating the construction of replacement housing elsewhere	LTS	LTS		N/A	N/A
Impact SOC-4: Substantially change economic activity in the Plan Area	LTS	N/A		N/A	N/A
Impact SOC-5: Substantially affect property tax revenue	LTS	N/A		N/A	N/A
Impact SOC-6: Substantially disproportionately affect minority or low-income populations	LTS	N/A		N/A	N/A
<b>Recreation</b>					
<b>Alternative 2—Proposed Action</b>					
Impact REC-1: Increased use of existing recreational facilities, resulting in substantial physical deterioration	LTS	LTS		N/A	N/A
Impact REC-2: Construction or expansion of recreational facilities that might have an adverse physical effect on the environment	LTS	LTS		N/A	N/A
<b>Transportation and Circulation</b>					
<b>Alternative 2—Proposed Action</b>					
Impact TRA-1: Result in a substantial increase in traffic and affect capacity of the roadway system	S	SU		N/A	N/A
Impact TRA-2: Result in safety hazards due to design features, incompatible uses (e.g., hazards to vehicular, air, pedestrian, or bicycle travel), or inadequate emergency access	LTS	LTS		N/A	N/A

Impact	Level of Significance: NEPA	Level of Significance: CEQA	Mitigation Measure	Significance after Mitigation: NEPA	Significance after Mitigation: CEQA
Impact TRA-3: Conflict with transportation plans, programs, and planned projects	NI	NI		N/A	N/A

# Attachment C

## Responses to Comments Received after Public Release of the Final Environmental Impact Statement / Environmental Impact Report

The NEPA/CEQA Lead Agencies received several written comment letters after public release of the Final EIS/EIR on May 22, 2020. Neither CEQA or NEPA require written responses to comments submitted on a final EIS/EIR. (See, 40 C.F.R. section 1503.4; Public Resources Code section 21091(d)(1).) Pursuant to NEPA, a Record of Decision will be signed no sooner than 30 days after the publication of the Notice of Availability for the Final EIS/EIR in the Federal Register. However, the Lead Agencies, in cooperation with the CEQA Responsible and Trustee agencies and NEPA Cooperating agencies, have prepared responses, which are attached and incorporated hereto. Comments received after the Planning Commission hearing and during the Board of Supervisors hearing will be included in the administrative record, but written responses are not required or provided.

All comments received have been provided to the Board of Supervisors for consideration. Generally, the comments either identified issues that were not related to the project's impacts/effects on the environment or noted issues that have already been addressed in the Draft and Final EIS/EIR. However, some comments were received that identified issues to which the County has elected to provide additional response. These are identified and discussed individually below.

None of the comments received after the Final EIS/EIR was issued for public release on May 22, 2020 result in any changes to Draft EIS/EIR conclusions or otherwise constitute significant new information as described in State CEQA Guidelines Section 15088.5. Recirculation of the Draft EIR is therefore not required.

### Comment Letter 1. Sheppard Mullin on behalf of AKT Investments, Inc.

#### Response Generally

The comments relate to the merits of the proposed project and not the draft or final EIS/EIR. However, the comments and responses below are intended to provide additional clarification by the County, Permittees, and state and federal agencies.

#### Comment

Commenter states a concern that the programmatic general permit (PGP) will become unavailable to project proponents if the Western Placer County In Lieu Fee (ILF) program is unable to keep pace with impacts to waters of the U.S. or to identify sufficient opportunities for specific types of mitigation. Commenter also states a concern that the Corps' decision to disallow use of mitigation bank credits as a mitigation option under the PGP effectively eliminates a large part of the market for such credits within the Plan area, including the Antonio Mountain Ranch Mitigation Bank managed by AKT. Commenter requests that the Antonio Mountain Ranch Mitigation Bank be afforded the same opportunity for inclusion in the ILF as other Corps' approved mitigation banks. Commenter also requests further clarification regarding the use of ILF credits under the PGP, specifically whether such credits must be "purchased," or whether they may also be acquired through land dedication in lieu of fees or other means.



### Response

In order for the Corps Clean Water Act (CWA) 404 Permit Strategy process to be streamlined and to allow activities to report solely through the PCCP reporting process, at this time, the Corps has determined the purchase of ILF credits is the only available compensatory mitigation under the PGP. Three alternatives are available for the use of other existing and future mitigation bank credits: (1) Applicants can apply for a permit using the PCCP letter of permission (LOP) or standard permit (SP) streamlined processes (or regular nationwide permit (NWP)) and propose the use of mitigation bank credits; (2) Applicants can apply for an applicable NWP or other Regional General Permit (RGP); or (3) Applicants can pay PCCP/ILF program fees, and the ILF program can purchase mitigation bank credits, subject to the review and concurrence of the Corps. These alternatives would apply to the Antonio Mountain Ranch Mitigation Bank, along with other approved mitigation banks. The Corps' intent is not to eliminate the use of Corps approved mitigation banks within Placer County. Rather, it is to streamline the permitting process to the maximum extent allowed by the Compensatory Mitigation Rule recognizing there are significant other activities projected to occur outside of the ILF/PCCP service area (Roseville, Rocklin, Loomis, etc.) that are likely to use mitigation bank or other ILF credits and/or permittee-responsible mitigation.

Regarding the County Aquatic Resource Program (CARP) modification, dedications of land may be used to offset a portion of the PCCP/ILF Program fees. For example, a dedication of land that can be used as the site for an ILF Program mitigation project can be used to offset the portion of ILF Program fees that would otherwise be used for land acquisition. The amount of the offset would generally be determined based on the value of the land. This is similar to what is allowed under the Habitat Conservation Plan (HCP/NCCP) or "Plan"—land dedications can be used to offset a portion of HCP/NCCP development fees. Because payment of HCP/NCCP fees will fulfill the requirement to pay ILF program fees—the fees are combined, not additive—proposed land dedications in lieu of fee payments would ordinarily be approved concurrently for both ILF Program and HCP/NCCP purposes.

### Comment

Commenter urges the County to work with the Central Valley Regional Water Quality Control Board (CVRWQCB) to adopt an MOU that establishes an expedited process for Clean Water Act 401 certifications and, if applicable, waste discharge requirements issued under state law for impacts to waters of the state that are not subject to federal jurisdiction.

### Response

The County agrees with these comments and will continue to work in cooperation with the CVRWQCB toward this end.

### Comment

Commenter urges the County to ensure that the MOU entered into with the CVRWQCB provides that the PCCP will be accepted as a watershed plan for purposes of state wetland permitting procedures and that compliance with the avoidance, minimization and mitigation requirements of the PCCP and the CARP will constitute compliance with the analogous provisions of the state wetland permitting procedures and their process for project review.

### Response

The HCP/NCCP, CARP, and ILF are expected to serve as a "Watershed Plan" for the purposes of the fulfilling the State's dredge and fill procedures. The Programmatic 401 Clean

Water Certification is anticipated to address the associated streamlining and outline the requirements for submittal and approval of Project Specific 401 Certifications under the Program.

Comment

Commenter urges the County to continue to work with the California Department of Fish and Wildlife (CDFW) prior to approval of the PCCP to streamline the process of complying with Fish and Game Code section 1600 et seq. and providing waivers where appropriate.

Response

The County and Permittees have worked closely with CDFW to align the requirements of the CARP, NCCPA, and F&G Code section 1600 et. seq. as much as possible. The PCA and other Permittees will continue to work in cooperation with CDFW to ensure the process is as streamlined as possible. However, because the process under F&G Code section 1600 et seq. must directly involve the affected landowner, streamlining will be achieved through ongoing collaboration between CDFW and the Plan permittees, rather than by establishing a separate PCCP-specific process prior to approval of the PCCP.

**Comment Letter 2. Amber Beckler**

Comment

Commenter states that the conservation strategy should protect wildlife corridors in the Reserve Acquisition Area (RAA) through to the Potential Future Growth (PFG) area to Eastern/South Placer County to Folsom Lake.

Response

While it would be ecologically ideal to restore wildlife corridors from future reserves in the RAA south – southeast to Folsom Lake, the PCCP does not specifically focus conservation actions to link these two regions of Western Placer County. Due to existing and past land uses, protecting and restoring a wildlife corridor(s) between the RAA and Folsom lake would require extensive acquisition of land between the western portion of the Plan Area and Folsom Lake. This landscape is heavily fragmented into relatively small urban residential parcels and commercial land use in the non-participating City of Roseville. It would not be practicable to acquire and restore the extensive number of parcels needed to connect the RAA to Folsom Lake because it is uncertain whether there would be sufficient interest from willing sellers and the cost would be prohibitive.

Rather, the PCCP focuses on protecting and enhancing landscape connectivity along stream systems connected to the Sacramento River watershed from the west into the Plan Area to the southeast corner of the Plan Area by protecting, enhancing, and avoiding impacts to the Stream System, particularly through and along Miner's Ravine (PCCP Figure 5-1).

More broadly, the Plan has a strategy to improve landscape connectivity through 1) the landscape-level aggregation of high-value lands in the RAA, 2) overarching riverine and riparian connectivity goals, and 3) specific corridor protections.

Regarding landscape-level connectivity, the conservation strategy aims to acquire and manage large and interconnected blocks of land (See Section 5.1.3, *Conservation Strategy Components, Goal L-1, Objective L-1., Goal L-2, Objective L-2.1, L-2.2*).

For riverine and riparian connectivity, see response to Center for Biological Diversity Letter 3., comment #2 regarding riverine and riparian systems included herein.

Also see PCCP Chapter 5 (Conservation Strategy) Section 5.2.6.3, *Riverine and Riparian Complex Natural Communities*, for Riverine and Riparian Goals and Objectives that establish connectivity between the valley and foothills across and through the existing and planned future growth area including:

**Objectives RAR-1.1 and RAR-1.2 Rationale.** The assembly of the Reserve System will substantially increase the amount of protected riverine and riparian constituent habitats in the Plan Area. The riverine and riparian protection commitments are large enough (with contribution from **Objective RAR 1.3** to expand and connect fragmented patches of riparian community) to protect corridors for movement from the Valley floor to the Foothills, which will contribute to achieving Landscape **Objective L-2.3**, *Establish East–West Corridors*.

Specific corridor protections are focused on the Stream System (Objective L-2.3) and vernal pool complexes (Objective L-2.4).

**Objective L-2.3.** *Establish East–West Corridors* will establish corridors for east-west movement by Covered Species and other native species along the Stream System by protecting and restoring interconnected riverine and riparian natural communities.

**Objective L-2.4.** *Conserve North–South Connectivity* will create an interconnected network of vernal pool complex, grassland, rice land, and agricultural reserves extending from the border of the Plan Area A with Sutter County, east and north to the border of Yuba and Nevada Counties.

#### Comment

Commenter recommends that the PCCP encompass all of Placer County.

#### Response

The Plan is focused only on Western Placer County. The requirements for an HCP and NCCP require significant data, information, public outreach and collaboration with the state and federal agencies, the result of which has been a roughly 20-year process to produce a draft plan covering 260,000 of the roughly 1,000,000 acres in the county. The PCCP as proposed covers the majority of the areas subject to the greatest growth pressure and development anticipated to occur during its 50-year permit term. Because the HCP/NCCP is a required component of the federal and state incidental take permit applications, the HCP/NCCP focuses on the area where take and mitigation for impacts of the taking will occur. Placer County crosses multiple bioregions from the grassland/agricultural Central Valley through the coniferous forests up to the montane crest of the Sierra Nevada, including a large portion of Lake Tahoe making it unrealistic to develop a Conservation Plan for all of the County.

#### Comment

Commenter recommends including a clause in the PCCP that allows the PCA to halt the approval and permitting process as needed to ensure that land acquisition and conservation can stay ahead of development and the impacts in the PFG.

### Response

The HCP/NCCP identifies a range of potential solutions that will be included in a plan of action if needed to ensure the Plan remains in compliance with the Stay Ahead Provision. (Section 8.4.3., *Stay Ahead Provision*.) Slowing or stopping the extension of take authorization for covered activities is one of the potential solutions that would be implemented, if necessary. (PCCP Section 8.4.3.6, *Stay Ahead Reporting and Process for Addressing Non-compliance*.)

In addition, the HCP/NCCP includes an “Advance Acquisition” requirement (see Plan Section 8.4.6). This provision requires that the PCA acquire vernal pool complex lands containing a minimum of 160 acres of vernal pool constituent habitats, of which at least 53 acres will be delineated as vernal pools. No more than 1,800 acres of vernal pool complex and 80 wetted acres of vernal pool constituent habitats may be authorized for take under the Plan until this advance acquisition goal is met.

### Comment

Commenter states that an independent “technical” science-based entity separate from the JPA should be formed and able to propose changes based on the effectiveness of the PCCP implementation.

### Response

See HCP/NCCP Plan Section 7.6.3 and Section 8.2.7 regarding the PCCP’s Science Advisors, whose role will be to provide the JPA with science-based expert opinion and recommendations regarding key scientific aspects of Plan implementation including reserve assembly, reserve management, and monitoring protocols.

### Comment

Commenter refers to the Center for Biological Diversity’s comments regarding mitigation ratios and increased conservation through higher fees.

### Response

See response to Center for Biological Diversity Comment Letter 3. included herein.

### **Comment Letters 3 & 4. Center for Biological Diversity and California Oaks Program of California Wildlife Foundation**

Comments provided in comment letters 3. & 4. address similar issues. Responses to both letters are provided together below to reduce duplication.

### Introductory Comment

Commenter states the PCCP would catalyze development in western Placer County and would not do enough to protect biological resources, thereby contributing to the decline of habitats and species.

### Response

Based on growth projections by the County, state, Sacramento Area Council of Governments (SACOG) and others, a significant level of development is likely to occur in western Placer County whether or not the Plan is adopted. The County’s and City’s General Plans and implementing ordinances, not the Plan and permits, determine what land uses are allowed and

how much growth and development can occur in the Plan Area. As shown in the Plan's growth model (Plan Appendix M – Growth Scenario Model), the demand for housing and other development is high, and the need for affordable housing in particular is increasing. For example, the SACOG's Regional Housing Needs Plan calls for 43.6 percent of all new housing to be Low- or Very Low-income qualified starting in 2021 in the unincorporated area of Placer County and this form of housing requires high-density residential development with urban services and infrastructure. Species and aquatic resource impacts from projected development could be authorized under existing state and federal permitting mechanisms (endangered species acts, Clean Water Act, and others) without the adoption of the Plan. Potential impacts under the continuation of the existing ad-hoc, project-by-project permitting process are discussed in the draft and final EIS/EIR treatment of the "no project" alternative, which assumes that activities would continue consistent with current regulatory practices. The EIS/EIR concluded that the effects of the "no project" alternative would result in *greater* impacts than would occur through implementation of any of the other alternatives, including the Plan. The conservation strategy described in Chapter 5 of the HCP/NCCP would protect large intact mosaics of oak woodland, vernal pool complex and grassland habitats, stream corridors including migratory and spawning/rearing habitat for salmonids, and riparian buffers that are commensurate with the size, hydrology and ecological services associated with different stream systems.

One of the principal reasons the Plan was prepared was to provide a level of assurance to protect Placer County's natural heritage more completely and effectively than would be likely under current regulatory procedures and permitting processes. The Plan does not replace local general plans or other land use documents and would not increase the level of development likely to occur in western Placer County. It would instead provide a consistent regulatory framework and would make it possible to conserve large, intact areas of habitat that provide the full range of ecological services.

### **1. The FEIR/S fails to adequately mitigate impacts to oak woodlands.**

#### Comment

Commenter states the Plan will not protect or restore enough oak woodlands to provide adequate mitigation for the impacts of covered activities and should do more to *preserve* existing oak woodlands because of uncertainties associated with restoration.

#### Response

Direct impacts of future growth in the planning area are projected to affect 5,100 acres of oak woodlands and 100 acres of Valley oak woodland (Table 4-1). While difficult to measure, the indirect effects from ongoing rural residential fragmentation are estimated to impact 6,056 acres of oak woodland and 108 acres of Valley oak woodland (Tables 4-4A/B/C and Table 4-5). To compensate for those effects, up to 10,110 acres of oak woodland will be acquired and preserved in the Reserve System. An additional 100 acres of oak woodland and 225 acres of valley oak woodland will be restored within the reserve system regardless of effects to oak woodlands (Table 5-4). Additional mitigation for impacts to Valley oak woodlands would include the restoration of Valley oak woodland at a 1.5:1 ratio of restoration to impacts. In addition, because Valley oak woodland is often located within the Stream System, the Plan's emphasis on Stream System avoidance will result in additional protection of valley oak woodland. With regard to the relatively rare Valley oak woodlands, emphasis on avoidance and restoration along with acquisition is anticipated to increase the current extent of such woodlands. The history of Placer County includes a period when vast areas of oak woodland

were removed and replaced with orchards. When those orchards were abandoned, oaks re-established in some locations. The successful re-establishment of oaks in these areas suggests that planned oak restoration can be successful.

The Plan's conservation strategy for oak woodland and Valley oak woodland will contribute to improving and enhancing oak woodlands within a large, interconnected Reserve System. Large swaths of the oak woodlands in the Plan Area have been fragmented by rural residential, orchards and other agricultural uses. These fragmented areas do not perform the same ecological functions as intact oak woodlands. The Plan would help to focus development in areas where past land uses and development have led to fragmented or isolated patches of oak woodland that do not provide significant ecological services. At the same time, the Plan's Reserve System would protect oak woodlands with limited or no fragmentation.

Oak woodlands face many threats beyond those posed by development, including those caused by climate change, inadequate or inappropriate fuels management, and factors that limit oak regeneration. The Plan commits not only to protecting oak woodlands as part of the Reserve System but managing oak woodlands within the Reserve System in perpetuity. Management actions will focus on improving conditions to promote regeneration including planting and protecting seedlings and saplings. Management will also focus on reducing fuel loads to decrease the chance of catastrophic fires. By reducing impacts, and by protecting the most intact areas, oak woodlands should be adequately conserved, and oak woodland impacts should be adequately mitigated.

#### Comment

Commenter states the Plan should increase preservation of existing oak woodlands, citing the East Bay Regional Conservation Investment Strategy (RCIS) goal of preserving 75% of oak woodlands and 90% of Valley oak woodlands as an appropriate goal for the Plan.

#### Response

See Responses to Comment Letters 24 and 44 in Appendix I of the Final EIS/EIR incorporated herein by reference.

The East Bay RCIS's conservation goals reflect the broad, desired outcomes for conservation in Contra Costa and Alameda Counties. Because it is a voluntary plan and implementation is not required, there is no funding mechanism or implementation structure in place to achieve the broad conservation goals of the RCIS. There are also no requirements that the RCIS goals and objectives be achieved or even be practicable; nor are there constraints on how or when the RCIS conservation goals should be achieved. For example, East Bay RCIS conservation goals can be achieved through public and private conservation investments such as federal wildlife refuges, protection for multi-uses compatible with resource conservation (e.g., regional parks districts), and through mitigation. The East Bay RCIS strategy area includes the East Contra Costa County HCP/NCCP plan area, and habitat conserved through the HCP/NCCP is counted toward meeting the RCIS conservation goals.

In contrast to the East Bay RCIS, the Plan's conservation measures, objectives, and goals must be achievable for the purpose of complying with state and federal Incidental Take Permits. The conservation commitments must be achieved within the Plan's 50-year permit term using resources and funding identified in and provided by the Plan and taking into

consideration where and to what extent oak woodlands can be acquired and protected in western Placer County. Because of this, the broad, voluntary goals of the East Bay RCIS are not equivalent to and cannot reasonably be applied to the Plan.

### Comment

Commenter cites Santa Barbara County's Deciduous Oak Tree Protection and Regeneration Ordinance, which requires a 15:1 mitigation ratio for removed oak trees and states the Plan mitigation ratio should be at least 3:1 for in-kind mitigation, 5:1 for restored/enhanced mitigation, and 8:1 for created habitat. Commenter states that Public Resources Code section 21083.4 applies to the Plan's oak woodland conservation measures, and that oak woodland restoration should therefore be monitored for at least seven years.

### Response

The 15:1 replacement ratio in the Santa Barbara Ordinance pertains to the number of trees, while ratios in the Plan apply to acres of oak woodlands conserved and restored. The Santa Barbara Ordinance states that "Protection, maintenance, restoration, and enhancement of large blocks of savanna, woodland, and forests are given priority over maintenance, restoration, and enhancement of smaller, more isolated habitat patches." (Sec. 35-911 a (2)). It further states that "Protected oak trees that are removed shall be compensated at a 15:1 ratio by replacement planting, or protection of naturally occurring oak trees between six (6) inches and six (6) feet tall on the lot." (Sec 35-911d (2)). The remainder of the section discusses the manner in which compensation for removed trees can be achieved (i.e., protection of existing trees, planting on-site or off-site, etc.).

Like the Santa Barbara Ordinance, the Plan places a high priority on the acquisition and protection of unfragmented habitat acres for purposes of compensatory mitigation. The 2004 Independent Science Advisors Committee identified the protection of "large conservation areas" with "high quality habitat" as a priority. The Science Advisors also recommended that wildland fire management, and management for regeneration was the best approach for protecting oak woodland functions and services in Placer County.

As it relates to CEQA and the Public Resources Code, Section 21083.4 describes approaches by which Counties can mitigate impacts on oak woodlands. Although planting and maintaining plantings are permissible approaches available to comply with CEQA, the Plan focuses on PRC 21083.4 (b) (1) which states that the conservation of "...oak woodlands through the use of conservation easements." is a viable approach to mitigating effects on oak woodlands. Further, the code section exempts "Projects undertaken pursuant to an approved Natural Community Conservation Plan or approved subarea plan within an approved Natural Community Conservation Plan that includes oaks as a covered species or that conserves oak habitat through natural community conservation preserve designation and implementation and mitigation measures that are consistent with this section" (PRC 21083.4 (d) (1)). Section 21083.4 of the Public Resources Code is being implemented through numerous objectives in Chapter 5 of the HCP/NCCP including Goal OW-1 and Objectives L-1.1 (*Establish a Large, Interconnected Reserve System*), OW-1.1 (*Protect Oak Woodlands*), OW-1.2 (*Restore Oak Woodlands*), OW-1.3 (*Maintain and Enhance Oak Woodlands*), OW-1.4 (*Protect Valley Oak Woodlands*) and OW-1.5 (*Restore Valley Oak Woodlands*).

The conservation strategy for oak woodlands is consistent with the recommendations of the Science Advisors and will provide a mitigation strategy consistent with the requirements of

CEQA.

## **2. The FEIR/S fails to adequately mitigate impacts to riverine and riparian systems.**

### Comment

Commenter states the Plan fails to adequately protect riverine and riparian systems in the Plan Area, that Plan aquatic resource and aquatic habitat buffers and setbacks should be increased to a minimum of 200-300 feet, and that the Plan's mitigation ratios should be at least 3:1 for preservation, 5:1 for restoration/enhancement and 8:1 for created riverine/riparian habitats.

### Response

The broad characterization of habitat from other areas around the state used as examples by the commenter does not describe the riverine and riparian systems in western Placer County. In the PFG and portions of the Reserve Acquisition Area (RAA), the boundaries of the Stream Systems (as defined by the Plan) outside of stream channels are largely fragmented and historically channelized by agriculture with detached floodplains dominated by weedy invasive species. The Plan's Stream System boundary is used to determine avoidance, minimization and mitigation requirements to these fragmented and channelized streams. As such, the implementation of the conservation strategy would in fact restore and expand riverine/riparian habitat and associated functions/services as compared to present conditions.

The Stream System boundary proposed to be implemented in the HCP/NCCP and CARP is based upon a report prepared specifically for the Plan Area in 2005 (*Setback Recommendations to Conserve Riparian Areas and Streams in Western Placer County, Jones & Stokes and PRBO Conservation Science, February 2005*). The setback recommendations in the report cover a suite of ecological functions including, hydrologic, geomorphic, biogeochemical, salmonid habitat, plant habitat, and terrestrial animal habitat. For first- and second-order stream segments, the report recommended a buffer of 30 meters (~98 feet) measured outward from the active floodplain. For third order and higher streams, the report recommended a buffer of 100m-150 meters (~328-492 feet). The study considered the active floodplain as the geomorphic surface adjacent to the stream channel that is typically inundated on a regular basis (i.e., a recurrence interval of about 2–10 years or less). The Plan's setback recommendation study is the result of regionally specific input and represents the best available science for the preparation of the conservation strategy.

In consultation with the Wildlife Agencies, U.S. EPA and the USACE, the report's setback recommendations were designed to be implemented through an objective, repeatable and measurable regulatory program. The Stream System boundary and other Conditions on Covered Activities described in the HCP/NCCP are the result of deliberations on how to implement the 2005 study recommendations. The report's recommendations also influenced other elements of the conservation strategy including wetland and riparian buffer requirements, avoidance and minimization measures for riparian/riverine and aquatic/wetland constituent habitats, and mitigation requirements. When viewed together these numerous requirements match and, in many cases, exceed the recommendations of the 2005 report.

In addition, the Plan requires compensatory mitigation for direct and indirect effects on riverine/riparian habitat within the Stream System and for areas outside the Stream System. Direct and indirect effects on riverine/riparian habitat will require payment of the Stream System Encroachment Fee and the Riverine/Riparian Special Habitat Fee. Indirect effects on riparian vegetation outside the Stream System will require payment of the Riverine/Riparian



Buffer Fee (See HCP/NCCP Figure 3-9). These fees will be used to implement the Plan's compensatory mitigation for impacts to riverine/riparian habitat.

The proposed compensatory mitigation ratio for restoration of Riverine/Riparian habitat is 1.52:1. Similarly, the various habitats that are found in the Stream System are also mitigated at a ratio of 1.52:1 (See HCP/NCCP Objective RAR-1.3). To understand the application of the ratios that result from the conservation strategy for these two important natural communities, it is necessary to consider how the conservation objectives for the Stream System and Riverine/Riparian habitat work together.

As stated in RAR-1.3, "The Stream System also includes other communities, in addition to constituent habitats (e.g., grassland, valley oak woodland). Effects on other such communities within the Stream System will also be mitigated at a ratio of 1.52:1 by restoration of riverine/riparian constituent habitats to mitigate the irreversible loss of the valuable ecosystem services provided by land within the Stream System. In other words, funds derived from the Stream System Encroachment fee, regardless of the land cover type, will be used to restore riverine/riparian habitat. Similarly, the funds derived from the Riverine/Riparian Buffer Fee will also be used to restore riverine/riparian habitat. While this approach will not reach the restoration, enhancement and creation ratios requested by the commenter, it will result in the restoration of riverine/riparian habitat in excess of 1.52:1. As noted in Chapter 5 of the HCP/NCCP, a take limit of 490 acres of riverine/riparian habitat will result in 2,200 acres of protected riverine/riparian habitat in the Reserve System and 1,425 acres of restoration of riverine/riparian habitat of which 32 acres will be restored independent of effects (See HCP/NCCP Tables 5-4 and 5-5).

Lastly, as noted in the comment, all mitigation lands will be protected in perpetuity as described in Chapter 8 of the Plan and funding for all monitoring, adaptive management and land stewardship costs will be provided as described in Chapter 9 (Costs and Funding) of the HCP/NCCP.

### **3. The FEIR/S fails to adequately mitigate impacts to vernal pool complexes.**

#### Comment

Commenter states the Plan would authorize the permanent removal 12,550 acres of vernal pool complexes, temporary direct effects to 455 acres, and indirect effects to an estimated 1,979 acres; fails to accurately describe the extent of potentially significant impacts; and, therefore, undermines the Plan's attempts to provide sufficient mitigation for such impacts. Commenter further states the Plan's failure to describe such impacts hinders the public's ability to assess the Plan. Commenter recommends that the Plan should modify the PFG area to avoid impacts to high-density vernal pool complex, rather than trying to recreate vernal pool complex. Commenter states the Plan mitigation ratio for vernal pool impacts is inadequate and should be a minimum of 3:1 for habitat preservation, 5:1 for habitat restoration/enhancement, and 8:1 for habitat creation. Commenter recommends the Plan should give high priority to the preservation of habitat linkages and connectivity. Commenter concludes the Plan will continue the decline of vernal pool complexes in western Placer County.

#### Response

See Response to Comment 44-23 in Appendix I, *Responses to Comments on the Draft Documents*, of the Final EIS/EIR, incorporated herein by reference.

The EIS/EIR includes a detailed analysis of potential impacts to vernal pool complexes and vernal pool constituent habitat using the best available scientific information and analysis. The commenter states that because impacts to vernal pool complex do not include impacts to grasslands, which are often associated with vernal pools and provide upland habitat for vernal pool species, the EIS/EIR may underestimate impacts to vernal pool species. However, the Plan mapped vernal pool complex based on the presence and density of vernal pool constituent habitat such that land cover mapped as vernal pool complex contains the vast majority of vernal pool constituent habitat. The Plan also acknowledges that some vernal pool constituent habitat may occur in other land cover types and places a cap on the amount of vernal pool constituent habitat that can be impacted by Covered Activities (regardless of whether it occurs in vernal pool complex or grassland); therefore impacts to vernal pool habitat in grassland are captured in the analysis. The commenter also states that development in the PFG would likely result in numerous small, isolated, fragmented patches of habitat making impacts to vernal pool complex greater than reported in the EIS/EIR. However, the Plan's conservation strategy is designed to minimize the extent to which this occurs and considers open space proposed as part of development within the PFG to be permanently affected and not exempted from mitigation requirements, unless the open space meets certain avoidance criteria (see Plan Section 6.3.1.3.1). In addition, in order to limit habitat fragmentation and isolation resulting from avoided areas that are adjacent to and/or surrounded by development, the Plan sets a cap of 56 acres of indirect effects that may result from on-site avoidance within the PFG. Therefore, impacts associated with habitat fragmentation and isolation within the PFG are captured in the analysis.

The analysis in the EIS/EIR took into consideration the Plan's proposed landscape scale conservation of vernal pool complex, the commitments to improving the overall functions and services of vernal pools in the Plan Area, and the management of vernal pool complexes in perpetuity to ensure the impacts to vernal pools and vernal pool complexes are avoided, minimized, and mitigated to the maximum extent practicable. The Plan's mitigation ratios for impacts to vernal pool complexes were derived from the mitigation necessary to create an adequate and successful Reserve System that would conserve vernal pool complexes and habitats in western Placer County and meet the requirements of the ESA and NCCPA.

The Plan's objectives, conservation measures, and conditions are designed to ensure that the conservation strategy, including the biological goals and objectives, are achieved in conformance with HCP/NCCP issuance criteria. USFWS and NMFS will determine, based on the best available scientific information, whether the Plan meets the issuance criteria at ESA Section 10(a)(1)(B) when they finalize their intra-Service biological opinions and make their Findings and Recommendations. In order to issue the permits, both USFWS and NMFS must determine that the application and Plan meet all issuance criteria. CDFW, before issuing an NCCPA permit, must make similar determinations.

In the context of the Plan, the protection and restoration of large, interconnected vernal pool complexes that are well distributed and contain high-quality vernal pools with populations of Covered Species that are equal to or greater than the affected population are expected to adequately offset the impacts of Covered Activities and contribute to the recovery of the Covered Species. HCP/NCCP Section 5.3.3.3.1, *Vernal Pool and Grassland Communities*; Section 5.3.3.4.3, *Vernal Pool Branchiopods*; and Section 5.3.4.2.1, *Vernal Pool Complex and Grassland Natural Communities* describe conservation measures specific to vernal pool

species and vernal pool complexes. Section 5.4.11, *Vernal Pool Branchiopods*, summarizes conservation outcomes for the species.

In addition to the acquisition and restoration of 17,000 acres of vernal pool complex to mitigate effects of covered activities, the Plan requires an additional 3,000 acres of vernal pool complex to be conserved and a minimum of 30 acres of constituent habitat to be restored. These requirements were developed in consultation with the Independent Science Advisors Committee, Wildlife Agencies, and stakeholders and ensure that high quality vernal pools and complexes are preserved and restored in large interconnected reserves.

Additional natural community objectives for vernal pool complexes and grasslands are detailed in 5.3.1.5.2, *Vernal Pool Complexes and Grassland Natural Communities*. These include requirements intended to meet NCCPA standards to further ensure the vernal pools and vernal pool complex preservation not only mitigates for effects but also provides for the conservation of, and contributes to the recovery of, the species.

To ensure that conserved vernal pool complex contains adequate wetland habitat, the Plan is required to contain at least 790 wetted acres of vernal pool constituent habitats, of which a minimum of 250 acres must be vernal pools. At least 50 percent of the vernal pool complex acquired will be at high (greater than 5 percent density of vernal pool constituent habitat) or intermediate wetland density (i.e., 1 to 5 percent density of vernal pool constituent habitat).

The Plan provides multiple assurances that vernal pool complexes, vernal pool constituent habitats, and covered vernal pool branchiopods will be adequately protected and restored, as follows:

- The PCA will stay ahead of the loss of vernal pool complex and vernal pool constituent habitats by protecting and restoring vernal pool complex and vernal pool constituent habitats in accordance with the Stay-Ahead provisions described in Section 8.4.3, *Stay-Ahead Provision*.
- The Plan ensures that the PCA will protect, restore, and create vernal pools at a rate and quality equal to, or greater than, occupied pools lost to Covered Activities (Section 5.3.1.6.10, *Vernal Pool Branchiopods* and Chapter 7, *Monitoring and Adaptive Management*, Section 7.5.11.1, *Document and Monitor Status of Vernal Pool Covered Species*).
- The Plan requires that restoration/creation of vernal pool constituent habitats be completed before the end of the permit term. Specifically, restoration/creation of vernal pool constituent habitats independent of effect will be completed by Year 35, and restoration/creation of vernal pool constituent habitats dependent on effect will be completed by Year 40. This allows enough time for restored/created pools to be monitored and adaptively managed to ensure that those pools are suitable for, and support, covered vernal pool branchiopods.) (Section 5.3.3.3.1, *Vernal Pool and Grassland Natural Communities*).

Additionally, to ensure that more high-quality vernal pools and vernal pool complexes are protected than are impacted by covered activities, and to ensure the PCA exceeds its rough proportionality requirement early in the permit term, the PCA will provide acquisition in advance of effects (advanced acquisition) and set an associated take limit. By the end of Year 2, the PCA will protect vernal pool complex containing a minimum of 160 acres of vernal pool

constituent habitats, of which at least 53 acres will be delineated as vernal pools (21 percent of the total vernal pool constituent habitat to be protected). In addition, no more than 1,800 acres of vernal pool complex and 80 wetted acres of vernal pool constituent habitats (15 percent of the total allotted effects) will be authorized for take under the Plan until the advance acquisition goal described above has been met. The advance acquisition will also mitigate effects on vernal pool constituent habitat. The advance acquisition of these vernal pool complex lands will be subject to Wildlife Agency review and approval and must meet the criteria for Reserve System lands in Section 8.4.1, *Criteria for Reserve System Lands*.

Based on these detailed Plan-specific mitigation and conservation measures, the HCP/NCCP is designed to provide adequate mitigation for, and to provide for the conservation of, vernal pool species and natural communities in accordance with the ESA and the NCCPA. The USFWS and CDFW will make a final determination regarding adequacy of the proposed mitigation for vernal pool complexes in their respective decision documents.

#### Concluding Comment

Commenter states the Plan does not adequately offset impacts and should be revised to decrease the amount of development allowed in the Plan Area and increase mitigation ratios.

#### Response

See Response to Comment Letter 17 (Sierra Club Mother Lode Chapter, 2019) and #44-2 and #44-10 Center for Biological Diversity, in Appendix I of the Final EIS/EIR.

#### **Decrease the Amount of Development**

The Plan was developed using the best available science and in conjunction with a panel of Independent Science Advisors who contributed to Plan development and helped inform the conservation strategy, specifically with respect to species conservation, including vernal pools and vernal pool complexes. USFWS and NMFS will determine, based on the best available scientific information, whether the Plan meets the issuance criteria at ESA Section 10(a)(1)(B), when they finalize their intra-Service biological opinions and make their Findings and Recommendations. In order to issue the permits, both USFWS and NMFS must determine that the application and Plan meet all issuance criteria, including whether the Plan will minimize and mitigate the impacts of the taking to the maximum extent practicable. CDFW, before issuing an NCCPA permit, must make similar determinations.

The City and County regulate land use through their respective general plans and zoning ordinances as the proper means to guide development. The Plan is not a growth/development or land use control plan. Rather, the Plan assumes growth and development consistent with the City and County general plans and implementing ordinances. This growth and development would result in the conversion of natural and semi-natural habitat and wetlands pursuant to the status quo project-by-project regulatory approach or through the Plan.

If the Plan and permits provided coverage for less than the maximum extent of development anticipated for coverage during the proposed 50-year permit term, it would not preclude additional development from occurring. That development would simply need to undergo permitting on a project-by-project basis instead of under the Plan.

Under current growth projections, these effects are expected to continue as a consequence of projected growth allowed under the general plans and zoning. However, they would not be

covered by the Plan's comprehensive avoidance, minimization, and mitigation measures or landscape scale conservation strategy, and minimization and mitigation measures would instead be determined on a project by project basis without benefit of a regional conservation strategy. This would likely lead to less desirable mitigation/conservation opportunities and outcomes.

### **Increase Mitigation Ratios**

The Plan was developed to achieve specific biological goals and objectives. Plan mitigation ratios (with the exceptions noted below) are derived from those goals and objectives and reflect the overall extent of mitigation needed to ensure the Plan's conservation strategy can be successfully implemented. The mitigation ratios would be applied based on the effects of individual covered activities, but they are designed to require an amount of compensatory mitigation that will be sufficient to achieve the Plan's biological goals and objectives. The Plan's conservation measures will create an overall functional ecological lift resulting from a landscape-scale Reserve System being assembled and actively managed and enhanced according to a Reserve System Management Plan.

The Plan includes additional mitigation ratios specifically for impacts to aquatic resources and for Valley oak woodlands. For all aquatic resource types other than Riverine/Riparian, the mitigation ratio is 1.5:1. The mitigation ratio for Riverine/Riparian is 1.52:1. The mitigation ratio for impacts to the Stream System is also 1.52:1 because it will be restored to Riverine/Riparian. The only non-wetland habitat type that has an explicit mitigation ratio is Valley oak woodland at 1.5:1 (See Section 6.3.2).

The Plan's mitigation ratios may be lower than ratios used in some cases in project-by-project permitting. However, mitigation required under the Plan's comprehensive conservation program is designed to be more effective and achieve a better ecological outcome than mitigation required through ad-hoc permits issued on a project-by-project basis. Absent a comprehensive conservation program, mitigation actions over time often result in a range of smaller, often fragmented, mitigation sites (See *Effectiveness of Small Vernal Pool Preserves*, Prepared for Placer Land Trust, December 2009) which runs counter to the recommendations of the Independent Science Advisors 2004 report. Under the Plan, all mitigation actions must advance the goals and objectives of the conservation strategy, must be located within the County, and meet the Reserve System requirements. Conserving, restoring, and managing lands to mitigate impacts as part of a comprehensive conservation program will result in a large, interconnected Reserve System, ensuring habitat connectivity, minimizing the risk that mitigation sites will be surrounded by incompatible land uses over time, while providing more effective mitigation.

In addition to mitigation requirements, the Plan includes conservation goals, objectives, and actions independent of impacts. See Section 5.2.1 *Approach to Developing Conservation Commitments* and Table 5-4 *Natural Community Restoration Commitments* (Independent/Dependent of Effects). For example, vernal pool grassland constituent habitat requires mitigation for the wetted area component at 1.5:1 but also includes an overarching conservation objective. (Objective VPGC 1.2: In addition to the protection of 17,000 acres of existing vernal pool complex, restore/create 3,000 acres of vernal pool complex in the Reserve System by Year 35, independent of effects...). At least 30 wetted acres of vernal pools will be restored/created independent of effects (Table 5-4)). Thus, the Plan's overall benefit to

covered species and habitats is not limited solely to the protection and restoration of vernal pool complexes and other habitat based on mitigation ratios.

The adequacy of the Plan's mitigation ratios should be considered within the context of the impact of the takings (effects to covered species) associated with the Plan's covered activities and the Plan's overarching conservation strategy, which includes measures to mitigate impacts to vernal pool complexes and other habitats. Implementation of the Plan's Conservation Strategy will result in a large, diverse, and ecologically connected Reserve System occupied by Covered Species that will be adaptively managed and monitored in perpetuity.

**Comment Letter 5. Placer County Tomorrow / Friends of North Fork**

The comment letter generally does not relate to the draft or final EIS/EIR for the PCCP. However, the responses below are intended to provide additional clarification by the County, other Permittees, and state and federal agencies.

Comment

Commenter states the PCCP does not meet the California Natural Community Conservation Plan and Federal Habitat Conservation Plan requirements.

Response

See Final EIS/EIR Appendix I – Response to Comment Letter 42. See also Response to Center for Biological Diversity / California Wildlife Foundation-Oaks Program Letters 3 and 4 herein.

Under section 10(a)(1)(B) of the Endangered Species Act (ESA), the United States Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) are proposing the issuance of incidental take permits for the implementation of the HCP/NCCP. The HCP/NCCP is a regional conservation plan developed by the Permittees with assistance from the state and federal wildlife agencies to achieve the permit issuance criteria presented in section 10(a)(1)(B) of the Act. The HCP/NCCP is designed to minimize habitat fragmentation and provide ecosystem level protection to covered species and habitats, while allowing appropriate and compatible land uses. The HCP/NCCP would provide regulatory incentives intended to focus development near existing developed areas.

Implementation of the HCP/NCCP's conservation strategy is expected to be adequate to meet ESA requirements to minimize and mitigate impacts to the maximum extent practicable and NCCPA requirements to provide for the conservation of covered species.

USFWS and NMFS will determine, based on the best available scientific information, whether the Plan meets the issuance criteria at ESA Section 10(a)(1)(B) when they finalize their intra-Service biological opinions and make their Findings and Recommendations. In order to issue the permits, both USFWS and NMFS must determine that the application and Plan meet all issuance criteria. CDFW, before issuing an NCCPA permit, must make similar determinations.

Comment

Commenter states the HCP/NCCP does not promote conservation and that even prior to approval is having impacts to wetlands.

### Response

The Plan's conservation strategy is fully described in Chapter 5 of the Plan. The conservation strategy will mitigate the impacts on Covered Species and their habitats, as well as contribute to the recovery of the Covered Species, as required pursuant to the State's Natural Community Conservation Planning Act (NCCP). The conservation strategy is based on landscape-level, natural community-level, and species-level biological goals and objectives (described in Section 5.2 of the Plan) and on conservation measures that will be implemented to achieve the biological goals and objectives (described in Section 5.3 of the Plan). By the end of the 50-year permit term, an approximately 47,300-acre Reserve System will be established within the Plan Area; see Plan Table 5-3 for acreages of natural communities and constituent habitats that will be preserved in the Reserve System.

In addition, within the Reserve System the PCA will restore at least 4,375 acres of natural communities regardless of the amount of impacts from Covered Activities (independent of effects), and, because additional restoration of habitat will be implemented to mitigate for impacts from Covered Activities at certain ratios (dependent on effects), will restore up to 6,220 acres of natural communities if all allowable loss proposed under the Plan occurs (see Plan Table 5-4). These protected and restored lands will augment the approximately 16,000 acres of existing reserves in the Plan Area (see Plan Section 5.3.1.3.5, *The Role of Existing Protected Areas in the Conservation Strategy*). Cumulatively, approximately 38 percent of the present natural and semi-natural landscape in Plan Area A would ultimately be subject to conservation management.

Regarding permit applications that have been filed with the Corps for certain projects that point to use of the ILF Program for mitigation of impacts to aquatic features, should these projects seek coverage under a future permitted HCP/NCCP, these activities would only be covered by the HCP/NCCP if they are Covered Activities under the Plan and meet all Plan requirements.

### Comment

Commenter states the plan will create urban runoff and harm protected species.

### Response

See HCP/NCCP Plan Chapter 6 (Program Participation and Conditions on Covered Activities), including General Conditions regarding Watershed Hydrology and Water Quality including site design requirements such as source control measures, and BMPs for:

- Minimizing the potential impacts on Covered Species that are most likely to be affected by changes in hydrology and water quality
- Reducing stream pollution by removing pollutants from surface runoff before it reaches local streams
- Minimizing degradation of streams and maintaining or improving the hydrograph to maintain populations of Covered Species and enhance recovery
- Reducing the potential for scour at storm water outlets to streams by controlling the rate of flow into the streams

### Comment

Commenter states the plan is without defined governance, that the composition of the JPA membership was not adequately disclosed, and therefore requests an extension of the comment period.

Response

See Final EIS/EIR Appendix I – Response to Comment Letter 42-15.

The PCCP’s implementation structure has been explained in detail in Plan Chapter 8 and response to comment letter 42-15. Primary responsibility for implementation is assigned to the PCA, a joint exercise of powers agency that is a separate legal entity from the County and the City. The structure and implementation responsibilities of the PCA, as well as the composition of the joint powers authority membership, are described in Plan Section 8.2.2, *Placer Conservation Authority* which states that the PCA will be governed by a Board of Directors consisting of representatives of the County and the City. The Placer County Water Agency (PCWA) and South Placer Regional Transportation Authority (SPRTA) will provide input to the PCA through advisory roles.

Comment

Commenter states that public involvement and public information requirements have not been met.

Response

See response to Placer County Tomorrow Letter 7. to the Placer County Planning Commission included herein.

Comment

Commenter states the Plan has inadequate funding.

Response

See Final EIS/EIR Appendix I – Response to Comment Letters 42 and 44. This comment was specifically addressed in Response to Comments 42-16 and 44-25.

Comment

Commenter states a joint powers agency is inadequate for the responsibilities of implementing the PCCP.

Response

See Final EIS/EIR Appendix I – Response to Comment Letter 42-15 which specifically addresses this comment.

Joint exercise of powers agencies are commonly responsible for implementing regional habitat conservation plans and natural community conservation plans, including the South Sacramento Habitat Conservation Plan, the East Contra Costa County Habitat Conservation Plan and Natural Community Conservation Plan, and the Santa Clara Valley Habitat Plan. In the Joint Exercise of Powers Agreement that formed the PCA, it was expressly given the power to implement the PCCP.

Comment

Commenter states CDFW’s approval of the PCCP would violate the NCCPA.

Response

The PCCP was developed in collaboration with CDFW to ensure that it would meet the requirements of the NCCPA. CDFW will determine whether to approve the PCCP in



accordance with the NCCPA based on the PCCP, the EIS/EIR for the PCCP, and other information in the administrative record, and will prepare findings in support of its determination.

Comment

Commenter states the USFWS fails to comply with applicable law by allowing the Placer Parkway to be a covered activity in the PCCP.

Response

See Final EIS/EIR Appendix I – Response to Comment Letter 42-9.

To be eligible for incidental take authorization, covered activities must be: (1) otherwise lawful, (2) non-Federal, and (3) under the direct control of the permittee. ESA section 10 regulations do not limit the type and extent of activities that an HCP can cover, as long as the activities meet all the eligibility criteria and the HCP meets the permit issuance criteria.

The PCCP was developed with assistance from the USFWS to try to help ensure that it would meet the requirements of the ESA. The USFWS will determine whether to approve the PCCP in accordance with the ESA based on the HCP/NCCP, the EIS/EIR for the PCCP, and other information in the administrative record, and will prepare findings in support of its determination. In order to issue a permit, the USFWS must determine that the application and Plan meet all issuance criteria

Comment

Commenter states a more effective habitat protecting plan exists.

Response

Comment is noted. However, the references provided by commenter do not explain how the comment or the referenced plans relate to the PCCP. The PCCP would not preclude more specific habitat designs or plans for specific projects, so long as the projects, designs, and plans are consistent with the PCCP.

**Comment Letter 6. James and Jean Piette**

The comments generally do not cover the draft or final EIS/EIR for the PCCP. However, the comments and responses below are intended to provide additional clarification.

Comment

Commenter requests further analysis of potential impacts, including impacts from the Hidden Falls Regional Park Expansion.

Response

See Final EIS/EIR Appendix I – Response to Comment Letters 19 – 22 and Response to Leslie Warren Letter 8. included herein.

The EIS/EIR evaluates the environmental impacts associated with the implementation of the PCCP including the effects of recreational use of reserve lands (see Section 4.10, *Recreation*, of the EIS/EIR). Recreational use of conservation lands that have been protected through the initiatives of the Placer Land Trust, non-participating cities, or conservation organizations with no affiliation to the PCCP are not subject to review by this EIS/EIR. The exception is for those

lands that are held by Placer Land Trust that are proposed for enrollment into the Reserve System (e.g., Harvego Bear River Preserve owned by Placer Land Trust).

The Placer County Parks Division is preparing a parks and trails master plan (the public draft was released in March 2019) and is also preparing a final EIR for the expansion of the Hidden Falls Regional Park Trails Expansion Project (SCH#2007062084). That EIR is anticipated to analyze the impacts of trails and recreation at a project level independent of the PCCP.

#### Comment Letter 7. Placer County Tomorrow (To Planning Commission Only)

The comments generally do not relate to the draft or final EIS/EIR for the PCCP. However, the responses below are intended to provide additional clarification.

#### Comment

Commenter states the PCCP planning process does not meet public involvement requirements and requests additional public meetings and opportunities for public comment.

#### Response

See Final EIS/EIR Appendix I – Response to Comment Letter 42.

Extensive opportunities for public involvement and comment have been provided over the nearly two decades in which the PCCP was developed.

Pursuant to the terms of the Natural Community Conservation PCCP Planning Agreement between the County and state/federal wildlife agencies, a Stakeholder Working Group (Biological Working Group) was formed in 2001 composed of designated representatives from environmental, development, agriculture, land trusts, and other groups. This committee participated in the development of the Plan and comprehensively reviewed the drafts, section by section, providing feedback and edits throughout the planning process.

The NCCPA's (Fish and Game Code Section 2800 *et. seq*) planning, public involvement, and public notice requirements have been met. The public review draft HCP/NCCP, CARP, EIS/EIR, and other related documents were made available beginning on June 21, 2019. Earlier versions of the HCP/NCCP were available on the County's website and the County Board of Supervisors held publicly noticed hearings to receive updates, public comment, and provide direction on the conservation strategy throughout the 20-year planning process.

In addition to the Biological Working Group's review of numerous drafts, public hearing presentations, public interest meetings, and meetings at the request of individuals have been ongoing and routine over the history of the PCCP planning process.

The Final EIS/EIR and PCCP documents were made available for public review and inspection by local, state and federal agencies beginning on May 22, 2020. A publicly noticed meeting of the Placer County Planning Commission was held on July 9, 2020 to provide a recommendation to the Placer County Board of Supervisors at their regularly scheduled meeting on August 25, 2020. Subsequent adoption meetings will be held by the other Permittees including the PCWA, SPRTA, and the City of Lincoln. Public participation required under NEPA for publication of an EIS for an HCP, as described in the USFWS 2016 revised The Habitat Conservation Planning and Incidental Take Permit Processing Handbook, has been met, with the following:

The publication of a Notice of Intent to prepare the EIS/EIR was published in the Federal Register on March 7, 2005 (70 FR 11022). Three public scoping meetings were held to solicit comments on the Draft EIS/EIR on March 15-17, 2005, in Auburn, Lincoln and Roseville. Public comments on the scope of the alternatives and associated environmental effects were accepted through April 6, 2005.

A Notice of Availability for the Draft EIS/EIR and the Draft HCP/NCCP was published in the Federal Register on June 21, 2019 (84 FR 29224). Two public meetings were held: one on August 1, 2019 at the Placer County Planning Commission in Auburn and one at Lincoln City Hall on August 15, 2019.

A Notice of Availability for the Final EIS/R and Final HCP/NCCP was published in the Federal Register on May 22, 2020 (85 FR 31203) with a 30-day public inspection period noticed through June 22, 2020.

#### **Comment Letter 8. Leslie Warren**

##### Comment

Commenter states the EIS/EIR fails to analyze the environmental impact of recreation and fails to recommend methods and safeguards to ensure conservation values will be preserved. Commenter further states the FEIR/FEIS is incomplete because mitigation measures have not been identified.

##### Response

See Final EIS/EIR Appendix I – Response to Comment Letter 21-4 and Response to Curt and Jane Wurst Letter 9. included herein.

The EIS/EIR evaluates the environmental impacts associated with the implementation of the PCCP including the effects of recreational use of reserve lands (see Section 4.10, *Recreation*, of the EIS/EIR).

The EIS/EIR also points out that adoption and implementation of the PCCP does not authorize the construction of new or expanded facilities on PCCP reserve lands. The authorization for new recreational uses on reserve lands would require approval by the County/City, the PCA, and the Wildlife Agencies. A subsequent environmental review will be prepared for any proposed development of recreational facilities on reserve lands when required by CEQA/NEPA.

Additionally, any new or expanded facilities on PCCP reserve lands would be Covered Activities and would be subject to the HCP/NCCP's conditions, including the following: Section 6.3.6.1.1, *Restrictions on Recreational Uses in Future Reserves Acquired during Plan Implementation*; Section 6.3.6.1.2, *New Trail Design and Use Standards for Future Reserves*; and Section 6.3.6.2, *Reserve Management Condition 2, Recreation Component of Reserve Unit Management Plans*. These three sections, in addition to the other conditions on Covered Activities, provide a comprehensive set of standards that would limit the effects from the limited amount of recreational activities allowed in the Reserve System.

For Hidden Falls Regional Park, only portions of the park meeting the biological goals and objectives of the PCCP would be incorporated into the Reserve System. Those portions could

be incorporated into the Reserve System only if a reserve unit management plan were prepared and approved by the Wildlife Agencies, and if the site were protected by a PCCP compliant conservation easement. Additionally, Section 6.3.6.3.1 of the HCP/NCCP states that existing trails may be deducted from the acreage counted toward Reserve System requirements and that future trails would be deducted (18-foot-wide) from the Jump Start credit.

The Placer County Parks Division is preparing a parks and trails master plan (the public draft was released in March 2019) and is also preparing a final EIR for the expansion of the Hidden Falls Regional Park Trails Expansion Project (SCH#2007062084). That EIR is anticipated to analyze the impacts of trails and recreation at a project level independent of the PCCP.

#### Comment

Commenter states that existing conservation banks are proposed to be included in the PCCP (Warm Springs Mitigation Bank, Moore Ranch Conservancy, Antonio Mountain Ranch, Orchard Creek Conservation Bank). Commenter further states that in the Sunset Area Plan, these mitigation banks are proposed to be developed for paths for walking, jogging, pet exercising and other active uses which will disturb wildlife and introduce invasive grasses which, along with development, is a key factor in grassland bird decline.

#### Response

The PCCP identifies these existing conservation banks as “Existing Protected Areas and Other Reserves” that broadly include public and private lands owned by or subject to conservation or agricultural easements held by 3<sup>rd</sup> parties including the State of California, Placer Land Trust, Wildlife Heritage Foundation and others but are not counted toward the PCCP’s land conservation goals or Reserve System requirements. Some are simply owned by conservation oriented third parties. While others, such as the Antonio Mountain Ranch Mitigation Bank, are mitigation banks subject to an Army Corps of Engineers’ Bank Enabling Instrument, Conservation Easement (in this case held by the Placer Land Trust), endowments, and other perpetual protections from incompatible uses. These conservation easements, long term management plans, and other regulatory mechanisms generally control use of the lands and ensure that incompatible uses do not impact conservation values.

Three of the sites referenced in the comment are mitigation banks, and one site, the Moore Ranch Conservancy, is a mitigation site that is not used for banking purposes. None of these sites have been approved for inclusion within the PCCP Reserve System. However, if a bank is approved as described in Plan Section 8.4.7, credits purchased at that bank may count toward Plan protection and restoration commitments if they are consistent with all of the relevant standards.

There is a potential for the Placer Conservation Authority to purchase bank credits from approved mitigation banks through the Western Placer In Lieu Fee program, which is a component of the PCCP. However, the use of those sites for mitigation purposes is regulated by state and federal agencies separate from the PCCP.

#### Comment

Commenter states that the term “disturbance” should be defined and asks why disturbances from recreation within the Reserve System would be allowed.

### Response

See the response above regarding the Plan's requirements regarding potential indirect effects resulting from recreational use on PCCP reserve lands.

The PCCP addresses the direct and indirect effects of covered activities. Disturbance from recreation would be considered an indirect effect. Typically, the term "indirect effect" is used to evaluate activities that do not result in a direct effect and that are detrimental to covered species. Chapter 4 of the HCP/NCCP defines an indirect effect as follows:

Indirect effects are defined by the U.S. Fish and Wildlife Service and National Marine Fisheries Service as "those that are caused by the proposed action and are later in time, but are still reasonably certain to occur" (50 Code of Federal Regulations [CFR] 402.02). For the purposes of this Plan, indirect effects also include those effects that occur at the time of the proposed action but extend beyond the footprint of a project or activity (i.e., beyond the area of land-cover disturbance). Indirect effects can undermine species' viability or habitat quality, especially if multiple indirect or direct effects cumulatively affect the species or degrade its habitat.

The implementation of avoidance and minimization measures and conditions on covered activities required by the PCCP will address the wide range of potential indirect effects to covered species. Examples of indirect effects addressed in the PCCP include oak woodland fragmentation, water quality impacts on salmonids, and riparian buffer standards along streams.

### Comment

Commenter states the FEIR/FEIS fails to analyze whether active park use will reduce the richness and diversity of flora and fauna and fails to analyze how covered activities will affect mitigation banks. Commenter further states that CEQA and NEPA require that the analysis be supported by substantial evidence.

### Response

Please see the response above regarding the Plan's analysis of and response to the potential for indirect effects resulting from recreational use. Any mitigation banks counted toward HCP/NCCP Reserve System land acquisition commitments would have to meet HCP/NCCP standards and requirements for minimizing impacts from recreational uses.

### Comment

Commenter questions the validity of vernal pool mapping for the HCP/NCCP as compared to that used in other plans and states that mapping data must be reviewed with actual field conditions.

### Response

Please see Final EIS/EIR Appendix I – Response to Comment Letter 39-6 which responds specifically to this comment.

In addition, the data and analyses in the PCCP and draft and final EIS/EIR were developed based on best available information reviewed by USFWS, CDFW, and the Independent Science Advisors, including Covered Species accounts, species distribution models, inventory of existing conditions, and numerous general sources, such as species recovery plans,

species occurrence data, scientific literature, and others listed in Section 5.2.3, *Data Sources*, of the Plan. Mapping of Vernal Pool Complexes is specifically described in Plan Section 3.3.1.2.4.

Any discrepancies between the PCCP's land cover data on vernal pool complexes and actual field conditions for projects applying for take authorization under the Plan would be resolved with field surveys and wetland delineations by qualified biologists prepared as part of project-level proposals for specific covered activities (Plan Section 6.2.4, *HCP/NCCP Participation Package*). If field verification of land cover mapping finds more vernal pool habitat than mapped in land cover data, limits on impacts set by the HCP/NCCP (see Plan Table 4-1) remain the same and will ensure that impacts do not exceed those analyzed in the EIS/EIR.

#### Comment

Commenter questions the fee program and whether fees will be applied fairly to both small landowners and large development projects. Commenter also questions whether the PCCP provides sufficient information on which a lead agency could make a fiscally informed decision on the financial viability of the PCCP.

#### Response

See Final EIS/EIR Appendix I – Response to Comment Letters 42 and 44. This comment was specifically addressed in Response to Comments 42-16 and 44-25.

The PCCP fee structure is intended to ensure that fees accurately reflect the cost of providing compensatory mitigation for both large and small projects. The PCCP Cost and Funding Plan is based upon four interlinked elements of PCCP implementation. A growth model (Appendix M) predicted the amount of land conversion over the permit term. A take model (Appendix G) predicted the levels of take on species and their habitat that would result from that growth. The conservation strategy identified how the take would be mitigated. A cost model (Appendix L) determined the cost to implement the conservation strategy. Once completed, the cost model was reviewed by a stakeholder Finance Committee and peer reviewed by Economic Planning Systems. The models were included in the draft PCCP and have been available for public review since June 2019. All applicable fees described in chapter 9 of the Plan must be applied in order for a covered activity to receive take authorization under the Plan. In order to ensure that Plan measures are consistently applied, Plan Section 6.2.4, *HCP/NCCP Participation Package* describes the process that all covered activities must undergo to determine impacts and applicable measures from the Plan that apply to the activity.

Changes in the fee program are necessary to account for numerous potential changes to the cost elements over time described in the cost model (land costs, labor costs, inflation, etc.). Annual adjustments to these fees are necessary to ensure that the fee program matches the actual cost to implement the plan and that fee adjustments need to be made to keep pace with economic elements described above. The five year comprehensive review of plan costs is consistent with the requirements of California's Mitigation Fee Act also known as AB 1600 (See California Government Code Section 66001(d)). The adjustment to fees is described in Section 9.4.1.7 of the HCP/NCCP.

### Comment

Commenter states that the EIR/EIS should provide clear project level mitigation and conservation-design standards and requirements for Placer Parkway that will support the objectives of the PCCP.

### Response

See Final EIS/EIR Appendix I – Response to Comment Letter 42-9.

The PCCP includes avoidance and minimization measures, and conditions on covered activities, including those in Plan Section 6.3.4.1, *Regional Public Projects Condition 1, Transportation and Other Infrastructure Projects Design Requirements*, which will apply to the Placer Parkway project. However, a separate, detailed environmental analysis specifically of that project's environmental effects has been and will continue to be carried out. The Placer Parkway Corridor Selection project and its Tier 1 EIS/Program EIR was certified on December 3, 2009 by SPRTA. SPRTA also selected the route alternative that would be further evaluated when Tier 2 documents were prepared (Alternative #5 with a No-Access buffer). On May 7, 2010, the Federal Highway Administration completed its Record of Decision and also selected Alternative 5 with a No-Access Buffer Zone. The EIS/EIR prepared for Tier 1 included numerous mitigation measures to offset the impacts of the corridor on fish and wildlife species and their habitat including a substantive non-access area for future road crossings and interchanges.

The County of Placer approved a Mitigated Negative Declaration that was prepared in June of 2015 for the Phase 1 improvements for the Parkway. The Mitigated Negative Declaration describes numerous avoidance and minimization measures used to avoid effects on biological resources and includes eleven mitigation measures which reduced effects on biological resources to a less than significant level.

### Comment

The EIS/EIR should address PCCP implementation being too complicated and subjective to be implemented fairly over time and by successor administrators.

### Response

Application of the PCCP development fees and other Plan requirements are described in the HCP/NCCP including Appendix I (Project Take Mitigation Assessment Example). The PCCP fee structure is necessarily somewhat complex because it is designed to fund compensatory mitigation for impacts analyzed in the PCCP which includes many different habitats, covered species, and types of impacts within a large area and over a long period of time (i.e. 50 years). The impacts and PCCP measures to mitigate them are also somewhat complex. However, the various conditions, best management practices, survey requirements and other plan standards have been written to be as clear and objective as possible with oversight by the state and federal agencies.

### **Comment Letter 9. Curt and Jane Wurst**

### Comment

Commenter states the PCCP planning process was not transparent or inclusive of stakeholder and residents in the PCCP reserve acquisition area, did not collaborate with cattle operators in

the “Big Hill” acquisition area, and was fully developed before affected stakeholders and residents were notified.

Response

See Final EIS/EIR Appendix I – Response to Comment Letter 42.

Pursuant to the terms of the Natural Community Conservation PCCP Planning Agreement between the County and state/federal wildlife agencies, the Biological Working Group, composed of designated representatives from environmental, development, agriculture/ranching, land trusts, and other groups formed in 2001. This committee participated in the development of the Plan and comprehensively reviewed the drafts, section by section, providing feedback and edits. Prior to the public review draft documents being made available on June 21, 2019, earlier versions were available on the County’s website. In addition to the Biological Working Group’s review of numerous drafts, public hearing presentations, public interest meetings, and meetings at the request of individuals have been ongoing and routine over the history of the PCCP planning process.

Comment

Commenter states that they were not notified that their property was targeted for acquisition by the PCCP.

Response

The commenter’s property is located within the RAA designation of the PCCP. As defined in Section 1.2.5 of the PCCP, the RAA is the area where “the ultimate Reserve System will be built based upon property owners’ willingness to sell property or conservation easements and the ability of these properties to meet PCCP mitigation and conservation requirements”. The RAA designation does not “target” specific parcels or change General Plan or Zoning or land uses currently allowed within this area. It is the area where the County would seek willing landowners to conserve and protect large parcels with significant conservation values. As such, the entire RAA is not intended to be incorporated into the Reserve System and the ultimate configuration of the Reserve System will depend upon the location of properties that owners are willing to sell.

Comment

Commenter raises concerns about the history of Placer Legacy land acquisitions, which are unrelated to the draft or final EIS/EIR.

Response

The approximately 321-acre Taylor Property is owned by the Placer Land Trust. The County participated in the acquisition of the property along with the State of California, California Wildlife Foundation and others. The County’s share of funding was derived from mitigation funds and the corresponding acreage cannot be used for PCCP conservation purposes.

The Placer Land Trust holds a Conservation Easement on the approximately 313-acre Liberty Ranch property. The County participated in the acquisition of the easement along with the State of California, California Wildlife Foundation and others. The County’s share of funding was derived from the Open Space Trust fund. If the conservation values and terms of the existing conservation easement are reviewed and approved by the state and federal wildlife agencies to be consistent with the biologic goals and objectives of the PCCP the proportional



acreage could be counted toward the PCCP's conservation objectives (i.e., conservation over and above the mitigation requirements).

Placer County's Williamson Act Ordinance specifically allows placement of conservation easements on the same land under a Williamson Act contract, as long as such easements recognize the agricultural nature of the property and do not preclude such activity.

Comment

Commenter notes that the Liberty, Beard, and Oest Ranches and other properties are listed as "Existing PCCP Reserves".

Response

The HCP/NCCP identifies these properties as "Existing Protected Areas and Other Reserves" that include public and private lands owned by or subject to conservation or agricultural easements held by 3<sup>rd</sup> parties including the State of California, Placer Land Trust, Wildlife Heritage Foundation and others but are not counted toward the HCP/NCCP's land conservation goals. Some are simply owned by conservation oriented third parties, such as the Placer Land Trust, but are not protected. For these lands, if their conservation values and type of protections allow, they may be included in the PCCP's Reserve System in the future subject to the owner's willingness, incorporation of management and monitoring consistent with requirements and guidelines in the Plan, and approval by the state and federal wildlife agencies.

Comment

Commenter suggests that the PCCP treats recreation as a higher priority than conservation or protection of agricultural lands and states the EIS/EIR does not adequately identify or analyze the effects of recreational activities.

Response

See Final EIS/EIR Appendix I – Response to Comment Letter 21.

The EIS/EIR does evaluate the environmental impacts associated with the implementation of the PCCP, including the effects of recreational uses within Reserve System lands (see Section 4.10, *Recreation*, of the draft and final EIS/EIR). Recreational uses will be allowed within the HCP/NCCP Reserve System only to the extent consistent with the HCP/NCCP's biological goals and objectives and Reserve System requirements.

Comment

Commenter states the Hidden Falls Regional Park does not meet all PCCP biological goals and objectives for conservation due to the high volume of users, trails, access roads and parking lots.

Response

See Response to Leslie Warren Letter 8. included herein.

As the Commenter notes, there are portions of Hidden Falls Regional Park that are not consistent with the biological goals and objectives of the HCP/NCCP Reserve System, such as areas near parking lots and recreational facilities. However, there is a significant amount of acreage outside these areas with much lower use or trail density that may be consistent with

HCP/NCCP Reserve System requirements. If any portion of the Park is to be counted toward HCP/NCCP Reserve System land acquisition commitments, a conservation easement would have to be recorded over that portion, and a Reserve System Management Plan (including fuel load reduction and fire management, and minimization of recreational impacts) would have to be prepared.

Comment

Commenter states the recreational uses are inconsistent with the conservation purposes of the PCCP.

Response

Commenter is correct that the PCCP is not a recreation plan or program. The HCP/NCCP was written with assistance from the state and federal agencies to ensure that it includes specific conditions on recreation and trails, recognizing that they exist and are likely to occur in the future with or without the PCCP. The HCP/NCCP provides that if trails and recreation facilities are constructed by any of the participating agencies after HCP/NCCP adoption, that they be subject to its avoidance, minimization, and mitigation measures to avoid and minimize effects on species and habitat. When recreational facilities are proposed in the HCP/NCCP Reserve System, it places limits on how many new trails can be constructed (i.e., 50 acres of ground disturbance for the whole 47,300 acre Reserve System) and places numerous limitations on trail and other recreational uses (See Section 6.3.6.1.1 Restrictions on Recreational Uses in Future Reserves Acquired during Plan Implementation and Section 6.3.6.1.2 New Trail Design and Use Standards for Future Reserves).

Comment

Commenter hopes the PCCP and County will remain committed to the conservation purpose of the PCCP, particularly with regard to the Hidden Falls Regional Park Expansion.

Response

The first guiding principle in Chapter 1 of the HCP/NCCP describes the balance that the PCCP seeks to achieve, “Protect and enhance ecological diversity and function in the greater portion of western Placer County, while supporting appropriate and compatible growth in accordance with applicable laws.”

In terms of recreation, the acquisition of 47,300 acres for a future Reserve System does not include recreational uses, “to the degree of the HFRP expansion”. The Hidden Falls Regional Park currently has approximately 30 miles of trails on the 1,200-acre site. The HCP/NCCP Reserve System will allow for a maximum of an additional 70 miles/50 acres of trails within the 47,300-acre Reserve System by the end of the 50-year permit term. There will be other recreational developments by the County and City of Lincoln constructed over the permit term, but these recreational areas will not be included in the HCP/NCCP Reserve System.

**Comments Letters Expressing Support / Comment Noted, No Response Required:**

- Terry Davis, PCCP Biological Working Group
- Dry Creek Conservancy
- Lincoln Area Chamber of Commerce
- Lincoln Village 3 Landowners
- Placer Community Foundation
- Placer Land Trust

**Placer County Conservation Program**  
**Mitigation Monitoring and Reporting Program**

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# Mitigation Monitoring and Reporting Program

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## Introduction

Section 21081.6 of the California Environmental Quality Act (CEQA) and Section 15097 of the State CEQA Guidelines require a lead agency that adopts an environmental impact report (EIR) to establish a program to monitor and report on the adopted mitigation measures in order to ensure that approved mitigation measures are implemented subsequent to project approval. Specifically, the lead agency must adopt a reporting or monitoring program for mitigation measures incorporated into a project or imposed as conditions of approval. The program must be designed to ensure compliance during project implementation. As stated in California Public Resources Code Section 21081.6(a)(1):

The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.

This mitigation monitoring and reporting program (MMRP) is designed to meet that requirement. As lead agency for this project, Placer County will use this MMRP to ensure compliance with mitigation measures associated with implementation of the proposed project. Mitigation measures identified in this MMRP were developed in the EIS/EIR prepared for the proposed project.

The following table indicates the mitigation measure number, the mitigation measure text, implementation timing, the monitoring agency, and an area to record monitoring compliance.

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**Mitigation Monitoring and Reporting Program**

Proposed Mitigation Measure(s)	Timing	Implementing Party	Monitoring	Verification of Completion	
				Date	Initial
<b>Air Quality, Greenhouse Gases, and Climate Change</b>					
<p><b>Mitigation Measure AQ-1: Implement FRAQMD exhaust controls and criteria pollutant offsets during construction and O&amp;M activities</b></p> <p>The proponent shall assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that will be used an aggregate of 40 or more hours for the construction project and apply the following mitigation measure:</p> <p>The project shall provide a plan for approval by FRAQMD demonstrating that the heavy-duty (equal to or greater than 50 horsepower) off-road equipment to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 5% ROG reduction, 20% NOX reduction and 45% particulate reduction compared to the most recent ARB fleet average at time of construction. A Construction Mitigation Calculator (MS Excel) may be downloaded from the Sacramento Metropolitan Air Quality Management District web site to perform the fleet average evaluation. The results of the Construction Mitigation Calculator shall be submitted and approved by FRAQMD prior to beginning work.</p> <p>Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology (Carl Moyer Guidelines), after-treatment products, voluntary offsite mitigation projects, provide funds for air district offsite mitigation projects, and/or other options as they become available. The District should be contacted to discuss alternative measures.</p> <p>The project shall provide a monthly summary of heavy-duty off-road equipment usage to the District throughout the construction of the project.</p>	During construction and implementation of the Conservation Strategy	Placer Conservation Authority (PCA)	<p><b>Reviewing Party</b> PCA</p> <p><b>Monitoring Action</b> PCA shall verify incorporation of measure in contractor contracts</p>		
<b>Biological Resources</b>					
<p><b>Mitigation Measure BIO-1: Conduct surveys for and avoid special-status plants in proposed restoration and enhancement areas</b></p> <ul style="list-style-type: none"> <li>The Placer Conservation Authority (PCA) will retain qualified botanists to survey proposed restoration and enhancement areas, those portions of reserve areas where management activities will result in ground disturbing activities in previous undisturbed areas and/or vegetation removal, to document the presence of special-status plants before restoring and enhancing habitat where vegetation would be removed and/or grading would occur. Surveys would not be required for firebreaks in reserves that are pre-existing but would be required prior to the establishment of new firebreaks but not thereafter. Surveys would not be required prior to the use of cattle grazing. The botanists will conduct a floristic survey following recent CDFW botanical survey guidelines or other Resource Agency-approved protocol (California Department of Fish and Wildlife 2018). All plant species observed will be identified to the level necessary to determine whether they qualify as special-status plants or are plant species with unusual or significant range extensions. The guidelines also require that field surveys be conducted when special-status plants that could occur in the area are evident and identifiable, generally during the reported blooming period. To account for different special-status plant identification periods, one or more series of field surveys may be required in spring and summer.</li> <li>If any special-status plants are identified during the surveys, the botanists will photograph them and map their locations, document the location and extent of the population on a CNDDDB Survey Form, and submit the completed Survey Form to the CNDDDB. Based on the mapped locations, the PCA will redesign or modify proposed habitat restoration to avoid direct or indirect effects on special-status plants.</li> <li>Exclusionary construction fencing and explanatory signage will be placed around the perimeter of special-status plant occurrences that could be affected by restoration activities throughout the period during which such activities are conducted. Signage will explain the nature of the sensitive resource and warn that no effect on the plants is allowed. The fencing will include a buffer zone of at least 20 feet between the special-status plants and construction activities. All exclusionary fencing will be maintained in good condition throughout the construction period. The establishment of activity exclusion zones will not be required if construction-related disturbances would occur more than 250 feet from the occupied habitat site.</li> </ul>	During construction and implementation of the Conservation Strategy	Placer Conservation Authority (PCA)	<p><b>Reviewing Party</b> PCA</p> <p><b>Monitoring Action</b> PCA shall verify incorporation of measure in contractor contracts</p>		

Proposed Mitigation Measure(s)	Timing	Implementing Party	Monitoring	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> <li>• Before any work, including grading, occurs in the restoration or enhancement area, a qualified biologist will conduct mandatory contractor/worker awareness training for construction personnel. The awareness training will be provided to all construction personnel to brief them on the need to avoid effects on special-status plants and the penalties for not complying with permit requirements. The biologist will inform all construction personnel about the life history of special-status plant species that occur in the restoration area, the importance of maintaining habitat, and the terms and conditions of the authorizing document. Proof of this instruction will be submitted to CDFW or other overseeing agency, as appropriate.</li> <li>• The PCA or its contractors will retain qualified biologists to monitor construction activities adjacent to special-status plants. The biologists will assist the construction crew, as needed, to comply with all project implementation restrictions and guidelines. In addition, the biologists will be responsible for ensuring that the PCA or its contractors maintain the exclusion fencing adjacent to special-status plants.</li> </ul>					
<p><b>Mitigation Measure BIO-2: Conduct preconstruction surveys for coast horned lizard</b></p> <p>For all ground-disturbing activities in sandy, friable soils related to conservation actions under the Plan, PCA will retain a qualified biologist to conduct a habitat assessment in areas that are relatively undisturbed or have a moderate to high potential to support the coast horned lizard. The biologist will survey for coast horned lizard in areas of suitable habitat concurrently with the preconstruction surveys for covered species. If coast horned lizards are found in work areas, the biologist will first attempt to allow the individuals to move out of the work area on their own, but if conditions do not allow this, the biologist will capture individuals and relocate them to the nearest suitable habitat outside the work area as allowed under the biologist's current Scientific Collecting Permit amended for such handling. To the extent feasible, work in areas of suitable habitat for coast horned lizard should not be conducted during periods of cold and hot temperatures (below 67°F and above 100°F), because individuals would be relatively inactive at these temperatures and could be taking cover in loose soil, in burrows or crevices, or under structures such as rocks or logs (Morey 2000). This measure would reduce the impact of horned lizards being crushed by vehicles and equipment.</p>	During construction and implementation of the Conservation Strategy	Placer Conservation Authority (PCA)	<p><b>Reviewing Party</b> PCA</p> <p><b>Monitoring Action</b> PCA shall verify incorporation of measure in contractor contracts</p>		
<p><b>Mitigation Measure BIO-3: Conduct preconstruction surveys for roosting bats and implement protective measures when implementing certain PCCP conservation measures</b></p> <p>This measure was designed to avoid and minimize adverse direct and indirect effects on special-status bats. However, baseline data regarding how bats use the Plan Area, individual numbers of bats, and how populations vary seasonally are not available. Consequently, it is difficult to quantify the reduction in species numbers. Bat species with potential to occur in the Plan Area employ varied roost strategies, from solitary roosting in tree foliage to colonial roosting in trees and artificial structures such as buildings and bridges. Daily and seasonal variations in habitat use are common. To achieve the highest likelihood of detection, PCA will assess the potential for bat roosting habitat in restoration or enhancement areas and conduct pre-activity bat surveys for those conservation actions that have a potential to directly affect bat roosting habitat, such as those actions that require the trimming or removal of trees and the removal or modification of bridges and structures. The assessment and surveys will include the components listed below.</p> <ul style="list-style-type: none"> <li>• Identification of potential roosting habitat within project footprint.</li> <li>• Daytime search for bats and bat sign in and around identified habitat.</li> <li>• Evening emergence surveys at potential day-roost sites, using night-vision goggles and/or active full-spectrum acoustic monitoring where species identification is sought. The use of night-vision goggles is primarily for identifying a specific location where bats are emerging from a roost. Using them in combination with acoustic detectors will allow the biologist to note the time at which emergence was observed with the time stamp on the calls that were recorded, thereby allowing one to assign a greater likelihood of a species being tied to a specific roost site.</li> <li>• Passive full-spectrum acoustic monitoring and analysis to detect bat use of the area from dusk to dawn over multiple nights.</li> <li>• Additional onsite night surveys as needed following passive acoustic detection of special-status bats to determine nature of bat use of the structure in question (e.g., use of structure as night roost between foraging bouts).</li> <li>• Qualified biologists will have knowledge of the natural history of the species that could occur in the study area and experience using full-spectrum acoustic equipment. During surveys, biologists will avoid unnecessary disturbance of occupied roosts.</li> </ul>	During construction and implementation of the Conservation Strategy	Placer Conservation Authority (PCA)	<p><b>Reviewing Party</b> PCA</p> <p><b>Monitoring Action</b> PCA shall verify incorporation of measure in contractor contracts</p>		

Proposed Mitigation Measure(s)	Timing	Implementing Party	Monitoring	Verification of Completion	
				Date	Initial
<p><b><i>Preconstruction Surveys of Bridges and Other Structure (if Plan Conservation Actions involve Bridge/Structure Modifications)</i></b></p> <p>For any conservation actions that entail bridge or structure modifications, such as demolition of derelict buildings, before such work begins, qualified biologists will conduct a daytime search for bat sign and evening emergence surveys to determine if the bridge or structure is being used as a roost. Biologists conducting daytime surveys will listen for audible bat calls and use naked eye, binoculars, and a high-powered spotlight to inspect expansion joints, weep holes, and other features that could house bats. Bridge surfaces and the ground around the bridge or structure will be surveyed for bat sign, such as guano, staining, and prey remains. Evening emergence surveys will consist of at least one biologist stationed on each side of the bridge or structure watching for emerging bats from one-half hour before sunset to 1–2 hours after sunset for a minimum of two nights in the season during which construction would take place. Night-vision goggles and/or full-spectrum acoustic detectors will be used during emergence surveys to assist in species identification. All emergence surveys will be conducted during favorable weather conditions (calm nights with temperatures conducive to bat activity and no predicted precipitation).</p> <p>Additionally, passive monitoring with full-spectrum bat detectors will be used to assist in identifying species that are present. A minimum of four nights of acoustic monitoring surveys will be conducted in the season during which the construction would take place. If site security allows, detectors should be set to record bat calls for the duration of each night. To the extent possible, all monitoring will be conducted during favorable weather conditions (calm nights with temperatures conducive to bat activity and no predicted precipitation). The biologists will analyze the bat call data using appropriate software and prepare a report with the results of the surveys. If acoustic data suggest that bats may be using the bridge or structure as a night roost, biologists will conduct a night survey from 1–2 hours past sunset up to 6 hours past sunset to determine if the bridge is serving as a colonial night roost.</p> <p>If suitable roost structures would be removed, additional surveys may be required to determine how the structure is used by bats: i.e., whether for night roosting, maternity roosting, migration stopover, or hibernation.</p> <p><b><i>Preconstruction Tree Surveys</i></b></p> <p>If tree removal or trimming is necessary under conservation actions, qualified biologists will examine trees to be removed or trimmed for suitable bat roosting habitat. High-value habitat features (e.g., large tree cavities, basal hollows, loose or peeling bark, larger snags, palm trees with intact thatch) will be identified and the area around these features searched for bats and bat sign (e.g., guano, culled insect parts, staining). Riparian woodland, orchards, and stands of mature broadleaf trees should be considered potential habitat for solitary foliage-roosting bat species.</p> <p>If bat sign is detected, biologists will conduct evening visual emergence survey of the source habitat feature, from one-half hour before sunset to 1–2 hours after sunset for a minimum of two nights in the season within which construction would take place. Methodology should follow that described above for the bridge emergence survey.</p> <p>Additionally, if suitable tree roosting habitat is present, acoustic monitoring with a bat detector will be conducted to assist in identifying species that are present. These surveys will be conducted in coordination with the acoustic monitoring conducted for the bridge or structure surveys.</p> <p><b><i>Protective Measures for Bats using Bridges, Structures, or Trees</i></b></p> <p>Avoidance and minimization measures will be necessary if it is determined that bats are using the bridge, structure, or trees as roost sites or if special-status bat species are detected during acoustic monitoring. PCA will determine appropriate measures in consultation with CDFW; such measures will include, as applicable, those listed below.</p> <ul style="list-style-type: none"> <li>• Bats will be protected from noise, vibrations, and light that result from construction activities associated with water conveyance facilities, conservation components, and ongoing habitat enhancement, as well as operations and maintenance of aboveground water conveyance facilities, including the transmission facilities. This protection will be accomplished either by directing noise barriers and lights inward from the disturbance or by ensuring that the disturbances do not extend more than 300 feet from the point source.</li> </ul>					



Proposed Mitigation Measure(s)	Timing	Implementing Party	Monitoring	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> <li>• Disturbance of bridges or structures will be avoided between March 1 and October 31 (the maternity period) to avoid impacts on reproductively active females and dependent young.</li> <li>• Exclusion devices will be installed from March 1 through October 31 to preclude bats from occupying the bridge during construction. Exclusionary devices will only be installed by or under the supervision of an experienced bat biologist.</li> <li>• Tree removal will be avoided between April 15 and September 15 (the maternity period for bat species that use trees) to avoid impacts on pregnant females and active maternity roosts (colonial or solitary).</li> <li>• Tree removal will be conducted between September 15 and October 31 to the maximum extent feasible—the period when bats are not likely to have entered winter hibernation and would not be caring for flightless young. If weather conditions remain conducive to regular bat activity beyond October 31, later tree removal may be considered in consultation with CDFW.</li> <li>• Trees will be removed in pieces, rather than felling the entire tree, which will create some initial disturbance to rouse bats and allow the more time to exit/leave a tree before the entire tree is cut down.</li> <li>• If a maternity roost is located, whether solitary or colonial, that roost will remain undisturbed with a buffer as determined in consultation with CDFW until September 15 or until a qualified biologist has determined the roost is no longer active.</li> <li>• If a non-maternity roost is found, that roost will be avoided to the maximum extent feasible and an appropriate buffer established in consultation with CDFW. Every effort will be made to avoid the roost to the maximum extent feasible, as methods to evict bats from trees are largely untested. However, if the roost cannot be avoided, eviction will be attempted and procedures designed in consultation with CDFW to reduce the likelihood of mortality of evicted bats. In all cases, the following restrictions will apply.               <ul style="list-style-type: none"> <li>○ Eviction will not occur before September 15 and will match the timeframe for tree removal approved by CDFW.</li> <li>○ Qualified biologists will carry out or oversee the eviction tasks and monitor the tree trimming or removal.</li> <li>○ Eviction will take place late in the day or in the evening to reduce the likelihood of evicted bats falling prey to diurnal predators.</li> <li>○ Eviction will take place during weather and temperature conditions conducive to bat activity.</li> <li>○ Special-status bat roosts will not be disturbed.</li> </ul> </li> </ul> <p>Eviction procedures will include the following characteristics.</p> <ul style="list-style-type: none"> <li>○ Pre-eviction surveys will be conducted to obtain data to inform the eviction approach and subsequent mitigation requirements. Relevant data may include the species, sex, reproductive status, and number of bats using the roost, as well as roost conditions such as temperature and dimensions. Surveys may include visual emergence, night vision, acoustic, and capture techniques.</li> <li>○ Structural changes may be made to the roost if they can be undertaken without harming bats, such that the conditions in the roost are undesirable to roosting bats and the bats leave on their own (e.g., open additional portals to change temperature, wind, light, and precipitation regime in the roost).</li> <li>○ Noninjurious harassment, such as ultrasound deterrents or other sensory irritants, can be carried out at the roost site to encourage bats to leave on their own.</li> </ul> <ul style="list-style-type: none"> <li>• Prior to removal or trimming, after other eviction efforts have been attempted, any confirmed roost tree will be shaken, repeatedly struck with a heavy implement such as an axe, and several minutes allowed to elapse before felling the tree or trimming limbs to allow bats time to arouse and leave the tree. The biologists should search downed vegetation for dead and injured bats. The presence of dead or injured bats will be reported to CDFW.</li> </ul>					

Proposed Mitigation Measure(s)	Timing	Implementing Party	Monitoring	Verification of Completion	
				Date	Initial
<p><b>Mitigation Measure BIO-4: Conduct preconstruction survey for American badger when implementing certain PCCP conservation measures</b></p> <p>PCA will retain a qualified biologist to conduct surveys for American badger concurrently with the preconstruction survey for burrowing owl where conservation actions are to occur. If badgers are detected, the biologist will passively relocate badgers out of the work area prior to construction, if feasible. If an active den is detected within the work area, PCA will establish a suitable buffer distance and avoid the den until the qualified biologist determines the den is no longer active. Dens that are determined to be inactive by the qualified biologist will be collapsed by hand to prevent occupation of the den between the time of the survey and construction activities. In addition, ground disturbance in project-related conservation areas within 50 feet of active American badger dens will be prohibited. No dogs will be allowed on conservation areas with active American badger populations. Rodent control will be prohibited in areas with American badger populations to ensure rodent prey availability. Mitigation Measure BIO-4 is applicable to all ground-disturbing activities related to conservation actions.</p>	During construction and implementation of the Conservation Strategy	Placer Conservation Authority (PCA)	<p><b>Reviewing Party</b> PCA</p> <p><b>Monitoring Action</b> PCA shall verify incorporation of measure in contractor contracts</p>		
<b>Cultural and Paleontological Resources</b>					
<p><b>Mitigation Measure CUL-1: Retain a qualified professional paleontologist to monitor significant ground-disturbing activities</b></p> <p>When excavation deeper than 3 feet will occur in geologic units sensitive for paleontological resources (Table 3.4-2, Figure 3.4-1), a qualified paleontologist will be present during excavation. Prior to these ground-disturbing activities, the professional paleontologist, as defined by SVP's Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), will be retained. Data gathered during detailed project design will be used to determine the activities that will require the presence of the paleontologist. Recovered fossils will be prepared so that they can be properly documented. Recovered fossils will then be curated at a facility that will properly house and label them, maintain the association between the fossils and field data about the fossils' provenance, and make the information available to the scientific community.</p>	During construction and implementation of the Conservation Strategy	Placer Conservation Authority (PCA)	<p><b>Reviewing Party</b> PCA</p> <p><b>Monitoring Action</b> PCA shall verify incorporation of measure in contractor contracts</p>		
<p><b>Mitigation Measure CUL-2: Stop work if substantial fossil remains are encountered during construction</b></p> <p>If substantial fossil remains (particularly vertebrate remains) are discovered during ground-disturbing activities, the construction contractor will stop activities immediately until a state-registered professional geologist or qualified professional paleontologist can assess the nature and importance of the find and a qualified professional paleontologist can recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds.</p>	During construction and implementation of the Conservation Strategy	Placer Conservation Authority (PCA)	<p><b>Reviewing Party</b> PCA</p> <p><b>Monitoring Action</b> PCA shall verify incorporation of measure in contractor contracts</p>		
<b>Noise</b>					
<p><b>Mitigation Measure NOI-1: Implement measures to reduce noise resulting from conservation measures and Covered Activities during construction and O&amp;M activities to ensure compliance with applicable noise standards, where feasible</b></p> <p><u>Employ Noise-Reducing Construction Practices during Construction and O&amp;M Activities</u></p> <p>During construction and O&amp;M activities associated with PCCP conservation measures that include the use of heavy equipment, PCA contractors will employ BMPs to reduce construction noise near noise-sensitive land uses. Implementation of this measure will ensure that construction noise levels, as applicable, do not violate applicable local noise standards. Measures used to limit construction noise include the following.</p> <ul style="list-style-type: none"> <li>Limiting above-ground noise-generating construction to the hours between 6:00 a.m. and 8:00 p.m., Monday through Friday, and between 8:00 a.m. and 8:00 p.m. on Saturdays and Sundays, in accordance with the Placer County Noise Ordinance.</li> <li>Locating stationary equipment (e.g., generators, compressors, rock crushers, cement mixers, idling trucks) as far as possible from noise-sensitive land uses.</li> <li>Prohibiting gasoline or diesel engines from having unmuffled exhaust.</li> <li>Requiring all construction equipment powered by gasoline or diesel engines to have sound-control devices that are at least as effective as those originally provided by the manufacturer, and requiring all equipment to be operated and maintained to minimize noise generation.</li> </ul>	During construction and implementation of the Conservation Strategy	Placer Conservation Authority (PCA)	<p><b>Reviewing Party</b> PCA</p> <p><b>Monitoring Action</b> PCA shall verify incorporation of measure in contractor contracts</p>		

Proposed Mitigation Measure(s)	Timing	Implementing Party	Monitoring	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> <li>Preventing excessive noise by shutting down idle vehicles or equipment.</li> <li>Using noise-reducing enclosures around noise-generating equipment.</li> <li>Selecting haul routes that affect the fewest numbers of people.</li> <li>Constructing barriers between noise sources and noise-sensitive land uses or taking advantage of existing barrier features (e.g., terrain, structures) to block sound transmission to noise-sensitive land uses. The barriers shall be designed to obstruct the line of sight between the noise-sensitive land use and onsite construction equipment. When installed properly, acoustic barriers can reduce construction noise levels by approximately 8–10 dBA (U.S. Environmental Protection Agency 1971).</li> </ul> <p><u>Prior to Construction, Initiate a Complaint/Response Tracking Program</u></p> <p>Prior to commencement of construction and O&amp;M activities, PCA contractors will make a construction schedule available to residents living in the vicinity of the construction areas before construction begins and designate a noise disturbance coordinator. The coordinator will be responsible for responding to complaints regarding construction noise by determining the cause of the complaint, and ensuring that reasonable measures are implemented to correct the problem when feasible. A contact telephone number for the noise disturbance coordinator will be conspicuously posted on construction site fences and will be included in the notification of the construction schedule.</p>					
<p><b>Mitigation Measure NOI-2: Employ vibration-reducing construction practices for vibration-generating activities associated with conservation measures and Covered Activities</b></p> <p>The PCA construction contractor will, to the extent feasible, maintain a minimum distance of 200 feet between pile drivers (should these be used for construction related to conservation measures) and occupied buildings or structures, and 50 feet between other construction equipment and occupied buildings or structures, when utilizing construction equipment for the implementation of conservation measures under the PCCP.</p> <p>For cases where this is not feasible, residents or property owners would be notified in writing prior to construction activity that construction may occur within the specified distances of their buildings. The PCA will inspect the potentially affected buildings prior to construction to inventory existing cracks in paint, plaster, concrete, and other building elements. The PCA shall retain a qualified acoustical consultant or engineering firm to conduct vibration monitoring at potentially affected buildings to measure the actual vibration levels during construction. If measured vibration exceeds 0.1 in/sec PPV, alternative construction approaches will be implemented to limit vibration to 0.1 in/sec PPV. Following completion of construction, the PCA will conduct a second inspection to inventory changes in existing cracks and new cracks or damage, if any, which occurred as a result of construction-induced vibration. If new damage is found, then the PCA will promptly arrange to have the damaged repaired.</p> <p>In addition, if construction activity is required within 100 feet of residences or other vibration-sensitive buildings, a designated complaint coordinator will be responsible for handling and responding to any complaints received during such periods of construction. A reporting program will be required to document complaints received, actions taken, and the effectiveness of these actions in resolving disputes.</p>	During construction and implementation of the Conservation Strategy	Placer Conservation Authority (PCA)	<p><b>Reviewing Party</b> PCA</p> <p><b>Monitoring Action</b> PCA shall verify incorporation of measure in contractor contracts</p>		

## RESOLUTION NO. 20-09

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH PLACER REGIONAL TRANSPORTATION AUTHORITY APPROVING THE WESTERN PLACER COUNTY HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, COUNTY AQUATIC RESOURCES PROGRAM, CULTURAL RESOURCES MANAGEMENT PLAN, DEVELOPMENT FEE PROGRAM OTHERWISE COLLECTIVELY KNOWN AS THE “PLACER COUNTY CONSERVATION PROGRAM”**

**WHEREAS**, the South Placer Regional Transportation Authority ("Authority") was formed to provide for the coordinated planning, design, financing, acquisition, determination of the timing of construction, and construction, of certain transportation improvements located in the area of jurisdiction of the Authority; and

**WHEREAS**, the County of Placer ("County"), the City of Lincoln ("City"), the Placer County Water Agency ("PCWA"), and the South Placer Regional Transportation Authority ("SPRTA") developed the Western Placer County Habitat Conservation Plan/Natural Community Conservation Plan ("HCP/NCCP"), the Western Placer County Aquatic Resources Program ("CARP"), the Cultural Resources Management Plan ("CRMP") and the Western Placer County In-Lieu Fee Program; and

**WHEREAS**, on January 28, 2020, the County and the City formed the Placer Conservation Authority ("PCA"), a joint powers agency, to administer and implement the PCCP; and

**WHEREAS**, the HCP/NCCP and the CARP were developed by the County, the City, the PCWA, and SPRTA in cooperation with the U.S. Fish and Wildlife Service ("USFWS"), the National Marine Fisheries Service ("NMFS"), the California Department of Fish and Wildlife ("CDFW"), the U.S. Army Corps of Engineers ("USACE"), the U.S. Environmental Protection Agency ("USEPA"), and the Central Valley Regional Water Quality Control Board ("CVRWQCB"), and in consultation with stakeholder groups and the general public; and

**WHEREAS**, the HCP/NCCP, the CARP, the CRMP, and the In-Lieu Fee Program collectively comprise the Placer County Conservation Program ("PCCP"); and

**WHEREAS**, the HCP/NCCP has been developed to preserve the ecosystems of the western portion of Placer County; conserve and prevent further endangerment of the species that are dependent upon those ecosystems; comply with federal and state laws that protect such species; obtain long-term incidental take permits from the USFWS, NMFS, and CDFW for the activities of the County, the City, the PCWA, and SPRTA; and, to the extent such authorized incidental take coverage to private project applicants under the County's or City's jurisdiction and to participating special entities; and

**WHEREAS**, as a result of the adoption of the HCP/NCCP by the Authority, the Authority will receive long-term endangered species incidental take permits from the USFWS, the NMFS, and the CDFW. The incidental take permits cover the Authority's activities and provide assurances that no further commitments of funds, land, or water from covered projects will be required to address impacts on covered species beyond that described in the HCP/NCCP, as long as the HCP/NCCP is properly implemented; and

**WHEREAS**, the CARP has been developed to protect aquatic resources of Placer County and to preserve and enhance their aquatic functions and values; comply with federal laws that protect waters of the United States and state laws that protect Waters of the State; support the issuance of permits from the USACE and the CVRWQCB authorizing minimal impacts to such waters for the activities of the County, the City, the PCWA, and SPARTA and to private project applicants under the County's or City's jurisdiction; support abbreviated federal procedures for the USACE's issuance of permits authorizing impacts to waters of the United States that are more than minimal for the activities of the County, the City, PCWA, SPARTA and private project applicants; and

**WHEREAS**, the CRMP has been developed to establish a program to consistently apply a set of standards and procedures for compliance with Section 106 of the National Historic Preservation Act (NHPA), Assembly Bill 52 (AB 52), and other analogous state and federal requirements and amendments thereto. Implementation of the CRMP will support issuance of long-term endangered species incidental take permits by the USFWS, NMFS, and CDFW; support the issuance of permits from the USACE and the CVRWQCB authorizing minimal impacts to waters for the activities of the County, the City, the PCWA, and SPARTA and to private project applicants under the County's or City's jurisdiction; insure individual projects, as they are evaluated under CEQA, NEPA, and for consistency with the HCP/NCCP and CARP, are consistently and efficiently evaluated and comply with all federal, state, and local laws and regulations as they relate to cultural resources; and

**WHEREAS**, as a result of the adoption of the CRMP by the Authority, a procedure is established to ensure that project level impacts to cultural resources are assessed and managed in a manner that is compliant with all applicable laws, and that can be conducted consistent with the PCCP; and

**WHEREAS**, the PCCP In-Lieu Fee Program was developed by the County, in cooperation with the USACE, USEPA, and the CVRWQCB, and in consultation with the USFWS, NMFS, and CDFW, and with input from stakeholders and the general public; and

**WHEREAS**, the PCCP incorporates the HCP/NCCP, CARP and In-Lieu Fee Program into a single comprehensive local program that strengthens local control over land use and natural resource protection and more efficiently protects natural resources by creating new reserves that will be larger in scale, more ecologically and hydrologically viable, and easier to manage than the individual mitigation sites created under the current individual project-by-project approach. The PCCP is intended to protect the existing character of the County and the region through the implementation of a system of reserves which will provide for permanent open space, habitat conservation for species covered by the HCP/NCCP, and protection for aquatic resources of Placer County; and

**WHEREAS**, the PCCP provides a more efficient and streamlined approach for complying with state and federal environmental laws for both public and private projects intended to reduce the time and resources previously required to obtain state and federal permits; preserve the ability of affected property owners to make reasonable use of their land consistent with the requirements of applicable laws, which include but are not limited to the National Environmental Policy Act ("NEPA") (42 U.S.C. §§ 4321-4347), the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 et seq.), the Federal Endangered Species Act ("ESA") (16 U.S.C. §§ 1531-1544), the California

Endangered Species Act (“CESA”) (Fish & Game Code § 2050 et seq.), the California Natural Community Conservation Planning Act (“NCCPA”) (Fish & Game Code §§ 2800-2835); the Clean Water Act (“CWA”) (33 U.S.C. §§1251-1387), and the Porter Cologne Water Quality Control Act (California Water Code section 13000 et seq.; and maintain economic development within the County by providing a streamlined environmental review and permitting process from which development can proceed in an orderly manner; and

**WHEREAS**, the County acting as lead agency pursuant to CEQA (Public Resources Code section 21000 et seq., 14 California Code of Regulations section 1500 et seq.) and the USFWS acting as the lead agency pursuant to NEPA (42 United States Code 4321; 40 Code of Federal Regulations 1500.1); and the President’s Council on Environmental Quality guidelines on implementing NEPA; prepared a joint environmental impact report and environmental impact statement (“EIS/EIR”) for the PCCP (SCH#2005032050); and

**WHEREAS**, notice of a public hearing was given and on August 26, 2020, the Authority held the duly noticed public hearing to receive public input regarding the proposed PCCP, the EIR and all other related project requests; and

**NOW, THEREFORE, BE IT RESOLVED THAT** the Authority hereby approves the Placer County Conservation Program, consisting of the Western Placer County Habitat Conservation Plan/Natural Community Conservation Plan, the Western Placer County Aquatic Resources Program, the Cultural Resources Management Plan and the Western Placer County In-Lieu Fee Program.

Passed and Adopted by the Board of the South Placer Regional Transportation Authority, this 26th day of August 2020, by the following vote on roll call:

AYES Board Members:

NOES Board Members:

ABSENT Board Members:

\_\_\_\_\_  
John Allard, Chair

ATTEST:

\_\_\_\_\_  
Michael W. Luken, Executive Director

## RESOLUTION NO. 20-10

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH PLACER REGIONAL TRANSPORTATION AUTHORITY TO CONSIDER THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH#2005032050) FOR PLACER COUNTY CONSERVATION PROGRAM; ADOPTING FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS; AND A MITIGATION MONITORING AND REPORTING PROGRAM**

**WHEREAS**, the South Placer Regional Transportation Authority ("Authority") was formed to provide for the coordinated planning, design, financing, acquisition, determination of the timing of construction, and construction, of certain transportation improvements located in the area of jurisdiction of the Authority; and

**WHEREAS**, the Placer County Conservation Program ("PCCP") is a regional, comprehensive program that would provide a framework to protect, enhance, and restore the natural resources in western Placer County, while streamlining permitting for Covered Activities; and

**WHEREAS**, the PCCP would achieve conservation goals and comply with state and federal environmental regulations while facilitating planning and permitting for anticipated urban and rural growth and construction and maintenance of infrastructure needed to serve the County's population; and

**WHEREAS**, the PCCP is comprised of the following three integrated program components:

- The Western Placer County Habitat Conservation Plan and Natural Community Conservation Plan (Plan), a joint habitat conservation plan and natural community conservation plan (HCP/NCCP) that would protect fish, wildlife, plants, and their habitats and fulfill the requirements of the federal Endangered Species Act of 1973, as amended (ESA), and the California Natural Community Conservation Planning Act (NCCPA)
- The Western Placer County Aquatic Resources Program (CARP) that would protect streams, wetlands, and other water resources and fulfill the requirements of the Clean Water Act (CWA) and analogous state laws and regulations
- The Western Placer County In-Lieu Fee Program (ILF Program) that fulfills compensatory mitigation requirements under Section 404 of the CWA; and

**WHEREAS**, the County of Placer ("County") acting as lead agency pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 et seq., 14 California Code of Regulations section 1500 et seq. ("CEQA Guidelines")) and the U.S. Fish and Wildlife Service ("USFWS") acting as the lead agency pursuant to the National Environmental Policy Act (NEPA) (42 United States Code 4321; 40 Code of Federal Regulations 1500.1); and the President's Council on Environmental Quality guidelines on implementing NEPA; prepared a joint environmental impact report and environmental impact statement ("EIS/EIR") for the

Placer County Conservation Program (“PCCP” or “Proposed Project”) (SCH#2005032050); and

**WHEREAS**, as a responsible agency under CEQA, SPRTA is responsible for considering the EIR portion of the EIS/EIR, making Findings of Fact and Statement of Overriding Considerations and adopting the Mitigation Monitoring and Reporting Program for the Proposed Project; and

**WHEREAS**, for purposes of CEQA, the Proposed Project consists of the adoption of the PCCP, including all three of the aforementioned components, and execution of the Implementing Agreement (“Project Approvals”); and

**WHEREAS**, the Project Approvals constitute a “project” for purposes of CEQA and CEQA Guidelines section 15378 and these determinations of the Authority; and

**WHEREAS**, a notice of preparation for the Proposed Project was issued in accordance with Section 15082 of the State CEQA Guidelines, the public scoping process, which also establishes the environmental baseline, began on March 7, 2005 with the publication of a notice of intent (NOI) in the Federal Register (pursuant to NEPA), and submittal of a notice of preparation (NOP) to the State Clearinghouse (pursuant to CEQA); and

**WHEREAS**, on June 21, 2019 the Draft EIS/EIR was released and made available for public comment for 60 days from June 21, 2019 through August 20, 2019; and

**WHEREAS**, the County received written and oral comments on the Draft EIR, and USFWS received written comments on the Draft EIS in response to which the County and USFWS jointly prepared and released the Final EIS/EIR on May 22, 2020; and

**WHEREAS**, the Authority gave timely legal notice of a public hearing to consider the Proposed Project and the Final EIR, which was held on August 26, 2020; and

**WHEREAS**, the Authority has duly considered the Final EIR for the Proposed Project, which consists of the Draft EIR and the Final EIR, the appendices and references thereto, the comments of the public, both oral and written, and all written materials in the administrative record connected therewith; and

**WHEREAS**, the Authority has duly considered the Findings of Fact and Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program prepared for certification of the EIR.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1) The Authority hereby considers the Final EIR as complete, adequate and in full compliance with CEQA and considers such certification as a basis for considering and acting upon the Project Approvals.



2) The Authority has considered and hereby adopts the “Findings of Fact” as set forth in Attachment B, attached hereto and incorporated herein by reference.

3) The Board hereby adopts the Mitigation Monitoring and Reporting Program (“MMRP”) prepared for the Project Approvals and as set forth in Attachment B and incorporated herein by reference. All mitigation measures proposed in the Final EIR shall be implemented, and the MMRP will implement all mitigation measures adopted with respect to the Proposed Project pursuant to all Project Approvals. The MMRP is hereby incorporated into the Proposed Project and thereby becomes part of and limitations upon the entitlements conferred by the Project Approvals.

**BE IT FURTHER RESOLVED:** That notwithstanding the imposition of the mitigation measures in the MMRP as set forth above, not all significant impacts of the Proposed Project have been reduced to a level of insignificance or eliminated by changes in the Proposed Project. The Authority finds that the Proposed Project will bring substantial benefits to the County, its residents and businesses, and that the Proposed Project’s benefits outweigh its significant unmitigated adverse impacts and, pursuant to CEQA Guidelines section 15093, adopts the Statement of Overriding Considerations as set forth in Attachment B, attached hereto and incorporated herein by reference, to explain why the Proposed Project’s benefits override its unavoidable impacts. Having carefully considered the Proposed Project, its impacts and the foregoing benefits, the Authority finds, in light of the important social, economic and other benefits that the Proposed Project will bring as set forth in the Statement of Overriding Considerations, the adverse environmental impacts of the Proposed Project that are not fully mitigated are acceptable.

**BE IT FURTHER RESOLVED:** That the Authority staff is directed to file a Notice of Determination with the County Clerk-Recorder within five (5) working days in accordance with Public Resources Code section 21152(a) and CEQA Guidelines section 15094.

Passed and Adopted by the Board of the South Placer Regional Transportation Authority, this 26th day of August 2020, by the following vote on roll call:

AYES Board Members:

NOES Board Members:

ABSENT Board Members:

\_\_\_\_\_  
John Allard, Chair

ATTEST:

\_\_\_\_\_  
Michael W. Luken Executive Director

# **SOUTH PLACER REGIONAL TRANSPORTATION AUTHORITY**

## **Technical Advisory Committee Meeting Minutes**

**August 11, 2020 – 2:00 p.m.**

**ATTENDANCE:** Ray Leftwich, City of Lincoln  
Amber Conboy, Placer County  
Ken Grehm, Placer County  
Katie Jackson, Placer County  
Richard Moorehead, Placer County  
Justin Nartker, City of Rocklin  
Jake Hanson, City of Roseville  
Mark Johnson, City of Roseville  
Jason Shykowski, City of Roseville

**STAFF:** Aaron Hoyt  
Mike Luken  
Luke McNeel-Caird  
Solvi Sabol

### **Placer County Conservation Program (PCCP) Adoption**

Luke McNeel-Caird displayed a map of the Placer County Conservation Program area. Luke explained Placer County has been leading this PCCP effort for several years and added that the City of Lincoln signed on in 2009. PCCP will help streamline the environmental approval process for projects such as Placer Parkway, Highway 65 widening and the I-80/SR 65 Interchange. This month we will be asking the SPRTA Board to adopt the PCCP and certify the EIR. The TAC concurred with the recommended action.

### **Placer Parkway Phase 1**

Ken Grehm said that a revised, proposed funding agreement was provided to the SPRTA TAC after there was some discussion about adding the model and fee program updates. There was consensus from the entire TAC that no further changes needed to be made to the agreement. The TAC agreed to take it to their respective Councils for approval in mid to late September. Mike Luken agreed to provide draft staff report language to the TAC for their Council/Board memos.

### **SPRТА Model and Fee Impact RFP**

Luke McNeel-Caird said there were four proposals received for the SPRТА Model and Fee Impact update - Fehr and Peers, DKS, WSP and Kimley-Horn. Staff checked in with the consultant selection committee and evaluations will take place this month. The consultant contract award will go to the SPRТА Board for approval in September.

### **SCIP BOLD Discussion**

The TAC discussed the merits of using SCIP versus BOLD as a developer financing mechanism. SCIP requires that you spend the money within three years of bond issuance which can prove challenging, particularly with large projects. There are non-taxable and taxable bonds with BOLD financing. Regardless of the funding mechanism, it was agreed that understanding the costs and timing criteria associated with each is key to determining which is the best financing program for any given project.

The TAC meeting concluded at approximately 2:40 PM.