

1 INTRODUCTION

This document is the Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Yolo Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP or Plan). As described further below in Section 1.10.2, *Draft EIS/EIR Public Review*, the Draft EIS/EIR was circulated for public review for 90-days from June 1, 2017 to August 30, 2017. All comments received are provided in Chapter 24, *Responses to Comments*, of this Final EIS/EIR. Consistent with the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), responses are provided to all comments. Comments received on the Draft HCP/NCCP during the public review period, and responses to those comments, are also provided in Chapter 24. Edits to the Draft EIS/EIR resulting from responses to comments, edits to the Draft HCP/NCCP, or other sources (e.g., spelling or grammatical corrections identified by document preparers) are reflected in this Final EIS/EIR. For more information on the public review of the Draft EIS/EIR and the content of this Final EIS/EIR, see Section 1.10.3, *Final EIS/EIR*, and Chapter 24, *Responses to Comments*.

1.1 PROJECT OVERVIEW

The Yolo Habitat Conservancy (Conservancy) is a joint powers agency organized under California law that consists of Yolo County and the incorporated cities of Davis, West Sacramento, Winters, and Woodland. The Conservancy, as well as individual member agencies, developed the Yolo HCP/NCCP. This HCP/NCCP provides the basis for issuance of long-term species “take” permits under the federal Endangered Species Act (FESA) and California Natural Community Conservation Planning Act (NCCPA) that cover an array of public and private activities, including activities that are essential to the ongoing viability of Yolo County’s agricultural and urban economies. Specifically, the Permittees (i.e., Yolo County, the four incorporated cities, and the Conservancy) are applying for permits from both the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) for take of 12 covered species resulting from five categories of covered activities. This action is pursuant to Section 10(a)(1)(B) of the FESA and Section 2835 of the NCCPA chapter of the California Fish and Game Code (Fish & Game Code). The purpose of developing the Yolo HCP/NCCP is to facilitate obtaining an incidental take permit (ITP) from the USFWS and a NCCPA permit from CDFW and to develop a long-term conservation plan to protect and contribute to the conservation and management of covered species and natural communities in Yolo County while allowing for development and maintenance activities that are compatible with other local policies and regulations. The area covered by the proposed HCP/NCCP encompasses all of Yolo County, California (Exhibit 1-1. *Location of the Plan Area*).

This EIS/EIR evaluates the potential impacts of the Proposed Action and alternatives to approving the Proposed Action (including a No Action Alternative). The Plan (or Proposed Action Alternative) would include issuance of permits by USFWS and CDFW for take of 12 covered species resulting from five categories of covered activities, and approval of an implementing agreement (IA) for the proposed Plan. The EIS/EIR has been prepared pursuant to NEPA (42 United States Code [USC 4321; 40 Code of Federal Regulations [CFR] 1500.1); the President’s Council on Environmental Quality (CEQ) guidelines on implementing NEPA; CESA (Fish and Game Code, Sections 86 and 2050-2085); CEQA (Pub. Res. Code Secs. 21000-21178.1); and the State CEQA Guidelines.

The purpose of this EIS/EIR is to inform agency decision makers and the public regarding the potential environmental effects of the Proposed Action and alternatives, whether such effects are significant, potential measures to mitigate significant effects, and potential alternatives that could reduce significant adverse environmental impacts.

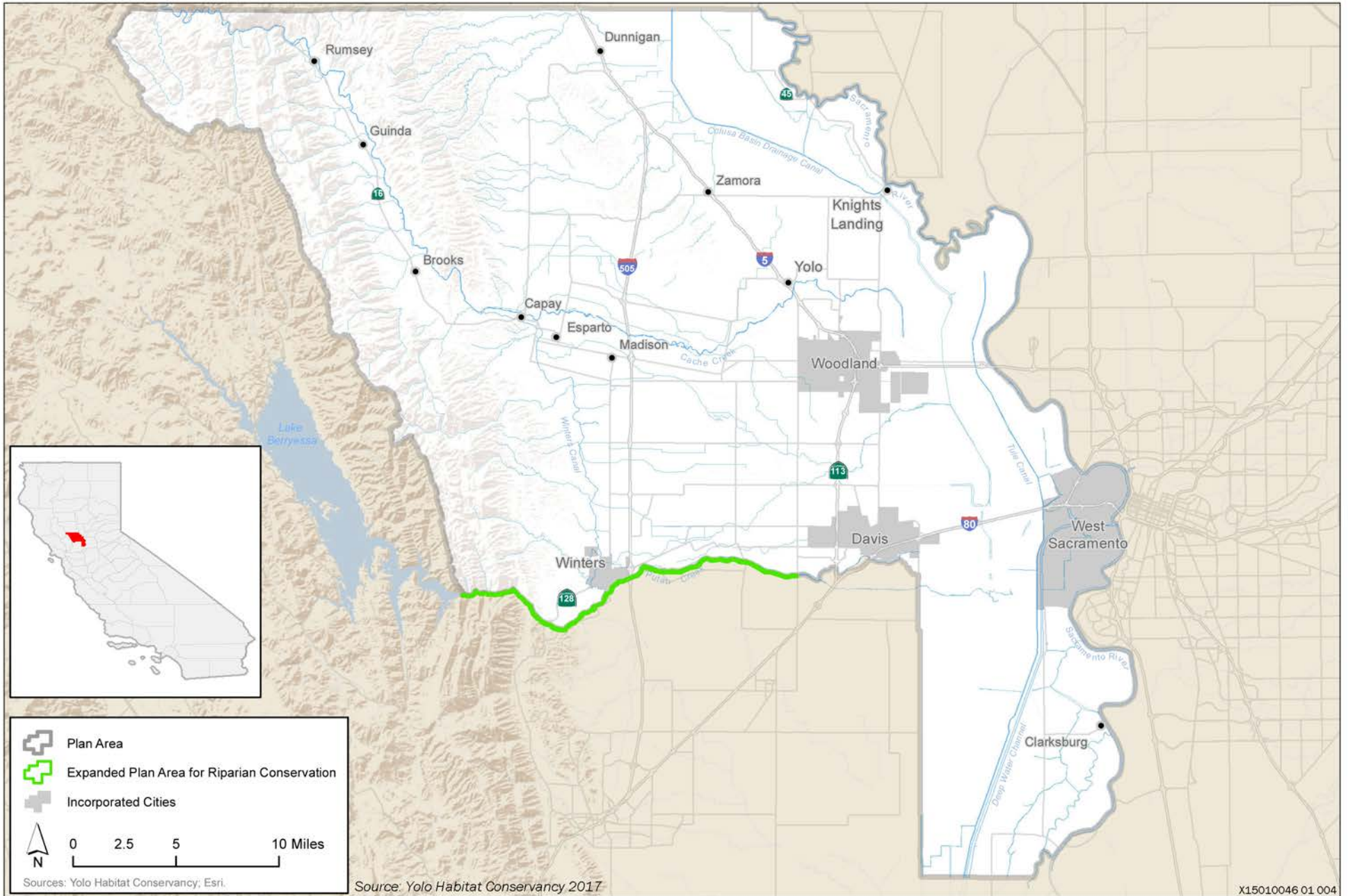


Exhibit 1-1

Location of the Plan Area



1.2 BACKGROUND

The County of Yolo and the incorporated cities of Davis, West Sacramento, Winters, and Woodland (with the University of California as an *ex officio* member) formed a joint powers agency (now the Yolo Habitat Conservancy or Conservancy) in 2002 to oversee the development of a regional conservation plan for Yolo County. The Conservancy Board of Directors consists of elected representatives appointed by the member jurisdictions. It has two primary functions:

- (1) to assist in the planning, preparation, and subsequent administration of the Yolo HCP/NCCP; and (2) to facilitate acquisition of conservation easements to mitigate adverse effects on Swainson's hawk's habitat during the planning process.

The Conservancy's role in overseeing the Swainson's hawk mitigation program arose out of a 2002 Memorandum of Understanding between the Conservancy and CDFW that established a process to allow for land development activities to proceed during the development of the HCP/NCCP.

In 2004, the Conservancy entered into a Planning Agreement with CDFW and the USFWS (collectively referred to as the Wildlife Agencies), pursuant to the NCCPA, that set out the initial scope of the program and defined the roles and responsibilities of the parties in the development of the Plan. In 2009, the Conservancy and the Wildlife Agencies extended the Planning Agreement to 2013. The Conservancy and the wildlife agencies later extended the Planning Agreement, to 2019. The Planning Agreement has helped guide the planning process and to define the initial scope of the effort. Among other things, the Planning Agreement identified potential species to be considered for coverage under the Plan.

The list of covered species has evolved since the Planning Agreement, based on further evaluation and discussions with the Wildlife Agencies. The Conservancy will apply to the USFWS and CDFW for permits that authorize the incidental take of the species covered by the Plan, which includes 12 federal and State listed species and non-listed species that may become listed during the term of the Plan. Detailed information regarding the permit term of the Plan, the covered activities, covered species, and the conservation strategy are described in Chapter 2, *Proposed Action and Alternatives* of this document.

1.3 PLAN AREA BOUNDARY

For purposes of this EIS/EIR, the Plan Area boundary includes all of Yolo County (also defined as the "planning area" in the Planning Agreement between the Conservancy, USFWS, and CDFW [November 9, 2004]) (Exhibit 1-1), located in the northern reach of California's Central Valley mid-way between San Francisco Bay and the Lake Tahoe basin. This also constitutes the area for which the Conservancy is requesting authorization from USFWS and CDFW for take of covered species.

As described in Chapter 2, the Plan also includes the potential for purchase of conservation easements and establishment of a reserve lands along a portion of the south side of Putah Creek in Solano County, as illustrated in Exhibit 1-1. No other private or public projects within Solano County will be eligible for take coverage under the Wildlife Agency permits for the Plan. This location is referred to as the expanded Plan Area. In most cases, the Plan Area is the key term used in this document and the expanded Plan Area is only mentioned when it plays a role in the effects analysis.

To adequately analyze the effects on certain resources, study areas may differ from the Plan Area described above (e.g., the biological resources analysis considering species occurrences outside the Plan Area). In these cases, the study area will be defined at the outset of the resource chapter.

1.4 LEAD AGENCIES

1.4.1 U.S. Fish and Wildlife Service

NEPA requires that every federal agency prepare an EIS for proposed legislation or other major federal actions “significantly affecting the quality of the human environment” (42 U.S.C. 4332; 40 C.F.R. 1501). Because USFWS, as the Lead Agency under NEPA, has determined that the issuance of ITPs to the Permit Applicants (i.e., Yolo County, the four incorporated cities, and the Conservancy) under Section 10 of the FESA may result in significant effects to the environment, an EIS must be prepared.

1.4.2 Yolo Habitat Conservancy

CEQA requires that the Lead Agency prepare an EIR when the Lead Agency determines that a project may have a significant effect on the environment. CEQA applies to all California projects, and NCCPs are required to comply with CEQA. The Conservancy, as the Lead Agency under CEQA, has determined that the proposed Plan may result in a significant impact on the environment, and an EIR must be prepared.

1.5 RELATIONSHIP BETWEEN YOLO HCP/NCCP AND THE EIS/EIR

This EIS/EIR evaluates the potential environmental effects that may result from the approval and implementation of the Yolo HCP/NCCP, pursuant to the issuance of ITPs by USFWS and CDFW. Collectively, these actions are known as the Proposed Action or Proposed Action Alternative. In addition to evaluating the Proposed Action Alternative, this EIS/EIR also evaluates the potential environmental effects of three alternatives, the No Action Alternative, the Reduced Take Alternative, and the Reduced Development Alternative. These are each described in Chapter 2.

1.6 OVERVIEW OF NEPA AND CEQA

1.6.1 National Environmental Policy Act

NEPA provides an interdisciplinary framework for federal agencies to inform themselves, other federal, state, tribal, and local governmental entities, and the public of the possible effects upon the environment that may result from implementing proposed federal actions. NEPA also contains action-forcing procedures to ensure that federal agency decision makers consider environmental values alongside technical and economic considerations that are inherent factors in federal decision making when making a decision on whether and to what extent a proposed action, or an alternative, should be implemented. NEPA applies to all federal agencies in the executive branch and to most of the activities they manage, regulate, or fund that affect the human environment. It requires all agencies to consider the potential environmental consequences of their proposed actions, to disclose those potential effects to the public and, when required by law or regulation, seek public comment and input on those effects. It is also intended to foster intergovernmental coordination and cooperation and to enhance public participation in government planning and decision making. CEQ has adopted regulations and other guidance that provides detailed procedures that federal agencies must follow to implement NEPA. In addition to the CEQ’s NEPA regulations, each agency has implemented their own NEPA implementing procedures, frequently through the issuance of regulations, that recognize each agency’s unique mandate and mission.

A primary intent of this joint EIS/EIR is to support Lead Agency compliance with NEPA. The USFWS, as the Lead Agency under NEPA, has determined that the decision to permit a regional HCP/NCCP in Yolo County

may result in a significant effect upon the environment, and that an EIS must be prepared to fully comply with their NEPA obligations. NEPA requires federal agencies to consider and disclose the environmental effects of their proposed actions (in this instance, USFWS issuance of an ITP), and include public participation in the planning and implementation of their actions.

The CEQ has promulgated regulations and prepared guidance that provide general content for federal agencies to follow when preparing NEPA documents. The Department of the Interior (DOI) prepared additional regulations in 2008 for the implementation of NEPA by DOI bureaus and agencies (43 CFR Part 46).

1.6.2 California Environmental Quality Act

CEQA requires state and local agencies to estimate and evaluate the environmental implications of their actions and seeks to prevent adverse environmental impacts of those actions by requiring those agencies, when feasible, to avoid or reduce significant environmental impacts. The State CEQA Guidelines are the primary source of rules and, together with published court decisions, interpretation of CEQA.

A primary intent of this joint EIS/EIR is to support Lead Agency compliance with CEQA. According to CEQA, if a lead agency determines that a project may have a significant effect on the environment, the lead agency shall prepare an EIR (CCR Section 15064(f)(1)). The Conservancy, as the Lead Agency under CEQA, has determined that the proposed HCP/NCCP may result in a significant impact on the environment, and an EIR must be prepared. A primary intent of this EIS/EIR is to support Conservancy and Responsible/Trustee Agency compliance with CEQA (Responsible and Trustee Agencies are listed below in Section 1.6.3, *Joint NEPA/CEQA Document*).

An EIR is an informational document used to inform public agency decision-makers and the general public of the significant environmental effects of a project, identify possible ways to mitigate or avoid the significant effects, and describe a range of reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. State and local government agencies are required to consider the information presented in the EIR when determining whether to approve a project.

CEQA requires that state and local government agencies consider the environmental effects of projects over which they have discretionary authority before taking action on those projects. CEQA also requires that each public agency avoid or mitigate to less-than-significant levels, wherever feasible, the significant environmental effects of projects it approves or implements. If a project would result in significant and unavoidable environmental impacts (i.e., significant effects that cannot be feasibly mitigated to less-than-significant levels), the project can still be approved, but the lead agency must prepare and issue a “statement of overriding considerations” explaining in writing the specific economic, social, or other considerations that make those significant effects acceptable (PRC Section 21000 et seq.; CCR Section 15093).

1.6.3 Joint NEPA/CEQA Document

When a project is subject to review under both NEPA and CEQA, state and local agencies are encouraged to cooperate with federal agencies in the environmental review process and to prepare a joint environmental document. NEPA refers to the activity evaluated in an EIS as a proposal for *action* by a federal entity, whereas CEQA refers to the activity as a proposed *project* undertaken, supported, or permitted by a public agency. This document uses the term Proposed Action Alternative to refer to the HCP/NCCP and all federal, state, and local agency actions or approvals that would be issued or undertaken based on it.

As stated previously, USFWS is the Lead Agency responsible for compliance under NEPA, and the Conservancy is the Lead Agency with responsibility for compliance under CEQA. Several other agencies have responsibility for implementing or approving the proposed Plan and are considered Responsible Agencies

under CEQA. CDFW is the Responsible Agency with responsibility for approving the NCCP portion of the Plan and issuing take permits for state-listed species. The member agencies of the Conservancy, Yolo County, and the Cities of Davis, West Sacramento, Winters, and Woodland, are also Responsible Agencies with responsibility for approving and implementing the proposed Plan. Although representatives of the member agencies are on the Conservancy Board of Directors, and will make decisions related to the HCP/NCCP and EIS/EIR as the CEQA lead agency, the member agencies themselves must make decisions and findings after the Conservancy, as CEQA Responsible Agencies (see Section 1.11, *Uses of this EIS/EIR*). All lead and Responsible Agencies must make findings that they have independently reviewed this document and that it is adequate for decision making.

CEQA also identifies Trustee Agencies, which are state agencies “having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California.” (CEQA Guidelines Section 15386). CDFW is a Trustee Agency as well as a Responsible Agency relative to the Plan and this EIS/EIR. If any Plan activities would occur on State owned “sovereign” lands such as the beds of navigable waters and state school lands, then the California State Lands Commission could act as a Trustee Agency. The State Department of Parks and Recreation and the University of California (U.C.) are also considered Trustee Agencies, but there are no State Parks potentially affected by the Plan and U.C. Davis is not a participant in the Plan and no U.C. lands would be affected by the Plan.

1.7 RELATIONSHIP OF THIS EIS/EIR TO OTHER ENVIRONMENTAL DOCUMENTS

The following documents were reviewed for information pertaining to planned uses and activities within the Plan Area. This is not a comprehensive list of all applicable documents; however, these are the core environmental review documents which address planned activities within the Plan Area. Specific information, existing analysis, or underlying data and assumptions from these and other applicable documents is used, referenced, or incorporated into this EIS/EIR, as identified in the applicable resource chapters (chapters 4 through 19).

1.7.1 Yolo County 2030 Countywide General Plan and EIR

The *Yolo County 2030 Countywide General Plan* (2030 County GP) was adopted in 2009 by the Yolo County Board of Supervisors. Policies in the 2030 County GP anticipate the approval and implementation of the HCP/NCCP, and its incorporation into the conservation and open space element of the general plan. There have been minor amendments since the general plan was adopted; the housing element was revised in 2013. The horizon year for the general plan is 2021 for the housing element and 2030 for the other elements. The County certified the 2030 County GP EIR in 2009 State Clearinghouse #2008102034).

Yolo County is recognized statewide for its agriculture preservation practices and commitment to sustainability, community identity, and rural service standards. The general plan seeks to continue to preserve agriculture by focusing development on existing communities. It seeks to discourage sprawl and encourage density, infill, and compact community design.

1.7.2 City of Davis General Plan and EIR

The Davis City Council certified the *Program EIR for City of Davis General Plan Update and Project EIR for Establishment of a new Junior High School* (City of Davis General Plan EIR) in May 2000 and adopted its general plan in May 2001. Since then, the general plan was amended in January 2007 and the transportation element was updated and amended in December 2013 and the housing element was updated and amended in February 2014. The horizon year for the City of Davis general plan is 2021 for the housing element and 2015 for the other elements of the general plan. The general plan emphasizes

development that maintains Davis's small-town character and a healthy community, surrounded by farmland, a greenbelt, and natural habitat areas, and preserves.

1.7.3 City of West Sacramento General Plan and EIR

The *City of West Sacramento General Plan* (West Sacramento General Plan) was approved in 2016, while the housing element was last updated in 2013. An EIR was certified in November 2016 with the approval of the General Plan (State Clearinghouse # 2014042087).

The horizon year for the West Sacramento General Plan is 2021 for the housing element and 2035 for the rest of the elements. The plan envisions that West Sacramento will be "a safe, healthy, socially and economically viable and sustainable community" (City of West Sacramento 2016a). West Sacramento is expected to become a city of more than 87,000 people by 2035, serving as a vital urban core along the Sacramento River. The general plan placed a "new emphasis on sustainability and the efficient use of land" (City of West Sacramento 2016b).

1.7.4 City of Winters General Plan and EIR

The City of Winters adopted its most recent general plan and certified the accompanying EIR in May 1992. There have been minor amendments since that time and the housing element was revised in October 2013. The horizon year for the *City of Winters General Plan Policy Document* is 2021 for the housing element and 2018 for the other elements of the general plan. The policy document includes a land use diagram that outlines the standards of population density and building density for land designations within the urban limit line. The plan seeks to maintain the traditional small-town qualities and agricultural heritage of Winters while focusing growth within the urban limit line (City of Winters 1992).

1.7.5 City of Woodland General Plan and EIR

The City of Woodland undertook a major update of its general plan, which was adopted in May 2017. The City also certified a Final EIR in May 2017. The general plan envisions Woodland maintaining its small-town atmosphere, historical buildings, and commitment to the protection of agricultural soils. The current plan has a horizon year of 2021 for the housing element and 2035 for the other elements (City of Woodland 2017).

1.8 PURPOSES, NEED, AND OBJECTIVES

NEPA requires an EIS to briefly describe the underlying purpose and need for the Federal Lead Agency's proposed and alternative actions (40 CFR 1502.13). Similarly, CEQA requires an EIR to contain a statement of the goals and objectives of the project proponents in proposing the project and alternatives. This section presents a purpose and need statement and list of objectives meeting the requirements of both NEPA and CEQA.

1.8.1 Purpose and Need Statement

In response to receiving a request for authorization for incidental take expected from various activities within Yolo County, the USFWS and CDFW are evaluating issuance of incidental take permits to the Permit Applicants for species currently listed under the FESA and CESA, as well as species that are not currently listed but may become listed during the term of the proposed permit. The HCP/NCCP will comprehensively

protect and conserve multiple native species and will conserve, enhance, and restore the habitats and ecosystems upon which these native species depend to ensure the long-term survival of these species within the Plan Area.

1.8.2 Statement of Objectives

Objectives of the Proposed Action and alternatives are listed below.

- ▲ Respond to the Yolo Conservancy application for an incidental take permit for the proposed Covered Species related to activities that have the potential to result in take, pursuant to the FESA section 10(a)(1)(B) and its implementing regulations and policies.
- ▲ Receive take authorization from USFWS for federally listed species covered by the proposed HCP/NCCP, pursuant to Section 10(a)(1)(B) of the FESA, to accommodate covered activities that are part of necessary growth in Yolo County.
- ▲ Receive take authorization from CDFW for state-listed species covered by the proposed HCP/NCCP, pursuant to Section 2835 of the NCCPA, to accommodate covered activities that are part of necessary growth in Yolo County.
- ▲ Provide for issuance of take permits for other species that are not currently listed, but that may become listed in the future.
- ▲ Assemble and maintain, through long-term monitoring and management, a reserve system within the Plan Area that focuses on preservation and enhancement actions that provide for the protection of species, natural communities, and ecosystems on a landscape level.
- ▲ Include an interconnected reserve system throughout the Plan Area that is large enough to maintain in perpetuity each type of natural community that is native to the Plan Area, and maintain in perpetuity or expand the existing distribution of native animal and plant species within the Plan Area.
- ▲ Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements of FESA, CEQA, NEPA, NCCPA, and other applicable laws and regulations relating to biological and natural resources within the planning area so that public and private actions will be governed equally and consistently, thus reducing delays, expenses, and regulatory duplication.
- ▲ Provide a less costly, more efficient project review process that results in greater conservation values than the current project-by-project, species-by-species review and regulatory regime.
- ▲ Rely solely on willing sellers for the purchase of land or easements when establishing habitat reserves.
- ▲ Protect the long-term viability of agricultural operations in the Plan Area (consistent with other objectives).

1.9 YOLO HCP/NCCP PUBLIC AND AGENCY INVOLVEMENT

Section 1.3, *Overview of the Planning Process*, of the Yolo HCP/NCCP (Yolo Habitat Conservancy 2018), describes how the preparers of the Plan involved both agencies and the public into development of the Plan. Elements of this involvement included an advisory committee, public website, and meetings with federal and State agencies. The advisory committee was comprised of almost 20 agencies and organizations which provided expertise, represented a variety of interest groups, and provided recommendations to the Conservancy Board of Directors. The advisory committee held monthly meetings as well as working group

meetings which were open to the public. The Conservancy kept an electronic mailing list of interested members of the public and notified members of upcoming meetings and of draft documents as they became available. All documents reviewed or prepared by the advisory committee, including its working groups, were made available to the public. Members of the public were able to comment through the website and submit oral and written comments at advisory committee meetings. For more information on public and agency involvement with the Plan, please review Chapter 1 of the Yolo HCP/NCCP.

1.10 EIS/EIR PUBLIC AND AGENCY INVOLVEMENT

1.10.1 EIS/EIR Scoping Process

Scoping is the process used to determine the focus and content of an EIS/EIR. The scoping process is used to help lead agencies identify the range of actions, alternative actions, potential impacts, mitigation measures, the significant issues deserving of study in an EIS or EIR. Scoping also helps lead agencies identify and eliminate from detailed study the issues which are not relevant or which have been covered by prior environmental reviews studies, narrowing the discussion of these issues. The public outreach and public scoping process solicits input on the range of actions, alternative actions, potential impacts, and possible mitigation measures considered in an EIS/EIR. Scoping is also helpful in establishing methods of impact assessment and in selecting the environmental resources to be considered in detail. Lead Agencies also use scoping to engage state, local, and tribal governments and the public in the early identification of concerns, potential impacts, relevant effects of past actions and possible alternatives. Scoping is an opportunity to introduce and explain the interdisciplinary approach used to prepare the EIS/EIR and to solicit information as to additional disciplines that should be included in the EIS/EIR. The scoping process may also narrow the scope of the EIS/EIR.

The public, local agencies, and regulatory agencies were invited to participate in the EIS/EIR scoping process through a variety of media. USFWS published a Notice of Intent (NOI) to prepare an EIS in the *Federal Register* on October 21, 2011. The Conservancy published a Notice of Preparation (NOP) which contained a brief description of the proposed project; probable environmental effects; the date, time and place of the public scoping meetings; and contact information. The NOI and NOP solicited participation in determining the scope of the EIS/EIR. The scoping period outlined in both the NOI and the NOP was October 21 to December 5, 2011 during which the Lead Agencies solicited comment. The NOP was sent to 141 addresses of Responsible and Trustee Agencies, the State Clearinghouse, parties previously requesting notice in writing, and other interested parties.

In addition, notices with information relevant to the scoping period and associated meetings were sent to various media outlets, to the email distribution list, and posted to the Conservancy and USFWS websites.

The Conservancy and USFWS held two scoping meetings for the public and interested parties on Monday, November 7, 2011.

The Scoping Report is included as Appendix A, *Scoping Report*, of this EIS/EIR and provides additional detail on the scoping process and comments that were received during this time.

1.10.2 Draft EIS/EIR Public Review

The comments received during the scoping period assisted in determining the alternatives and the scope of the issues to be evaluated in detail in the Draft EIS/EIR for the Plan. The Draft EIS/EIR was made available for public review with the release of a NEPA Notice of Availability (NOA) in the *Federal Register* on June 1, 2017, and the publication and distribution of a CEQA NOA during that same period.

In addition to publication in the Federal Register, information announcing the release and availability of the Draft HCP/NCCP and Draft EIS/EIR was also posted on the Conservancy website, incorporated into a press release to local media, filed with the California Governor's Office of Planning and Research State Clearinghouse, distributed to state, regional, and local agencies, and published in the Davis Enterprise and Vacaville Reporter newspapers.

The public was provided a 90-day period, ending August 30, 2017, to comment on both the Draft HCP/NCCP and the Draft EIS/EIR. Nine public meetings were held during the 90-day comment period so the public and agencies could learn more about the Draft EIS/EIR and Draft HCP/NCCP and provide comments on the documents. The dates and locations of the public meetings, and transcripts of the public meetings or meeting summaries are provided in Chapter 24, *Responses to Comments*.

Thirty-two "letters" on the Draft EIS/EIR and Draft HCP/NCCP were received during the comment period. The term "letters" includes printed letters received via US Postal Service, e-mails and other electronically submitted correspondence, comment cards provided at public meetings, and compilations of oral comments received at the nine separate public meetings provided as meeting transcripts or meeting summaries. Eight commenters provided oral comments on the Draft HCP/NCCP and/or Draft EIS/EIR during the public meetings. In all, comments were provided by three federal agencies, four State agencies, nine local agencies (all oral comments provided during public meetings), two Native American Tribes, nine non-governmental organizations, and nine other interested parties.

1.10.3 Final EIS/EIR

This document is the Final EIS/EIR for the HCP/NCCP. This Final EIS/EIR is a reprinting of the Draft EIS/EIR, with the addition of clarifying edits and text identified subsequent to completion of the public review process for the Draft EIS/EIR. As stated above, all comments received on the Draft EIS/EIR are provided in Chapter 24, *Responses to Comments*. Comments received on the Draft HCP/NCCP during the public review period, and responses to comments, are also provided in Chapter 24.

The CEQ NEPA regulations require the lead agency or agencies to consider comments on a Draft EIS and prepare a Final EIS, which must include and respond to all substantive comments received on the Draft EIS (40 C.F. R. 1502.9(b) and 1603.4(b)). As the federal lead agency, the USFWS has responded to comments on the Draft EIS/EIR.

Section 15132 of the State CEQA Guidelines requires that a final EIR consist of the following elements.

- ▲ Draft EIR or a revision of the Draft EIR.
- ▲ Comments and recommendations received on the Draft EIR, either verbatim or in summary.
- ▲ List of persons, organizations, and public agencies commenting on the Draft EIR.
- ▲ Responses of the lead agency to significant environmental concerns raised in the review and consultation process.
- ▲ Any other information added by the lead agency.

This Final EIS/EIR has been prepared in accordance with NEPA and CEQA, and other relevant regulatory guidance, and contains all the required components of a Final EIS/EIR.

Edits to the Draft EIS/EIR resulting from responses to comments, edits to the Draft HCP/NCCP, or other sources (e.g., spelling or grammatical corrections identified by document preparers) are reflected in this Final EIS/EIR.

The Final EIS/EIR is an informational document prepared by the federal lead agency, USFWS, and the state lead agency, the Conservancy, which must be considered by decision-makers before taking action on the HCP/NCCP. The Service will document Plan approval (if the project is approved) and the selection of an alternative in a Record of Decision (ROD) pursuant to NEPA, no sooner than 30 days following publication of the Final EIS/EIR, and the Conservancy will file a Notice of Determination with the Yolo County Clerk-Recorder within five days of project approval (if the project is approved) pursuant to CEQA.

1.11 USES OF THIS EIS/EIR

Implementation of the Yolo HCP/NCCP or other action alternatives would require permits and approvals from the Lead Agencies as well as public agencies other than the Lead Agencies. This section describes the uses of this EIS/EIR by the Lead Agencies as well as the Responsible Agencies.

1.11.1 Yolo Habitat Conservancy

The Conservancy would be responsible for adopting the proposed HCP/NCCP, certifying the EIS/EIR, making findings pursuant to the EIS/EIR, and executing the IA.

1.11.2 Member Agencies

The Conservancy's member agencies will participate in the proposed Plan: Yolo County and the Cities of Woodland, Winters, Davis, West Sacramento. Each of these member agencies would be responsible for adopting the proposed HCP/NCCP and executing the IA. Each of these jurisdictions is a Responsible Agency under CEQA and would be required to adopt the EIS/EIR and to make findings pursuant to the EIS/EIR.

Each of the member agencies would hold a FESA Section 10(a)(1)(B) ITP and an NCCPA Section 2835 permit providing authorization for take that occurs from covered activities within their respective jurisdictions. To implement the proposed Plan, the local jurisdictions would rely on the land use authority provided through their general plans and zoning ordinances. Local jurisdictions must adopt a local ordinance to implement the proposed Plan.

1.11.3 U.S. Fish and Wildlife Service

The decision to be made by USFWS is whether to issue FESA Section 10 ITPs for the federally listed species that are covered in the proposed Plan. Section 10(a)(2)(B) of the FESA requires that specific criteria be met before USFWS may issue ITPs. The determination as to whether the criteria have been met is described in the USFWS's decision documents: an FESA Section 10 findings document, an FESA Section 7 Biological Opinion (BO) and a NEPA decision document. These decision documents are produced at the end of the process. Should the USFWS make a decision to issue the ITPs, it would also be responsible for executing the IA.

PERMIT ISSUANCE CRITERIA

The issuance criteria for an ITP are contained in Section 10(a)(2)(B) of the FESA and the implementing regulations for the FESA (50 CFR 17.22[b][2][i]). These issuance criteria are listed below.

1. All taking of federally listed fish and wildlife species must be incidental to otherwise lawful activities.
2. The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking.

3. The applicant will ensure that adequate funding for the HCP and procedures to deal with changed circumstances, including adequate funding to address such changes will be provided.
4. The taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild.
5. The applicant will ensure that other measures that USFWS may require will be provided.

An applicant must prepare and submit to USFWS an HCP containing the mandatory elements of Section 10(a)(2)(A) before an ITP can be issued. As such, the HCP must specify the following.

1. The impact that will likely result from the taking.
2. What steps the applicant will take to minimize, and mitigate such impacts; the funding available to implement such steps; and the procedures to be used to deal with unforeseen circumstances.
3. What alternative actions to such taking the applicant considered, and the reasons why such alternatives are not proposed to be used.
4. Such other measures that USFWS may require as being necessary or appropriate for the purposes of the plan.

The determination as to whether the criteria have been met would be described in USFWS's decision package: a BO pursuant to Section 7 of the FESA; a Findings and Recommendations for the issuance of a Section 10(a)(1)(B) permit; and a NEPA decision document (in this case, a ROD). These decision documents would be produced at the end of the process and would contain the rationale behind USFWS's decision to either approve or deny a Section 10(a)(1)(B) permit application. USFWS may decide to issue the ITPs, which would contain standard terms and conditions and may also contain additional terms and conditions as deemed appropriate by USFWS. Alternatively, USFWS may deny the ITPs.

ENDANGERED SPECIES ACT SECTION 7

Issuance of an ITP is also a federal action subject to Section 7 of the FESA. Section 7(a)(2) requires all federal agencies, in consultation with USFWS, to ensure that any action "authorized, funded, or carried out" by any such agency "is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification" of critical habitat. Because issuance of a Section 10 permit involves a federal authorization, it is subject to this provision. In this case, because it is issuing the authorization, USFWS will conduct an internal consultation. Although the provisions of Section 7 and Section 10 are similar, Section 7 and its regulations require an analysis of the following in the HCP process: indirect effects, effects on federally listed plants, and effects on designated critical habitat. The results of this internal consultation would be documented in a BO, which would be produced at the end of the internal Section 7 consultation process.

NEPA

As described above in Section 1.6.1, this EIS/EIR is being prepared in order for USFWS to fully comply with their NEPA obligations. As the Lead Agency under NEPA, USFWS has determined that issuance of an ITP implementing the Plan is a major federal action likely to result in a significant impact on the environment, and preparation of an EIS is warranted.

1.11.4 California Department of Fish and Wildlife

The decision to be made by CDFW is whether to approve the NCCP and issue ITPs for the state-listed species that are covered in the proposed Plan, pursuant to Section 2835 of the Fish and Game Code. The

determination as to whether the criteria for approval of the NCCP and issuance of ITPs have been met would be described in CDFW's ITP decision and CEQA findings. CDFW would also execute the IA.

NATURAL COMMUNITY CONSERVATION PLANNING ACT

In accordance with the NCCPA (California Fish and Game Code, Section 2800 *et seq.*), CDFW would decide whether to approve the NCCP for implementation after making the following findings, based upon substantial evidence in the record.

- ▲ The plan must be consistent with the Planning Agreement.
- ▲ The plan must provide for the conservation and management of the covered species in the Plan Area.
- ▲ The plan must protect habitat, natural communities, and species diversity on the landscape level.
- ▲ The plan must conserve the ecological integrity of large habitat blocks, ecosystem function, and biodiversity.
- ▲ The plan must support sustainable populations of covered species.
- ▲ The plan must provide a range of environmental gradients and habitat diversity to support shifting species distributions.
- ▲ The plan must sustain movement of species among reserves.
- ▲ Mitigation and conservation must be roughly proportional to impacts in timing and extent.
- ▲ Funding for conservation, monitoring, and adaptive management must be adequately assured.

Section 2835 of the NCCPA allows CDFW to authorize take in an NCCP for any identified species whose conservation and management is provided for in the plan, whether or not the species is listed as threatened or endangered under CESA or FESA.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NCCPs require appropriate compliance with CEQA. The CEQA document for the NCCP must include a mitigation, monitoring, and reporting program consistent with the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code. CDFW, as a Responsible Agency under CEQA, would be required to adopt the EIS/EIR and make findings pursuant to the EIS/EIR.

1.12 DOCUMENT ORGANIZATION

This document is organized into the following sections:

- ▲ Executive Summary, provides a short summary of the Proposed Action and alternatives and the accompanying analysis. Included in this chapter is a table showing the potential impacts associated with the Proposed Action and alternatives.
- ▲ Chapter 1, "Introduction," provides a brief overview of the proposed Plan and the EIS/EIR; provides background for the proposed Plan; presents the underlying needs, purposes, and objectives of the proposed Plan; describes the decisions to be made by certain agencies (i.e., uses of this EIS/EIR), and summarizes the organization of this document.

- ▲ Chapter 2, “Proposed Action and Alternatives,” summarizes the proposed action and alternatives considered, as well as the alternatives screening approach and alternatives considered but eliminated from further consideration.
- ▲ Chapter 3, “Approach to the Analysis,” provides guidance on NEPA and CEQA requirements, the use of NEPA and CEQA terminology in this EIS/EIR; describes the basic structure of each resource chapter; and provides the basis for carrying forward certain resource topics in the EIS/EIR for detailed analysis, including the following:
 - ▲ Chapter 4, “Biological Resources”
 - ▲ Chapter 5, “Land Use”
 - ▲ Chapter 6, “Agricultural and Forestry Resources”
 - ▲ Chapter 7, “Public Services and Utilities”
 - ▲ Chapter 8, “Recreation and Open Space”
 - ▲ Chapter 9, “Hydrology and Water Quality”
 - ▲ Chapter 10, “Population and Housing”
 - ▲ Chapter 11, “Socioeconomics and Environmental Justice”
 - ▲ Chapter 12, “Cultural and Paleontological Resources”
 - ▲ Chapter 13, “Transportation”
 - ▲ Chapter 14, “Noise”
 - ▲ Chapter 15, “Air Quality”
 - ▲ Chapter 16, “Climate Change”
 - ▲ Chapter 17, “Geology, Soils, and Mineral Resources”
 - ▲ Chapter 18, “Visual Resources”
 - ▲ Chapter 19, “Hazardous Materials”
- ▲ Chapter 20, “Other Required NEPA and CEQA Analyses,” addresses potential growth inducing aspects of the Plan, and any significant irreversible environmental changes that could result from the Proposed Action and its alternatives.
- ▲ Chapter 21, “Consultation and Coordination,” summarizes public agencies, federally recognized tribes, and non-governmental organizations and private individuals contacted during the development of the EIS/EIR, and provides the list of the persons and groups who have received notification or copies of the Draft EIS/EIR.
- ▲ Chapter 22, “List of Preparers,” identifies the individuals involved in the preparation of this document.
- ▲ Chapter 23, “References,” includes a comprehensive bibliography of references cited in this document.

- ▲ Chapter 24, “Evaluation of Proposed Modification to The Draft HCP/NCCP and Comments and Responses to Comments on the Draft HCP/NCCP and Draft Environmental Impact Statement/Environmental Impact Report,” summarizes and evaluates proposed modifications to the Draft HCP/NCCP since its publication and provides all comments received during the public review of the Draft HCP/NCCP and Draft EIS/EIR, and responses to substantive comments received on both documents.

- ▲ Appendices: The following appendices are provided with this EIS/EIR;
 - Appendix A – Scoping Report and Comments
 - Appendix B – Alternatives Evaluation Process
 - Appendix C – Avoidance and Minimization Measures
 - Appendix D – Biological Resource Supporting Information
 - Appendix E – Air Quality and Greenhouse Gas Supporting Information
 - Appendix F – Active Hazardous Materials Cleanup Sites in Yolo County

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