

5.0 OTHER STATUTORY REQUIREMENTS

5.1 INTRODUCTION

The National Environmental Policy Act (NEPA) requires that an EIS include the following categories of environmental consequences:

- Irreversible and irretrievable commitment of resources
- Adverse environmental effects that cannot be avoided
- The relationship between short-term uses of the environment and maintenance and enhancement of long-term productivity
- Energy requirements and conservation potential

In addition, NEPA requires that an EIS include a discussion of growth-inducing effects and a discussion about how the project would comply with federal, state, and local laws, policies, and plans. All of these NEPA requirements are addressed in this chapter.

5.2 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

NEPA requires that an environmental analysis include identification of “any irreversible and irretrievable commitments of resources which would be involved in the Proposed Action should it be implemented” (40 CFR 1502.16). Irreversible and irretrievable resource commitments are related to the use of nonrenewable resources and the effects that this use could have on future generations. Irreversible effects result primarily from the use or destruction of a specific resource (e.g., energy and minerals) that cannot be replaced within a reasonable time frame. Irretrievable resource commitments involve the loss in value of an affected resource as a result of the action that cannot be restored (e.g., extinction of a Threatened or Endangered species or the disturbance of a cultural resource).

Both construction and operation of land development allowed by the Proposed Action would necessarily lead to the consumption of limited, slowly renewable, and non-renewable resources, committing such resources to uses that future generations would be unable to reverse. Construction of land development allowed by the Proposed Action would result in the irreversible or irretrievable commitment of slowly renewable or nonrenewable resources such as lumber; metals such as iron, copper, and lead; aggregate materials used in concrete and asphalt such as sand and stone; petroleum-based construction materials such as plastics; and fossil fuels in construction vehicles and equipment.

Once the residential units, institutional, and commercial development allowed by the Proposed Action are occupied and operational, there would be continued commitment of fossil fuels, such as oil and natural gas, for the operations of building systems and the movement of goods and people to and from the mixed-use community. Title 24 of the California Code of Regulations regulates the amount of energy consumed by new development for heating, cooling, ventilation, and lighting purposes. Nevertheless, the consumption of such resources would represent a long-term commitment of those resources.

5.3 ADVERSE IMPACTS THAT CANNOT BE AVOIDED

NEPA requires disclosure of adverse environmental effects that cannot be avoided (40 CFR 1502.1). Even with implementation of the proposed mitigation, the Proposed Action would result in adverse unavoidable effects to the following resources:

Impact AES-1	Effect on Scenic Vistas
Impact AES-3	Degradation of Visual Character
Impact AG-1	Conversion of Important Farmland
Impact AQ-1	Emissions Associated with Construction
Impact AQ-2	Criteria Pollutant Emissions Associated with Occupancy/Operation
Impact BIO-1	Loss and Degradation of Functions and Services of the Waters of the U.S. through Direct Removal, Filling, Hydrological Interruption or Other Means
Impact GHG-1	GHG Emissions due to Construction
Impact GHG-2	GHG Emissions due to Operation/Occupancy
Impact LU-4	Conflict with SACOG Blueprint
Impact TRA-1	Increased Traffic along Placer County Roadways
Impact TRA-2	Increased Traffic at Placer County Intersections
Impact TRA-3	Increased Traffic along Sacramento County Roadway Segments
Impact TRA-4	Increased Traffic at Sacramento County Intersections
Impact TRA-5	Increased Traffic along Sutter County Roadway Segments
Impact TRA-6	Increased Traffic at Sutter County Intersections
Impact TRA-7	Increased Traffic at City of Roseville Intersections
Impact TRA-8	Increased Traffic at State Highway Segments
Impact UTIL-2	Availability of Recycled Water Supplies to Meet Demand
Impact UTIL-4	Increased Demand for Solid Waste Services

5.4 RELATIONSHIP BETWEEN SHORT-TERM USES OF THE ENVIRONMENT AND MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

NEPA requires consideration of the relationship between short-term uses of the environment and long-term productivity associated with a project (40 CFR § 1502.16). This comparison is generally interpreted to recognize that a short-term (temporary) use of the environment may enable the advancement of long-term community needs. For example, construction of a school would negatively affect traffic and air quality in the short-term, but would fulfill a long-term community need to provide adequate educational facilities for its residents. A community might be willing to accept this trade-off.

Implementation of the Proposed Action would result in temporary and short-term construction-related impacts associated predominantly with traffic, emissions of air pollutants, greenhouse gas emissions, and noise. The Applicants would implement mitigation measures identified in each resource section to reduce these impacts to the extent feasible.

Once the mixed-use community is established and occupied, the Proposed Action would result in increased demand for goods and services. The Proposed Action would therefore enhance the long-term economic productivity of the western Placer County region. In addition, the provision of housing would fulfill a long-term community need.

5.5 GROWTH-INDUCING IMPACTS

NEPA identifies growth-inducing effects in the context of indirect effects. The indirect effects of a Proposed Action may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air, water, and other natural systems or ecosystems (40 CFR § 1508(b)).

A project may indirectly foster growth in a geographic area if: (1) the project removes an impediment to growth (e.g., the establishment of an essential public service, the provision of new access to an area, a change in zoning or general plan approval); or (2) there is economic expansion in response to the project (e.g., changes in revenue base, employment expansion).

An evaluation of the Proposed Action relative to these criteria is provided below.

5.5.1 Elimination of Obstacles of Growth

Removal of Infrastructure Limitations or Provision of Capacity

The elimination of physical obstacles to growth can result in unforeseen growth. A number of physical constraints to growth currently exist in the vicinity of the project, specifically in the area east of Curry Creek, and south of Baseline Road due to approved Specific and Community Plans. The primary growth obstacles in the project area include limited capacity of the roadway, potable water, recycled water, wastewater, and electric distribution systems serving the unincorporated area of Placer County.

The Proposed Action and on-site alternatives would remove roadway capacity limitations through the widening of Watt Avenue and Baseline Road, intersection improvements, and construction of many other on-site roadways that would connect the site with the existing roadway system. The construction of these roadway improvements would facilitate the expansion of urban development into an area where none currently exists.

The extension of water, wastewater, and recycled water service to the project site would not necessarily eliminate a physical obstacle to growth as the Proposed Action would not increase the capacity of these systems for serving future development. Construction of a new electric substation and transmission lines would only provide electrical transmission capacity to the project site.

The Proposed Action is, however, not the only project in the region that proposes to extend development further west into southwestern Placer County. The western growth pattern is reinforced by other projects in the region. The U.S. Army Corps of Engineers (USACE) has received DA permit applications for other development projects in the project vicinity, including Sierra Vista Specific Plan and the Westbrook project, and Creekview Specific Plan project in the City of Roseville, all of which would extend urban development to the north and west of the currently developed portions of the City. Further west, Sutter Pointe Specific Plan has been approved by Sutter County which would develop a new city in southern Sutter County. Placer County has approved the Riolo Vineyards and Regional University development projects, and has identified the Curry Creek area for development, all located northwest of the project site. These projects would include their own infrastructure extensions and it is not planned that they would rely on the infrastructure improvements of the Proposed Action.

Therefore, development further west into southwestern Placer County would still occur if the Proposed Action is not developed; however, implementation of the Proposed Action or alternatives could facilitate future growth through the extension and widening of major roadways such as Baseline Road.

5.5.2 Economic Effects

The analysis of economic effects is based on the multiplier effect. A “Multiplier” is an economic concept that describes inter-relationships among various sectors of the economy. The multiplier effect provides a quantitative description of the direct employment effect of a project, as well as indirect and induced employment growth. The multiplier effect acknowledges that the on-site employment and population growth of each project is not the complete picture of growth caused by the project (Placer County 2006).

Stimulation of Economic Activity

The proposed land uses included in the Proposed Action (Base Plan) are anticipated to generate approximately 7,824 direct jobs.¹ Additional local employment can be generated indirectly through expenditure patterns of direct employment associated with the project. For example, workers in offices in the commercial and business professional zones of the Proposed Action would spend money in the local economy. These employee expenditures would result in additional jobs. Indirect jobs tend to be in

¹ This figure is derived from Table 4.10-14, p. 4.10-25, Volume II Placer Vineyards Specific Plan Revised Draft EIR, March, 2006.

relative proximity to the places of employment and residences. In addition to direct and indirect employment, the Proposed Action may also result in induced employment. Induced employment follows the economic effect of employment beyond the expenditures of the employees within a project area to include jobs created by the stream of goods and services necessary to support businesses within the project. For example, when a manufacturer buys products or sells products, the employment associated with those transactions are considered induced employment.

The indirect jobs multiplier effect and induced jobs multiplier effect are shown in **Table 5.0-1, Employment Growth**, below. The multipliers were determined using the Association of Bay Area Government's (ABAG) San Francisco Bay Area Input-Output model's estimates.

**Table 5.0-1
Employment Growth under the Baseline Scenario**

Project Component	Direct Employment	Indirect Multiplier	Indirect Employment	Induced Multiplier	Induced Employment	Total Direct, Indirect and Induced Employment
Commercial	3,636	0.07	255	2.56	653	4,544
Commercial Office (Business Professional)	3,400	0.47	1,598	5.26	8,406	13,404
Public School	788	0.47 ¹	370	5.26 ¹	1,946	3,104
Total	7,824		2,223		11,005	21,052

Source: Placer Vineyards Specific Plan Revised Draft EIR, Hausrath Economics Group (HEG) Placer Vineyards Specific Plan Baseline Fiscal Impact Analysis, January 2006

¹ It is assumed that the indirect and induced factor for public school employees is the same for business professionals.

Increased future employment generated by resident and employee spending ultimately results in physical development of space to accommodate those employees. It is the characteristics of this physical space and its specific location that will determine the type and magnitude of environmental impacts of the additional economic activity. Although the economic effect can be estimated, the actual environmental implications of this type of economic growth are too speculative to predict or evaluate, because they can be spread throughout the Sacramento metropolitan region and beyond.

5.6 ENERGY REQUIREMENTS AND CONSERVATION POTENTIAL

Construction and operation of the Proposed Action would result in an increase in energy demand over existing conditions. Energy would be required to build and maintain commercial, residential, and other uses proposed under the Specific Plan. Short-term energy use would be associated with the operation of construction vehicles and equipment used to construct the proposed community. Long-term energy use would be mostly associated with the use of electricity and natural gas in the homes and businesses and the use of fuel in vehicles traveling to and from the project site. All new buildings that are constructed

would be subject to Title 24 of the California Code of Regulations which establishes energy efficiency standards for new development in the state.

Demand for electricity and natural gas is evaluated in **Impact UTIL-5, Increased Demand for Electricity, Natural Gas, and Telecommunications**, in **Section 3.15**. In addition, the proposed PVSP EIR Mitigation Measure 4.11.5-1b would require the implementation of energy efficiency and conservation strategies to minimize energy use.

5.7 COMPLIANCE WITH OTHER ENVIRONMENTAL LAWS AND REGULATIONS

5.7.1 Federal

National Environmental Policy Act

The National Environmental Policy Act (NEPA) (42 United States Code [USC] 4321; 40 CFR §1500.1) applies to all federal agencies that manage, regulate, or fund projects or programs that could have environmental effects. It requires federal agencies to disclose and consider the environmental implications of their proposed actions. NEPA requires the preparation of an appropriate document to ensure that federal agencies accomplish the law's purposes.

Farmland Protection Policy Act

The Farmland Protection Policy Act (FPPA) was enacted in 1981 to minimize the conversion of the nation's farmland to non-agricultural uses under federal projects and programs. The Act assures that—to the extent possible—federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmland. The FPPA does not authorize the federal government to regulate the use of private or nonfederal land or, in any way, affect the property rights of owners.

For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. The Natural Resources Conservation Service (NRCS), which is an agency of the U.S. Department of Agriculture, oversees the FPPA and maintains an inventory of farmland in the U.S. The NRCS delegates the responsibility for designating farmland to appropriate local and state officials. The California Farmland Mapping and Monitoring Program (FMMP) is a supporting program that maps farmland in the State of California.

Clean Air Act

The federal Clean Air Act (CAA), passed in 1970 and last amended in 1990, forms the basis for the national air pollution control effort. Basic elements of the act include national ambient air quality standards for major air pollutants, hazardous air pollutants standards, state attainment plans, motor vehicle emissions standards, stationary source emissions standards and permits, acid rain control measures, stratospheric ozone protection, and enforcement provisions.

In the 1990 CAA Amendments, Congress added specific provisions to the conformity requirements for transportation actions. “Conformity” requires that federal agencies demonstrate their actions’ consistency with State Implementation Plans. These conformity requirements have also been determined to apply to air quality. A U.S. Environmental Protection Agency (USEPA) final rule states that a conformity determination of a federal action is required for “each pollutant where the total of direct and indirect emissions” caused by the action equals or exceeds the emissions limits established in the rule.

Endangered Species Act

The Endangered Species Act (ESA) of 1973, as amended, protects fish and wildlife species, and their habitats that have been identified as Threatened or Endangered. Section 7 of the ESA requires federal agencies to aid in the conservation and recovery of listed species and to ensure that their activities will not jeopardize the continued existence of listed species or adversely modify designated critical habitat. The U.S. Fish and Wildlife Service (USFWS) in the Department of the Interior and the National Oceanic and Atmospheric Administration Fisheries in the Department of Commerce share responsibility for administration of the federal ESA.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 protects migratory bird species from take. Take, under the MBTA, is defined as the action of, or an attempt to, pursue, hunt, shoot, capture, collect, or kill (50 Code of Federal Regulations [CFR] 10.12). The definition differentiates between “intentional” take (take that is the purpose of the activity in question) and “unintentional” take (take that results from, but is not the purpose of, the activity in question). Under the MBTA, projects that are likely to result in take of birds protected under the MBTA would require the issuance of take permits from the USFWS. Activities that would require such a permit would include destruction of migratory bird nesting habitat during the nesting season when eggs or young are likely to be present.

National Historic Preservation Act

The National Historic Preservation Act (NHPA), as amended, directs federal agencies to integrate historic preservation into all activities that either directly or indirectly involve land use decisions. The NHPA establishes the National Register of Historic Places, and defines federal criteria for determining the historical significance of archaeological sites, historic buildings and other resources. Under Section 106 of the NHPA the lead federal lead agency is required to identify the area of potential effects for its undertaking; to identify any potential historic properties within the area of potential effects; to apply the National Register criteria of significance to determine whether any of the identified properties qualify as historic properties (that is, cultural resources that meet the significance criteria that determine their eligibility for listing on the National Register of Historic Places); and determine whether the undertaking’s effects on eligible historic properties would be adverse. The NHPA is administered by the National Park Service, the Advisory Council on Historic Preservation, State Historic Preservation Office (SHPO), and each federal agency.

Executive Order 12898 – Environmental Justice

On February 11, 1994, the President issued Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The order focuses federal attention on the relationship between the environment and human health conditions of minority communities and calls on agencies to make achieving environmental justice part of their mission. The Order requires the USEPA and all federal and state agencies receiving federal funds to identify and address disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. It also requires the agencies to develop strategies to address this problem.

Earthquake Hazards Reduction Act

The Earthquake Hazards Reduction Act—enacted in 1977 and amended several times, most recently in 2004—established the National Earthquake Hazards Reduction Program (NEHRP) as a means to address earthquake risks to life and property in the nation’s seismically active states, including but not limited to California. The Act charges NEHRP with the following specific activities.

- Developing effective measures for earthquake hazards reduction.
- Promoting the adoption of earthquake hazards reduction measures at federal state and local levels through a program of grants, contracts, cooperative agreements, and technical assistance; and through the development of standards, guidelines, and voluntary consensus codes for earthquake hazards reduction for buildings, structures, and lifelines.
- Developing and maintaining a repository of information on seismic risk and hazards reduction.
- Improving the understanding of earthquakes and their effects through interdisciplinary research that involves engineering, natural sciences, and social, economic, and decisions sciences.
- Developing, operating, and maintaining an Advanced National Seismic Research and Monitoring System.

NEHRP is overseen by the Interagency Coordinating Committee on Earthquake Hazards Reduction, made of the directors of the Federal Emergency Management Agency (FEMA), the United States Geological Survey (USGS); the National Science Foundation; the Office of Science and Technology Policy; and the Office of Management and Budget.

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the USEPA with authority to require reporting, record-keeping, and testing requirements, and restrictions relating to chemical substances and/or mixtures. TSCA addresses the production, importation, use, and disposal of specific chemicals including PCBs, asbestos, radon, and lead-based paint. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics and pesticides. For the past decade, the USEPA has focused efforts on protecting citizens from existing chemicals by making basic screening-level toxicity information publicly available. In 2008, the USEPA expanded those efforts with the Chemical Assessment and Management Program (ChAMP).

Solid Waste Disposal Act and Resource Conservation and Recovery Act

The Solid Waste Disposal Act (SWDA) (42 USC Sections 6901–6992(k)), which includes as a subsection the Resource Conservation and Recovery Act (RCRA) (42 USC sections 6921–6939(e)), creates a “cradle-to-grave” (from manufacture to disposal) regulatory system for hazardous wastes, and delegates substantial authority to the states for waste management under USEPA supervision. RCRA requires the USEPA to adopt criteria for identifying hazardous wastes, to formulate a list of “designated” hazardous wastes, and to set forth standards for facilities that handle them.

Comprehensive Environmental Response, Compensation and Liability Act

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 USC sections 9601–9675), which was later amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), sets forth regulations for cleanup of hazardous wastes after improper disposal; identifies federal response authority; and outlines responsibilities and liabilities of “potentially responsible parties” — those parties who have control over the hazardous material itself, the property where hazardous material has been disposed or spilled, the vehicle that it was spilled from, etc. The CERCLA also specifies where Superfund money can be used for site cleanup. Notably, CERCLA cross-references other statutes for hazardous material definition, but permits the USEPA to add materials as their hazardous properties become known.

Clean Water Act

The Clean Water Act (CWA) is the principal federal law protecting the quality and integrity of the nation’s surface waters. The CWA offers a range of mechanisms to reduce pollutant input to waterways, manage polluted runoff, and finance municipal wastewater treatment facilities. Permit review serves as the CWA’s principal regulatory tool; CWA regulation operates on the premise that all discharges to jurisdictional waters are unlawful unless specifically authorized by a permit.

Under Section 404 of CWA, discharges of dredged or fill material into "waters" of the U.S. are prohibited without a permit from the USACE. Among other regulatory program requirements, an applicant for a Department of the Army (DA) permit involving a discharge must demonstrate under USEPA’s 404(b)(1) guidelines that the proposed activity is the least environmentally damaging practicable alternative that achieves the project's overall purpose.

Section 401 of the CWA requires certification from the state to ensure compliance with state water quality standards for any activity that may result in a discharge to a water body. A project that would result in the discharge of any pollutant, including soil, into waters and wetlands requires coordination with the appropriate California Regional Water Quality Control Board to obtain Section 401 certification.

Section 303(d) requires states to list surface waters not attaining (or not expected to attain) water quality standards after the application of technology-based effluent limits, and states must prepare and implement a total maximum daily load for all listed waters. For point source discharges to surface water, the Clean Water Act authorizes the USEPA or approved states to administer the National Pollutant Discharge Elimination System (NPDES) Program.

Safe Drinking Water Act

The Safe Drinking Water Act of 1974, amended in 1986 and again in 1996, is the cornerstone federal law protecting drinking water quality. It gives the USEPA authority to establish drinking water standards and to oversee the water providers (cities, counties, water districts, and agencies) who implement those standards, and also includes provisions for the protection of surface waters and wetlands in support of drinking water quality.

In California, the USEPA delegates some of its Safe Drinking Water Act implementation authority to the California Department of Public Health's Division of Drinking Water and Environmental Management (DPH), which administers a wide range of regulatory programs relevant to potable water supply quality and safety.

5.7.2 State

Williamson Act

The California Land Conservation Act, also known as the Williamson Act, was adopted in 1965 in order to encourage the preservation of the state's agricultural lands and to prevent its premature conversion to urban uses. In order to preserve these uses, this act established an agricultural preserve contract procedure by which any county or city within the state taxes landowners at a lower rate using a scale based on the actual use of the land for agricultural purposes, as opposed to its unrestricted market value. In return, the owners guarantee that these properties would remain under agricultural production for a 10-year period. This contract is renewed automatically unless a notice of non-renewal is filed by the owner. In this manner, each agricultural preserve contract (at any given date) is always operable at least nine years into the future. As part of the Williamson Act, the state provides subventions to local participating governments. Subventions provide fiscal assistance to local governments to take part in the land preservation program.

California Clean Air Act

The California Clean Air Act (CCAA) establishes an air quality management process that generally parallels the federal process. The CCAA focuses on attainment of the state ambient air quality standards that are more stringent than the federal standards for certain pollutants and measurement periods.

The CCAA requires that air districts prepare an air quality attainment plan if the district violates state air quality standards for carbon monoxide, sulfur dioxide, nitrogen oxide, and ozone, but does not require an attainment plan for exceedances in particulate matter 10 microns in diameter or smaller (PM10) standards. The CCAA requires that the state air quality standards be met as expeditiously as practicable, but it does not set precise attainment deadlines.

The air quality attainment plan requirements established by the CCAA are based on the severity of air pollution problems caused by locally generated emissions. Upwind air pollution control districts are required to establish and implement emission control programs commensurate with the extent of pollutant transport to downwind districts.

California Air Resources Board and Ambient Air Quality Standards

The State of California and the federal government have established ambient air quality standards for several different pollutants. For some pollutants, separate standards have been established for different periods. Most standards have been set to protect public health. For some pollutants, standards have been based on other standards, such as protection of crops, materials, or avoidance of nuisance conditions.

California Endangered Species Act

The California Endangered Species Act (CESA) (California Fish and Game Code Section 2050 et seq.) establishes state policy to conserve, protect, restore, and enhance Threatened or Endangered species and their habitats. CESA mandates that state agencies should not approve projects that jeopardize the continued existence of Threatened or Endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. For projects that would affect a species that is both federally and state-listed, compliance with ESA satisfies CESA if the California Department of Fish and Wildlife (CDFW) determines that the federal incidental take authorization is consistent with CESA under California Fish and Game Code Section 2080.1. The CDFW administers CESA and authorizes take through Section 2081 on a discretionary basis and with the issuance of an incidental take permit (except for species designated as fully protected).

California Native Plant Protection Act

The California Native Plant Protection Act preserves, protects, and enhances Endangered native plants in California. The act gave the California Fish and Game Commission the power to designate native plants as Endangered, Threatened, or Rare, and to require permits for collecting, transporting, or selling such plants.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act is the principal state law governing water quality regulation in California. The Porter-Cologne Act established a comprehensive program to protect water quality and the beneficial uses of water, and established the State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) which are charged with implementing its provisions, and which have primary responsibility for protecting water quality in California. The SWRCB is the primary state agency responsible for protecting the quality of the state's surface and groundwater supplies, but much of the daily implementation of water quality regulations is carried out by the nine RWQCBs.

The RWQCBs issue NPDES permits for waste discharges to surface water from both point and nonpoint sources. The NPDES permit system includes an individual permit system for municipal wastewater treatment plants and several categories of stormwater discharges. General NPDES stormwater permits apply to industrial facilities and any general ground-disturbing construction activity greater than 1 acre (0.4 hectare). Before construction of such projects, applicants must submit a Notice of Intent (NOI) to the RWQCB and prepare a Storm Water Pollution Prevention Plan (SWPPP). A SWPPP generally describes

proposed construction activities, receiving waters, stormwater discharge locations, and best management practices that will be used to reduce project construction effects on receiving water quality.

California Health and Safety Code 7050.5 and Public Resources Code 5097.98

Under the California Health and Safety Code, the intentional disturbance, mutilation, or removal of interred human remains is a misdemeanor. The code requires that, upon discovery of human remains outside of a dedicated cemetery, the County Coroner must be notified and further ground disturbance must cease until the County Coroner makes a report determining whether the find represents a crime scene or a Native American burial. If the Coroner recognizes the remains to be those of a Native American, he must contact the Native American Heritage Commission (NAHC) within 24 hours. Public Resources Code 5097.98 sets forth procedures by which the NAHC may identify a Most Likely Descendant, who may inspect the remains and consult with the landowner to provide for the respectful treatment and/or reinterment of the remains.

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (California Public Resources Code Sec 2621 et seq.) charges the State of California with defining hazard corridors (Earthquake Fault Zones) along active faults, within which local jurisdictions must strictly regulate construction; in particular, the Act prohibits construction of structures intended for human occupancy (defined for purposes of the Act as more than 2,000 person-hours per year) across active faults. The Act establishes a legal definition for the term active, defines criteria for identifying active faults, and establishes a process for reviewing building proposals in and adjacent to defined Earthquake Fault Zones, to be implemented by the state's local jurisdictions (cities and counties), who typically do so through the building permit review process.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act of 1990 (California Public Resources Code Sections 2690–2699.6) addresses secondary earthquake-related hazards, including liquefaction and seismically induced landslides. Like the Alquist-Priolo Act, the Seismic Hazards Mapping Act charges the state with mapping areas subject to hazards, and makes cities and counties responsible for regulating development for human occupancy within mapped Seismic Hazard Zones. In practice, as with the Alquist-Priolo Act, local jurisdiction building permit review serves as the primary mechanism for controlling public exposure to seismic risks, since cities and counties are prohibited from issuing development permits for sites within Seismic Hazard Zones until or unless appropriate site-specific geologic/geotechnical investigations have been carried out and measures to avoid or reduce damage have been incorporated into the development proposal. Like the Alquist-Priolo Earthquake Fault Zone Maps, the maps produced by the Seismic Hazards Mapping Program are useful as a first-order risk assessment tool for liquefaction and seismically induced landslide risks to projects of all types, although the Seismic Hazards Mapping Act, like the Alquist-Priolo Act, actually regulates only construction for human occupancy.

California Building Standards Code

The State of California's minimum standards for structural design and construction are given in the California Building Standards Code (CBSC) (CCR Title 24). The CBSC is based on the federal UBC (International Code Council 1997), which is used widely throughout United States (generally adopted on a state-by-state or district-by-district basis) and has been modified for California conditions with numerous, more detailed or more stringent regulations. The CBSC provides standards for various aspects of construction, including but not limited to, excavation, grading, and earthwork construction; fills and embankments; expansive soils; foundation investigations; and liquefaction potential and soil strength loss.

Hazardous Waste Control Act

The California Hazardous Waste Control Act (HWCA) is the primary state law that regulates hazardous waste and hazardous waste disposal facilities, and is administered by the DTSC. Like the federal RCRA, the HWCA regulates transportation and disposal of hazardous wastes, sets forth hazardous waste facility standards and directs administrative and enforcement procedures. It also lists and categorizes specific hazardous wastes.

Safe Drinking Water and Toxic Enforcement Act

The Safe Drinking Water and Toxic Enforcement Act, commonly referred to by its ballot measure, Proposition 65, prohibits businesses from discharging known carcinogens or reproductive toxins into sources of drinking water, and requires businesses (such as grocery stores) to warn persons about possible exposure on the business premises to such carcinogens or toxins.

State Senate Bills 610 and 221

In 2001, the California Legislature passed Senate Bills 610 (Water Code Section 10910 et seq.) and Senate Bill 221 (Water Code Section 66473.7) to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 and SB 221 were companion measures which sought to promote more collaborative planning between local water suppliers and cities and counties.

Senate Bill 610 requires the preparation of "water supply assessments" (WSAs) for large developments (i.e., more than 500 dwelling units or nonresidential equivalent). These assessments, prepared by "public water systems" responsible for serving project areas (in this case, the City itself), address whether existing and projected water supplies are adequate to serve the project while also meeting existing urban and agricultural demands and the needs of other anticipated development in the service area in which the project is located. Senate Bill 221 requires cities and counties to include, as a condition of approval of such tentative maps, the preparation of a "water supply verification." The verification, which must be completed by no later than the time of approval of final maps, is intended to demonstrate that there is a sufficient water supply for the newly created residential lots.

5.7.3 Plans and Policies

Placer County General Plan

The Placer County General Plan sets forth goals, policies, and actions that are applicable to the proposed project with respect to the following resource categories:

- Health and Safety
- Land Use
- Noise
- Public Facilities and Services

Placer County Grading, Erosion and Sediment Control Ordinance

The County's Grading, Erosion and Sediment Control (Placer County Code Chapter 15.48) requires a grading permit (Grading Plan approval) for fill or excavation greater than 250 cubic yards (191 cubic meters), cuts or fills exceeding 4 feet (1.2 meters) in depth, soil disturbances exceeding 10,000 square feet (929 square meters), grading within or adjacent to a drainage course or wetland, and grading within a floodplain. For many types of grading, a grading plan must be submitted and approved before grading may proceed. In addition, a soil or geologic investigation report is required if grading includes cut or fill exceeding 10 feet (3 meters) in depth, when highly expansive soils are present, and in areas of known or suspected geological hazards.

Water Forum Agreement

The Water Forum Agreement (WFA) is the result of the efforts of a diverse group of community stakeholders. The stakeholder group was formed in 1994 with the goal to formulate principles for developing solutions to meet future regional water supply needs. The objectives of the Water Forum Plan are to: (1) Provide a reliable and safe water supply for the region's economic health and planned development through the year 2030; and (2) Preserve the fishery, wildlife, recreational, and aesthetic values of the Lower American River. The first objective is to be met by additional diversions of surface water, increased conjunctive use of surface water and groundwater, expanded water conservation, and water reclamation. The second objective includes development of responsible and feasible alternatives to improve fish flow patterns, reduce daily flow fluctuations, and improve in-stream harvest.

Western Placer Groundwater Management Plan

The Western Placer Groundwater Management Plan (WPCGMP) was developed by the Cities of Roseville and Lincoln in partnership with the Placer County Water Agency and the California American Water Company in response to Senate Bill (SB) 1938 requirements. The goal of the plan is to "maintain the quality and ensure the long term availability of groundwater to meet backup, emergency, and peak demands without adversely affecting other groundwater uses within the WPCGMP area."

5.7.4 Methods of Compliance

Table 5.0-2 provides a listing of the applicable laws, policies, and permit requirements that need to be addressed as part of implementing any of the EIS alternatives. Included is the method of compliance, which could be the assessment of a resource area in this EIS, obtaining a permit or approval from a county or local agency, or additional consultation with federal or state agencies.

**Table 5.0-2
Compliance with Applicable Laws, Policies, Plans, and Permit Requirements**

Applicable Laws, Policies, Plans, and Permit Requirements	Method of Compliance
Federal	
National Environmental Policy Act	Addressed in EIS
Farmland Protection Policy Act	Addressed in EIS
Clean Air Act	Addressed in EIS
Endangered Species Act	Consultation with USFWS and National Marine Fisheries Service
Migratory Bird Treaty Act	Addressed in EIS
National Historic Preservation Act	Addressed in EIS; Consultation with SHPO
Executive Order 12898 – Environmental Justice	Addressed in EIS
Earthquake Hazards Reduction Act	Addressed in EIS
Federal Antiquities Act	Addressed in EIS
National Natural Landmarks Program	Addressed in EIS
Toxic Substances Control Act	Addressed in EIS
Solid Waste Disposal Act and Resource Conservation Recovery Act	Addressed in EIS
Comprehensive Environmental Response, Compensation, and Liability Act	Addressed in EIS
Clean Water Act	DA permit under Section 404 of CWA; water quality certification under Section 401 of CWA
Safe Drinking Water Act	Ongoing reporting to California Department of Public Health
State	
Williamson Act	Addressed in EIS
California Clean Air Act	Addressed in EIS
California Air Resources Board and Ambient Air Quality Standards	Addressed in EIS
California Endangered Species Act	Addressed in EIS
California Native Plant Protection Act	Addressed in EIS
Porter-Cologne Water Quality Control Act	Addressed in EIS; CWA 401 permits
California Health and Safety Code 7050.5 and Public Resources Code 5097.98	Addressed in EIS
Alquist-Priolo Earthquake Fault Zoning Act	Addressed in EIS
Seismic Hazards Mapping Act	Addressed in EIS

Applicable Laws, Policies, Plans, and Permit Requirements	Method of Compliance
California Building Standards Code	Addressed in EIS
Hazardous Waste Control Act	Addressed in EIS
Safe Drinking Water and Toxic Enforcement Act	Addressed in EIS
State Senate Bills 610 and 221	Addressed in EIS
Local	
Placer County General Plan	Addressed in EIS
Placer County Grading, Erosion and Sediment Control Ordinance	NPDES Permit Compliance
Water Forum Agreement	Addressed in EIS
Western Placer Groundwater Management Plan	Addressed in EIS

Notes: CWA = Clean Water Act, EIS = Environmental Impact Statement, NPDES = National Pollutant Discharge Elimination System, SHPO = State Historic Preservation Office, USFWS = United States Fish and Wildlife Service.

5.8 REFERENCES

Placer County. 2006. "Final Environmental Impact Report for the Placer Vineyards Specific Plan." Quad Knopf.