

7.1 GROWTH-INDUCING EFFECTS**7.1.1 CEQA REQUIREMENTS**

The California Environmental Quality Act Guidelines (State CEQA Guidelines) require that an environmental impact report (EIR) evaluate the growth-inducing impacts of a proposed project (Section 21100[b][5]). Growth-inducing impacts are described in Section 15126.2(d) of the State CEQA Guidelines as follows:

[T]he ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects.... [In addition,] the characteristics of some projects...may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

Included in this definition are public works projects that would remove obstacles to population growth. Direct growth inducement would result if a project, for example, involved the construction of new housing. Indirect growth inducement would result if a project established substantial new permanent employment opportunities (e.g., new commercial, industrial, or governmental enterprises), involved a construction effort with substantial short-term employment opportunities that would indirectly stimulate the need for additional housing and services, or removed an obstacle to housing development.

Growth inducement itself is not an environmental effect, but it may foreseeably lead to environmental effects. If substantial growth inducement occurs, it can result in secondary environmental effects, such as increased demand on community and public services and infrastructure, increased traffic and noise, degradation of air or water quality, degradation or loss of plant or animal habitats, or conversion of agricultural and open-space land to urban uses. However, these adverse effects are less likely to occur, and where they do occur they are more likely to be adequately mitigated, if the induced growth is consistent with or accommodated by the land use plans and growth management plans and policies for the area affected (e.g., city and county general plans, specific plans, transportation management plans). Local land use plans provide for land use development patterns and growth policies that encourage orderly urban development supported by adequate urban public services such as water supply, roadway infrastructure, sewer services, and solid waste services. A project that would induce “disorderly” growth (i.e., growth that would conflict with the local land use plans) could indirectly cause additional adverse environmental impacts and other public services impacts.

If significant indirect environmental effects of growth may occur, the question must be answered whether those effects have already been considered and mitigated, or overridden if unavoidable, in a completed CEQA process, or whether they instead need to be disclosed and analyzed in the proposed project's EIR. If the induced growth is consistent with an approved general plan, specific plan, or similar planning document, and a CEQA document on that plan adequately addresses the effects of growth in the plan, the environmental effects of growth induced by the proposed project have already been evaluated. In this case, the EIR for the proposed project can refer to the completed CEQA document for the impact analysis and need not evaluate it in detail again. A project that would induce growth that is not consistent with a general plan, specific plan, or similar planning document could indirectly cause additional significant environmental impacts beyond those evaluated in the earlier CEQA documents on the plan. In this case, the EIR for the proposed project would need to disclose and evaluate potential additional significant effects and proposed mitigation for those effects, if feasible.

7.1.2 GROWTH-INDUCEMENT POTENTIAL OF THE PROPOSED PROJECT

Fostering Growth—Housing and Employment

Because the Feather River Levee Repair Project (FRLRP) would not involve the construction of housing, it would not be directly growth inducing. Construction activities associated with the FRLRP would generate short-term employment opportunities that would have the potential to indirectly stimulate the need for additional housing and services during the construction periods, which would occur over 2 years in 2007–2008. Active construction would occur primarily from spring through late fall during these 2 years, and depending on the alternative selected by Three Rivers Levee Improvement Authority (TRLIA), the construction effort would require a typical labor force of approximately 50–70 people. Intensive construction periods could require an increase in construction staff to a total of as many as 100 people at any one time. However, because of the limited number and type of new jobs that would be generated and the temporary nature of those jobs, it is anticipated that the new jobs would be filled using the existing local employment pool. Existing available housing in the Marysville–Yuba City area would easily accommodate any workers who relocate from outside the area, if needed. Moreover, project operations and maintenance necessary for the FRLRP would not require new workers. Therefore, indirect growth-inducing impacts resulting from implementation of the FRLRP would be less than significant.

Removing Obstacles to Growth—Flood Protection

Overview of Flood Protection Efforts and Planned Development in the RD 784 Area

As described in detail in Chapter 3, “Project Purpose, Need, and Development,” flooding that occurred in the Central Valley in 1986 resulted in initiation of various flood control studies and projects in the Yuba River basin and in the Reclamation District (RD) 784 area of Yuba County. The System Evaluation Project prepared by the U.S. Army Corps of Engineers (Corps) and the California Department of Water Resources was the first of these flood control projects. This project was followed in 1988 by Yuba County Water Agency's (YCWA's) initiation of the Yuba Basin Project.

In 1993, following the initiation of the System Evaluation Project and the Yuba River Basin Project, and before the floods of 1997, Yuba County (County) had approved the Plumas Lake Specific Plan, which provides for a 12,000-home development on 5,200 acres in the southern portion of the RD 784 area. A few years before, the County had also approved the smaller East Linda Specific Plan adjacent to Yuba Community College, north of Olivehurst. Construction of the Plumas Lake and East Linda developments began in 2002. However, the results of a Corps floodplain mapping study completed in 2003 indicates that the people and property in the RD 784 area, including homes that had already been built in the Plumas Lake Specific Plan area before the release of the Corps study, are subject to a much higher flood risk than previously believed. Without levee improvements that meet Federal Emergency Management Agency (FEMA) criteria, FEMA could issue new Flood Insurance Rate Maps for the RD 784 area.

To avoid having RD 784 mapped into the FEMA 100-year floodplain, YCWA, RD 784, and the County, in consultation with many landowners and developers in the south county, elected to move aggressively on a program for achieving FEMA certification of the RD 784 levees. As a result of this program, various levee repair/improvement projects and other flood protection projects have been completed, are under way, or are being studied in the RD 784 area, including the FRLRP.

In 2005, the State of California Reclamation Board (The Reclamation Board) issued an encroachment permit for work on Phase 3 of the program of elements under the Y-FSFCP, which included Bear River and WPIC levee improvements and construction of the Olivehurst detention basin. Notably, the encroachment permit contained a special condition that limited the issuance of building permits in the RD 784 area to 800 in 2005 and 700 in 2006. Limitations on building permits would be removed after planned flood protection projects were completed. This condition in The Reclamation Board's encroachment permit, which was agreed to by the County, provided a nexus between completion of flood protection efforts and future growth/development in the RD 784 area.

Since 2005, remaining state bond funding for TRLIA's levee improvements under the Costa-Machado Water Act of 2000 has been expended. The lack of available funding has constrained TRLIA's ability to continue planned flood protection improvements, including implementation of the FRLRP (the subject of this EIR) as well as additional levee repair work on the Yuba River left (south) bank levee. These circumstances contributed to the April 21 and May 19, 2006, decisions by The Reclamation Board to approve a resolution allowing TRLIA to accelerate its levee improvement program using developer-generated funding (The Reclamation Board's meeting transcripts are available online at http://recbd.ca.gov/meeting_transcripts/2006/). The resolution allows developers to generate these funds by removing the previous Reclamation Board limitation on building permits (800 in 2005 and 700 in 2006). The Reclamation Board found that the building permit limitation in the Plumas Lake Specific Plan area was, indeed, limiting TRLIA's ability to continue necessary levee improvement and construction projects. Therefore, development could proceed in the specific plan area without the previous constraints.

However, The Reclamation Board's April 2006 resolution includes various conditions that must be met to allow continued development, to which all parties agreed. TRLIA made a commitment to use its best efforts to complete all elements of the flood control program by 2008. The developers must purchase flood insurance for homeowners in the Plumas Lake Specific Plan

developments until 2008, or until completion of necessary flood protection efforts. Furthermore, the County agreed to satisfy concerns expressed by The Reclamation Board regarding the status of its Flood Safety Information and Emergency Evacuation Plan. The decision by The Reclamation Board to lift the previous building restrictions allows TRLIA, in partnership with the County and the local landowners, to finalize and implement its finance program to raise the \$135 million necessary to complete the levee improvement program.

Growth-Inducing Effects of the FRLRP

As described above, the Plumas Lake Specific Plan was approved in 1993. Construction of the first homes in the developments began in spring 2003. Based on the circumstances described above, continuing buildout of the Plumas Lake Specific Plan area is directly linked to continuing levee improvements that are proposed under the FRLRP. Based on the conditions of The Reclamation Board's April 2006 resolution, to which the involved parties agreed, without implementation of the FRLRP and other flood protection projects, development in the Plumas Lake Specific Plan area could not proceed beyond 2008. Therefore, implementation of the FRLRP is growth inducing in the sense that it removes an obstacle to future development.

However, development supported by completion of the FRLRP is consistent with existing land use and project plans in the RD 784 area that had been approved long before the need for the proposed levee improvements had become apparent. Development in these areas is proceeding in accordance with the applicable plans, which include the *Plumas Lake Specific Plan* (Yuba County 1992a), *East Linda Specific Plan* (Yuba County 1990a), and *Yuba County General Plan* (Yuba County 1994a, 1996a).

CEQA analyses have been completed for these plans and associated projects that disclose the environmental effects associated with their implementation. Applicable CEQA analyses include the draft and final EIRs for the *Plumas Lake Specific Plan* (Yuba County 1992b, 1993); for the *East Linda Specific Plan* (Yuba County 1990b, 1990c); and for the *Yuba County General Plan* (Yuba County 1994b, 1996b).

CEQA analyses are under way for two additional large-scale mixed-use projects consisting of up to approximately 6,500 and 2,100 housing units, respectively. However, EIRs for these projects are not yet available.

Implementation of the FRLRP would not alter the location or amount of growth and development envisioned in the available EIRs prepared for local planning documents. Any effects on the environment resulting from the FRLRP removing an obstacle to existing planned growth in the RD 784 area are identified in these available documents. Significant impacts identified in these documents are summarized below.

Some people may argue that implementation of the FRLRP could induce additional new development in the RD 784 area that is currently unplanned and unknown. The degree to which the additional flood protection provided by the FRLRP would alter future development patterns or increase the potential for growth in areas afforded greater flood protection is speculative; therefore, no further discussion is required (State CEQA Guidelines Section 15145).

Land Use

The EIRs for the *Yuba County General Plan* and *East Linda Specific Plan* found no significant impacts related to land use as a result of project implementation.

The *Plumas Lake Specific Plan* EIR found that the specific plan would endanger agricultural lands adjacent to the plan area boundaries because of land use conflicts between urban and agricultural uses. Mitigation measures are provided, but the impact is still identified as significant and unavoidable. The EIR also found that public health impacts could potentially arise from agricultural aerial spraying in lands adjacent to the plan area. A mitigation measure was provided, but the impact is still considered potentially significant. Inconsistency of the specific plan with the goal and with Policy 1a of the Agricultural Lands section of the Land Use Element of the *Yuba County General Plan* was found to be a significant and unavoidable impact in the EIR. The EIR also concludes that the conversion of 5,000 acres of agricultural land to nonagricultural uses is a significant and unavoidable impact, as is the permanent change in character and use of a large amount of land. The *Plumas Lake Specific Plan* EIR recognizes potential impacts from residential land uses abutting commercial, industrial, and infrastructure land uses. This impact is reduced to a less-than-significant level by a mitigation measure. However, potential impacts on public health and safety where residential areas are adjacent to the All Pure Chemical plant are considered significant and unavoidable, although mitigation is provided.

Population and Housing

The EIRs for the *Yuba County General Plan* and *Plumas Lake Specific Plan* found no significant impacts related to housing and population that would arise from project implementation. The *East Linda Specific Plan* EIR states in the section related to population and housing that there are no significant impacts resulting from project implementation related to these topic areas. However, elsewhere in the EIR it identifies population growth as a significant and unavoidable impact.

Geology, Soils, and Mineral Resources

The EIRs for the *Yuba County General Plan* and *Plumas Lake Specific Plan* do not identify any significant impacts related to geology, soils, and mineral resources. The *East Linda Specific Plan* EIR concludes that construction of new roads, underground utilities, drainage retention areas, dwelling units, commercial developments, and school facilities will cause the displacement, disruption, compaction, and covering over of plan area soils. Mitigation measures reduce these impacts to less-than-significant levels.

Hydrologic Conditions, Water Supply and Quality, and Drainage

The *Yuba County General Plan* EIR identifies flooding impacts in the Wheatland/Bear River area as significant. The EIR provides a mitigation measure that reduces these impacts to a less-than-significant level. The *Plumas Lake Specific Plan* EIR identifies no significant impacts related to hydrologic conditions, water supply and quality, or drainage as a result of project implementation.

The *East Linda Specific Plan* EIR concludes that development of the specific plan area would have the following impacts: increase in the rate and amount of surface-water runoff; increase in

the amount of unnatural objects carried from place to place by runoff; increase in the amount of harmful chemicals from human activities and machinery released into runoff water; erosion during construction activity; alteration of the course of floodwaters; and change in the quantity of groundwater. Mitigation measures reduce these impacts to less-than-significant levels.

Biological Resources

The *Plumas Lake Specific Plan* EIR discusses the development of the plan area and its impact on loss of habitat area. The EIR also discusses potential project impacts related to removal of the riparian forest and scrub areas within the plan area boundaries, as well as potential indirect impacts on and direct removal of permanent water and seasonally ponded wetlands, including U.S. Army Corps of Engineers jurisdictional wetlands. All of these impacts are reduced to less-than-significant levels with mitigation measures.

The *Yuba County General Plan* EIR addresses indirect and secondary effects on biological resources. These impacts can occur via illegal hunting, domestic dog activity, off-road vehicle use, the use of pesticides and other harmful chemicals, and other factors related to more intense human presence and activity. A mitigation measure is provided to mitigate this impact, but it remains potentially significant.

The *East Linda Specific Plan* EIR discusses the potential for project impacts on vernal pools and vernal pool habitat. Mitigation measures reduce these impacts to less-than-significant levels.

Aesthetic Resources

The EIRs for the *Yuba County General Plan* and *Plumas Lake Specific Plan* found no significant impacts related to aesthetics or scenic resources that would arise from project implementation. The *East Linda Specific Plan* EIR considers the change in the visual character of the site from rural to urban to be a significant and unavoidable impact.

The EIRs for the *Yuba County General Plan* and *Plumas Lake Specific Plan* found no significant impacts related to light and glare that would arise as a result of project implementation. The *East Linda Specific Plan* EIR found that light spillage from parking lots or sign lighting onto adjacent residential properties could result in significant glare impacts. Mitigation measures reduce these impacts to less-than-significant levels.

Cultural Resources

The *Yuba County General Plan* EIR concluded that as a result of new development allowed by the general plan, existing cultural resources would be significantly more susceptible to vandalism, impacts from off-road vehicles, and other secondary or indirect effects. This increase in susceptibility would occur because of the greater numbers of people in the county and because of new developments located relatively close to certain cultural resources. The EIR provides a mitigation measure that reduces this impact to a less-than-significant level.

The *Plumas Lake Specific Plan* EIR concluded that development of the specific plan area could disrupt or destroy significant historical sites. Mitigation measures reduce this impact to a less-than-significant level. The *East Linda Specific Plan* EIR found no significant impacts related to cultural resources that would arise from project implementation.

Air Quality

The *Yuba County General Plan* EIR identifies significant air quality impacts related to new development, primarily because the air basin is already in nonattainment for some constituents. No mitigation measures were identified that would guarantee that this impact could be reduced to a less-than-significant level, so it remains potentially significant.

The *Plumas Lake Specific Plan* EIR discusses air quality impacts related to construction dust emissions and hazardous emissions from construction equipment. These impacts are reduced to less-than-significant levels by mitigation measures. The EIR concludes that development in the plan area could add to a significant cumulative decline in air quality in the region. Mitigation measures are provided, but the impact remains significant and unavoidable.

The *East Linda Specific Plan* EIR identifies construction dust and increased motor vehicle emissions as impacts anticipated as part of development of the plan area. Mitigation measures reduce these impacts to less-than-significant levels.

Noise

The *Yuba County General Plan* EIR recognizes significant direct and cumulative noise impacts from the development of noise-sensitive land uses closer to existing railroads and commercial, industrial, and recreational noise sources, and from the development of new commercial, industrial, and recreational noise sources closer to existing noise-sensitive land uses. The EIR also discusses the potential impact of the development of noise-sensitive uses close to Beale Air Force Base, the Brownsville Aero Pines Airport, and the Yuba County Airport, exposing these uses to aircraft noise. Mitigation measures reduce all of these impacts to less-than-significant levels. The General Plan EIR also anticipates traffic noise impacts at new noise-sensitive land uses from new and existing roadways, and at existing land uses from new roadways. These impacts are reduced by mitigation measures to less-than-significant levels. The exposure of existing noise-sensitive land uses to increased traffic noise from existing roadways is also identified as a significant impact. A mitigation measure is provided for this impact, but this mitigation may not be possible in some instances, leaving the impact as potentially significant.

The *Plumas Lake Specific Plan* EIR found two significant noise impacts: railroad, future traffic, and existing industrial noise impacts on noise-sensitive land uses, and construction activity noise impacts on surrounding uses. Both impacts are mitigated to less-than-significant levels.

The *East Linda Specific Plan* EIR concludes that sensitive uses within the 65–75 decibel (dB) community noise equivalent level (CNEL) noise contour for State Route (SR) 70 and people living near the SR 70 bypass, the railroad, and other major arterials may be subject to unacceptably high noise levels. These impacts are reduced by mitigation measures to less-than-significant levels.

Transportation and Circulation

One transportation-related impact identified in the *Yuba County General Plan* EIR is that growth and development under the general plan could affect the development and maintenance of an efficient and effective roadway system with acceptable levels of service (LOS). Some roads that would need to be widened to ensure acceptable LOS, because of the level of growth allowed by the general plan, might not be widened. A mitigation measure in the EIR proposes (a) the

widening of each such road for which widening is possible and (b) alternative measures to mitigate the decreased LOS for roads that cannot be widened because of physical constraints. If these measures are effective, the impact is reduced to a less-than-significant level, but the impact remains potentially significant pending the effectiveness of the measures.

The *Plumas Lake Specific Plan* EIR discusses LOS impacts on multiple intersections under the “Existing Plus Project Scenario,” all of which are mitigated to less-than-significant levels. These intersections include the following: Arboga Road/Erie Road; SR 70 southbound ramps/Erie Road; Arboga Road/McGowan Parkway; SR 70 southbound ramps/McGowan Parkway; SR 70 northbound ramps/McGowan Parkway; SR 70 southbound ramps/Feather River Boulevard; SR 70 northbound ramps/Feather River Boulevard; SR 70 southbound ramps/Plumas-Arboga Road; and SR 70 northbound ramps/Plumas-Arboga Road. Also under the “Existing Plus Project Scenario,” the *Plumas Lake Specific Plan* EIR discusses additional impacts on SR 70 and SR 65 mainlines and interchanges. One impact is that projected travel demand at the Algodon Road/Plumas-Arboga Road and Feather River Boulevard interchanges with SR 70 will create the need for major interchange modifications. A mitigation measure is provided for this impact, but it remains potentially significant. Another impact is that traffic generated by development of the plan area will create the need for greater capacity on SR 70; this impact is reduced to a less-than-significant level with mitigation.

Under the “Cumulative Plus Project Scenario,” the *Plumas Lake Specific Plan* EIR discusses LOS impacts on multiple intersections, all of which are mitigated to less-than-significant levels. These intersections include the following: Arboga Road/Erie Road; SR 70 southbound ramps/Erie Road; SR 70 northbound ramps/Lindhurst Road; Arboga Road/McGowan Parkway; SR 70 southbound ramps/McGowan Parkway; SR 70 northbound ramps/McGowan Parkway; SR 65 northbound/McGowan Parkway; Feather River Boulevard/Ella Avenue; Plumas-Arboga Road/Algodon Road; SR 70 southbound ramps/Feather River Boulevard; SR 70 northbound ramps/Feather River Boulevard, and; SR 70 southbound ramps/Plumas-Arboga Road. Also under the “Cumulative Plus Project Scenario,” the *Plumas Lake Specific Plan* EIR discusses the impact of future cumulative traffic growth resulting from project implementation on LOS on several roadway segments. This impact is reduced to a less-than-significant level with mitigation.

As under the “Existing Plus Project Scenario,” the *Plumas Lake Specific Plan* EIR discusses additional impacts on SR 70 and SR 65 mainlines and interchanges under the “Cumulative Plus Project Scenario.” These impacts include the following: increased traffic creating a need for major intersection modification to the Algodon Road/Plumas-Arboga Road and Feather River Boulevard interchanges with SR 70; increased traffic resulting in the need for greater capacity on SR 70; increased public transit demand as a result of increased population; and insufficient funding for improvements because of the lack of an impact fee structure. All of these impacts are mitigated to less-than-significant levels.

The *East Linda Specific Plan* EIR states that if full buildout were to occur before the completion of the SR 70 bypass, unacceptable LOS would occur on SR 70 from the E Street Bridge to the SR 70/SR 65 intersection. This impact remains potentially significant even after mitigation measures are applied.

Public Services, Utilities, and Parks and Recreation

The *Yuba County General Plan* EIR found no significant impacts related to public services and utilities or parks and recreation resulting from project implementation.

The *Plumas Lake Specific Plan* EIR discusses impacts of development of the plan area on increased water and wastewater facility and service demands and increased stormwater facility demands. Other impacts include public safety hazards potentially created by floodplain development and declining water quality potentially caused by development of the plan area. All of these impacts are mitigated to less-than-significant levels. The EIR also identifies the impact of additional fire service demands resulting from development of the specific plan area and the potential impact of structural and suburban land use-related fires resulting from this development. These impacts are reduced to less-than-significant levels via mitigation.

Significant impacts in the *Plumas Lake Specific Plan* EIR related to additional demands for law enforcement services and the anticipated increase in suburban-type crimes are both mitigated to less-than-significant levels. Significant impacts related to increased demand for solid waste collection and disposal are also reduced to less-than-significant levels with mitigation.

The *Plumas Lake Specific Plan* EIR discusses how development of the plan area would remove current recreation opportunities and create demand for additional ones. Mitigation measures reduce this impact to a less-than-significant level. The EIR also states that development of the specific plan area would create significant demands for educational facilities and services. Mitigation measures reduce this impact to a less-than-significant level.

The *East Linda Specific Plan* EIR identifies water and wastewater impacts related to portions of the plan area not being included in the Linda County Water District. It also discusses impacts related to a new water main and distribution lines not yet being in place and additional standby power needed to meet system demands and design criteria. Other impacts in the EIR relate to insufficient capacity of sewer trunk lines, wastewater treatment facilities, and stormwater drainage facilities to serve the plan area at buildout. The EIR also identifies impacts related to the need for new firefighting equipment and increased demands for service from the Yuba County Sheriff's Department. School impacts include the need for new school facilities to serve the plan area and the cost of land acquisition, site improvement, and building construction, which would exceed available revenue. The need for new parks is also identified as an impact. Mitigation measures are listed in the *East Linda Specific Plan* EIR for each of the public services and facilities impacts discussed above, but increased demand for public services is also listed as a significant and unavoidable impact. Sewage treatment and water supply are specifically listed in the section discussing significant and unavoidable impacts.

Risk of Upset/Public Health and Safety

The EIRs for the *Yuba County General Plan* and *East Linda Specific Plan* found no significant impacts related to risk of upset or public health and safety. The *Plumas Lake Specific Plan* EIR discusses how development could be hindered or slowed by the discovery of and investigation of hazardous materials on-site. This impact is mitigated to a less-than-significant level.

Paleontological Resources

The EIRs for the *Yuba County General Plan*, *East Linda Specific Plan*, and *Plumas Lake Specific Plan* do not address paleontological resources.

7.2 AREAS OF KNOWN CONTROVERSY

The primary area of potential controversy associated with the FRLRP is the change in land uses that would occur as a result of setting back the left bank Feather River levee between Star Bend and Shanghai Bend under either Alternative 2 or Alternative 3. Under Alternative 2, a total of approximately 1,600 acres would be included in the setback levee footprint and easements and the setback area (new floodway). Of that total acreage, approximately 250 acres would be required for the setback levee footprint and easements, and the remaining approximately 1,350 acres would be subject to periodic inundation during high river flows. Under Alternative 3, approximately 230–240 acres would be required for the setback levee footprint and easements, and approximately 1,600–1,700 acres would be included in the new floodway. The majority of the land within the levee setback area is currently used for agriculture. Continued farming operations may be feasible in many parts of the setback area but could be impractical in other areas as a result of project implementation. Under Alternatives 2 and 3, up to several hundred acres of agricultural land could also be converted to a detention basin. It should be noted that under Alternative 1 up to approximately 180 acres of agricultural land would be removed from production to accommodate a detention basin and seepage/stability berms.

With implementation of the FRLRP, periodic episodes of inundation in the levee setback area are expected to be infrequent enough and of short enough duration to allow farming to continue on some portion of the land in the setback area. TRLIA may acquire flood easements from landowners who want to continue to farm or use their land in ways that are compatible with flowage easements. Some portion of the land in the levee setback area may be permanently removed from agricultural production and would be acquired through fee-title. Future management plans for these acquired properties could include restoration of habitat and wetland areas as a substitute for agricultural uses where opportunities are present.

Setting back the Feather River levee may be controversial because private property would be transected by a new levee, some property owners would be displaced, homes and other structures in the setback area would be removed, farmable land would be subject to flooding, and prime agricultural land would be removed from agricultural use. Furthermore, if habitat restoration is included in the FRLRP, converting agricultural land to riparian and wildlife habitat is controversial in some agricultural communities, especially in the Sacramento Valley, where extensive areas are being converted or are proposed for conversion from agricultural use to riparian habitat. County tax revenues also may change as a result of potential land use changes.

An additional area of potential controversy is project construction. Levee strengthening and/or construction of a setback levee would likely pose a temporary nuisance to nearby residents. All construction-related impacts identified in this EIR (see Chapter 5) have appropriate mitigation measures that would be implemented as part of the project; however, short-term impacts associated with construction, such as those associated with noise, dust, and traffic, could exacerbate any public controversy regarding the FRLRP.

This project would help resolve a current area of known and long-standing controversy, namely, the existing risk of flooding impacts in the Yuba-Feather River watershed, as demonstrated by recent catastrophic flooding events. Implementation of any of the three FRLRP alternatives examined in this EIR would result in the levees in the project area providing flood protection for the 1-in-200 annual exceedance probability flood and increasing the overall level of flood protection in the RD 784 area.

Overall, the FRLRP would reduce the ongoing concern and controversy over flood protection in the nearby communities. Any continuing controversy surrounding the project would be related primarily to the direct effects of the proposed levee setback under Alternatives 2 and 3 on affected landowners as well as the effects on agricultural production associated with lands in the levee setback area.

7.3 IRREVERSIBLE OR IRRETRIEVABLE COMMITMENTS OF RESOURCES

The FRLRP would result in the irretrievable commitment of:

- ▶ fossil fuels during construction of the project;
- ▶ energy resources needed to repair the existing levees, and under Alternatives 2 and 3, to construct the setback levee and associated features and to relocate utilities; and
- ▶ construction materials.

If FRLRP Alternative 2 or Alternative 3 were selected, a newly constructed setback levee would become a permanent landscape feature along the Feather River and an irreversible change in land use would result.

7.4 UNRESOLVED ISSUES

TRLIA would need to select which alternative to approve among the three alternatives evaluated at an equal level of detail in this EIR. The decision would be based on numerous factors besides environmental impacts, including cost, availability of financing, effects on landowners, the potential for regional flood control benefits, future permitting requirements, and implementation schedule.

Regardless of which alternative is selected for implementation, detailed design of project features and planning of construction would need to be coordinated with mitigation requirements in this EIR so that sensitive resources, utilities, and disturbance to adjacent landowners are avoided where practicable. Detailed plans for mitigation of effects on biological resources that cannot be physically avoided during construction would need to be developed in compliance with applicable federal and state laws (e.g., the federal and California Endangered Species Acts) and in coordination with the regulatory agencies.

Land uses in the levee setback area under Alternatives 2 and 3 could consist of agricultural operations and/or habitat restoration activities. Special operations and maintenance plans would need to be prepared and implemented to ensure the long-term maintenance of any agricultural and/or habitat areas, and to ensure that such areas would not conflict with the flood control

function of the levee setback area. Any future management plans would require consultation with affected landowners, resource agencies, and other stakeholders.