

4.3.9 Land Use

Impact LU-1: Incompatibility with Applicable Land Use Designations, Goals, and Policies as a Result of Constructing the Proposed Water Conveyance Facility

NEPA Effects: Incompatibility with land use regulations stemming from the construction of water conveyance structures under Alternative 4A would be identical to those described for Alternative 4.

Like Alternative 4, Alternative 4A would place temporary and permanent structures on lands designated for other uses by the general plans of Sacramento, San Joaquin, Contra Costa, and Alameda Counties. As described in Table 13-11 in Chapter 13, *Land Use*, of the Draft EIR/EIS, this would include 15 acres in Alameda County; almost 4,302 acres in Contra Costa County; 2,112 acres in Sacramento County; and 2,815 acres in San Joaquin County. The construction of the water conveyance facilities would require land use activities that would be incompatible with land use designations, goals and policies ascribed to the study area and for the purposes of reducing environmental impacts. To the extent that constructing Alternative 4A would result in incompatibilities with land use designations, goals and policies designed to avoid or reduce environmental effects, these potential incompatibilities are described in Chapter 13, *Land Use*, Section 13.3.3.9, Impact LU-1 in Appendix A of this RDEIR/SDEIS. As discussed in Section 13.3.2, *Determination of Effects*, of the Draft EIR/EIS, to the extent that alternatives are incompatible with such land use designations, goals, and policies, any related environmental effects are discussed in other chapters.

CEQA Conclusion: These incompatibilities indicate the potential for a physical consequence to the environment. As discussed in Section 13.3.2, *Determination of Effects*, of the Draft EIR/EIS, the physical effects they suggest are discussed in other chapters throughout this document. The relationship between plans, policies, and regulations and impacts on the physical environment is discussed in Section 13.3.1, *Methods for Analysis*, of the Draft EIR/EIS.

Impact LU-2: Conflicts with Existing Land Uses as a Result of Constructing the Proposed Water Conveyance Facility

NEPA Effects: Effects related to conflicts with existing land uses under Alternative 4A would be identical to those described for Alternative 4. As for Alternative 4, construction and operation of physical facilities for water conveyance would create temporary or permanent conflicts with existing land uses (including displacement of existing structures and residences) because of the construction of permanent features of the facility. As described in Table 13-12 of Chapter 13, *Land Use*, 85 structures would be displaced, including 19 residential, 7 recreational, 50 storage/support, and 9 other structures (such as power/utility structures and bridges). Indirect impacts would primarily happen as a result of incompatibility with adjacent land uses or the loss or increased difficulty of access to parcels. Table 13-12 in Appendix A of this RDEIR/SDEIS, summarizes the estimated number of structures affected across structure type and alternative and Mapbook Figure M13-4 in the Mapbook Volume of the Draft EIR/EIS shows the distribution of these effects across the Modified Pipeline/Tunnel conveyance alignment.

The removal of a substantial number of existing permanent structures as a result of constructing the water conveyance facility would be considered a direct, adverse socioeconomic effect of this alternative under NEPA. When required, the project proponents would provide compensation to

1 property owners for losses due to implementation of the alternative, which would reduce the
2 severity of economic effects related to this physical impact, but would not reduce the severity of the
3 physical impact itself. Project conflicts with existing public structures under Alternative 4A are
4 addressed in Section 4.3.16, *Public Services and Utilities*, of this RDEIR/SDEIS; potential adverse
5 effects on the environment related to the potential release of hazardous materials contained in
6 structures to be demolished are addressed in 4.3.20, *Hazards and Hazardous Materials*, of this
7 RDEIR/SDEIS; and potential adverse effects on traditional cultural properties are addressed in
8 Section 4.3.14, *Cultural Resources*, of this RDEIR/SDEIS.

9 **CEQA Conclusion:** Construction of the proposed water conveyance facility would necessitate the
10 removal of a substantial number of existing permanent structures. The removal of existing
11 structures is not, in itself, considered a significant environmental impact, though removal might
12 entail economic impacts. Significant environmental impacts would only result if the structures
13 qualified as “historical resources” or the removal of structures led to significant physical effects on
14 certain other resources. As discussed in Section 13.3.2, *Determination of Effects*, of the Draft EIR/EIS,
15 such effects are discussed in other sections throughout the document. Project conflicts with existing
16 public structures under Alternative 4A are addressed in Section 4.3.16, *Public Services and Utilities*,
17 of this RDEIR/SDEIS; potential impacts on the public and environment related to the potential
18 release of hazardous materials contained in structures to be demolished are addressed in Section
19 4.3.20, *Hazards and Hazardous Materials*, of this RDEIR/SDEIS; and potential impacts on “historical
20 resources” (including qualifying structures) and traditional cultural properties are addressed in
21 Section 4.3.14, *Cultural Resources*, of this RDEIR/SDEIS. Where applicable, project proponents will
22 provide compensation to property owners for losses due to implementation of Alternative 4A. This
23 compensation would not constitute mitigation for any related physical impact; however, it would
24 reduce the severity of economic effects.

25 **Impact LU-3: Create Physical Structures Adjacent to and through a Portion of an Existing** 26 **Community as a Result of Constructing the Proposed Water Conveyance Facility**

27 **NEPA Effects:** Effects related to any potential division of an existing community as a result of the
28 construction of water conveyance facilities under Alternative 4A would be identical to those
29 described for Alternative 4. Construction of permanent facilities and associated work areas would
30 be located around the community of Hood. A tunnel carrying water south from Intakes 2 and 3 to
31 the intermediate forebay would be placed under the community. The tunnel would be constructed
32 below the surface and would not interfere with the existing community; therefore, the alignment
33 would not create a physical structure adjacent to or through the existing community. A temporary
34 power line would be constructed around the northern, eastern, and southern sections of the
35 community, which would provide power to the intake work areas during construction. Additionally,
36 a temporary work area associated with construction of the conveyance facilities would be built
37 adjacent to Hood on the southern side of the community, and would serve as a staging area during
38 the construction phase. It would consist of facilities such as parking areas, offices, and construction
39 equipment storage. Construction and the long-term placement of Intakes 3 and 5, although not
40 adjacent to Hood, would be built about one-quarter mile north and one-half mile south of Hood,
41 respectively, and would substantially alter the lands to the north and south of the community. While
42 permanent physical structures adjacent to or through Hood are not anticipated to result from this
43 alternative, activities associated with their construction could make it difficult to travel within and
44 around Hood in certain areas for a limited period of time. Mitigation Measures TRANS-1a and
45 TRANS-1b are available to address this effect. Additionally, the lasting placement of the intake

1 facilities would represent physical structures that would substantially alter the setting of the
2 community's surroundings, constituting an adverse effect.

3 **CEQA Conclusion:** During the construction of the tunnels between Intakes 3 and 5 and the
4 intermediate forebay, construction activities would occur to the north and south of the community
5 of Hood, and a proposed temporary power line would cross through portions of the community.
6 Even though access to and from the community would be maintained over the long-term, the nearby
7 construction of the temporary work area would substantially alter the setting of the community in
8 the near term. Similarly, the nearby construction of Intakes 3 and 5, although not adjacent to Hood,
9 would create permanent physical structures approximately one-quarter mile north and one-half
10 mile south of Hood that would substantially alter the community's surroundings. These structures
11 would therefore result in a significant and unavoidable impact. Implementation of Mitigation
12 Measures TRANS-1a and TRANS-1b would reduce the severity of this impact by supporting
13 continued access to and from the community on transportation routes; however, permanent
14 structures in the community's vicinity would remain, and the impact would be significant and
15 unavoidable.

16 **Mitigation Measure TRANS-1a: Implement Site-Specific Construction Traffic Management**
17 **Plan**

18 Please refer to Mitigation Measure TRANS-1a in Chapter 19, *Transportation*, under Impact
19 TRANS-1 in the discussion of Alternative 4 in the Draft EIR/EIS.

20 **Mitigation Measure TRANS-1b: Limit Hours or Amount of Construction Activity on**
21 **Congested Roadway Segments**

22 Please refer to Mitigation Measure TRANS-1b in Chapter 19, *Transportation*, under Impact
23 TRANS-1 in the discussion of Alternative 4 in the Draft EIR/EIS.

24 **Impact LU-4: Incompatibility with Applicable Land Use Designations, Goals, and Policies as a**
25 **Result of Implementing the Proposed Environmental Commitments 3, 4, 6–12, 15, and 16**

26 **NEPA Effects:** Effects of Alternative 4A related to incompatibility with applicable land use
27 designations, goals, and policies resulting from implementation of Environmental Commitments 3, 4,
28 6–12, 15, and 16 would be similar in mechanism to those described for Alternative 4. However, as
29 described under Section 4.1, *Introduction*, of this RDEIR/SDEIS, Alternative 4A would protect and
30 restore up to 15,548 acres of habitat under Environmental Commitments 3, 4, and 6-10, as
31 compared with 83,800 acres under Alternative 4. Up to 4.6 miles of channel margin habitat would be
32 enhanced under Alternative 4A with Environmental Commitment 6 (compared with 20 miles under
33 Alternative 4). Similarly, Environmental Commitments 11, 12, 15, and 16 would be implemented
34 only at limited locations. Conservation Measures 2, 5, 13, 14, and 17–21 would not be implemented
35 as part of this alternative. Therefore, the magnitude of effects under Alternative 4A would likely be
36 substantially smaller than those associated with Alternative 4. Because Alternative 4A doesn't
37 include those Conservation Measures, the BDCP will be treated as a covered activity under the Delta
38 Plan. The consistency between this alternative and the Delta Plan is discussed in detail in Appendix
39 G of this RDEIR/SDEIS.

40 Because the locations for the implementation of these environmental commitments are unknown at
41 this time, there is some uncertainty about whether new land uses related to these environmental
42 commitments would be incompatible with existing land use designations, goals, and policies.

1 However, the restoration associated with these environmental commitments would be consistent
2 with open space, and would generally be compatible with the study area, which predominantly
3 consists of agriculture and open space. Most activities would be anticipated to take place on land
4 designated for agriculture, open space, natural preserve and recreation; therefore, local
5 designations, goals, and policies related to preservation of those attributes would likely be
6 compatible with the restoration actions that would take place under these environmental
7 commitments. Additionally, actions would be limited compared to other BDCP alternatives, and
8 actions would be dispersed across the study area. Specific impacts to agriculture or wildlife habitat
9 are evaluated in Chapter 13, *Agricultural Resources*, and 11, *Terrestrial Resources*. Therefore,
10 implementation of this alternative is not anticipated to result in substantial incompatibilities with
11 local land use regulations. Impacts would not be adverse.

12 **CEQA Conclusion:** Because specific locations for the implementation of many of these land-intensive
13 actions are unknown at this point, there is some uncertainty about whether new land uses related to
14 these environmental commitments would be incompatible with existing land uses. However, the
15 restoration associated with these environmental commitments would be consistent with open
16 space, and would generally be compatible with the study area, which is a predominantly agricultural
17 area. Specific impacts to agriculture or wildlife habitat are evaluated in Chapter 13, *Agricultural*
18 *Resources*, and 11, *Terrestrial Resources*. Therefore, implementation of this alternative is not
19 anticipated to result in substantial incompatibilities with local land use regulations. Impacts would
20 be less than significant because environmental commitment actions would be largely consistent
21 with open space and agricultural uses, actions would be limited compared to other BDCP
22 alternatives, and actions would be dispersed across the study area. No mitigation is required.

23 **Impact LU-5: Conflicts with Existing Land Uses as a Result of Implementing the Proposed**
24 **Environmental Commitments 3, 4, 6-12, 15, and 16**

25 **NEPA Effects:** Effects related to conflicts with existing land uses under Alternative 4A would be
26 similar in mechanism to those described for Alternative 4, but to a substantially smaller magnitude
27 based on the conservation activities proposed under Alternative 4A (and as described in Section 4.1,
28 *Introduction*, of this RDEIR/SDEIS and under Impact LU-4, above). While the location of each
29 restoration and/or enhancement action is not known at this time, it is possible that implementing
30 these measures may result in temporary (e.g., construction activities that may conflict with land
31 designated as open space) or permanent (e.g., displacement of existing residents and removal of
32 existing structures) physical conflicts with existing land uses in or immediately adjacent to the study
33 area.

34 Because the locations for the implementation of these environmental commitments are unknown at
35 this time, there is some uncertainty about whether new land uses related to these environmental
36 commitments would be incompatible with existing land uses. However, the restoration associated
37 with these environmental commitments would be consistent with open space, and would generally
38 be compatible with land uses within and adjacent to the study area, which predominantly consists of
39 agriculture and open space. Most activities would be anticipated to take place on land designated for
40 agriculture, open space, natural preserve and recreation; therefore, land uses related to
41 preservation of those attributes would likely be compatible with the restoration actions that would
42 take place under these environmental commitments. Additionally, actions would be limited
43 compared to other BDCP alternatives, and actions would be dispersed across the study area. Specific
44 impacts to agriculture or wildlife habitat are evaluated in Chapter 13, *Agricultural Resources*, and 11,

1 *Terrestrial Resources*. Therefore, implementation of this alternative is not anticipated to result in
2 substantial incompatibilities with local land use regulations. Impacts would not be adverse.

3 **CEQA Conclusion:** Because specific locations and types of restoration to be implemented are
4 unknown at this point, there is some uncertainty about whether new land uses related to these
5 environmental commitments would conflict with existing land uses or result in the permanent
6 conversion of land uses. However, the restoration associated with these environmental
7 commitments would be consistent with open space, and would generally be compatible with the
8 study area, which is a predominantly agricultural area. Specific impacts to agriculture or wildlife
9 habitat are evaluated in Chapters 13, *Agricultural Resources*, and 11, *Terrestrial Resources*.
10 Therefore, implementation of this alternative is not anticipated to conflict with existing land uses.
11 Impacts would be less than significant because environmental commitment actions would be largely
12 consistent with open space and agricultural uses, actions would be limited compared to other BDCP
13 alternatives, and actions would be dispersed across the study area. No mitigation is required.

14 **Impact LU-6: Create Physical Structures Adjacent to and through a Portion of an Existing**
15 **Community as a Result of Implementing the Proposed Environmental Commitments 3, 4, 6-**
16 **12, 15, and 16**

17 **NEPA Effects:** Effects related to the physical division of an existing community under Alternative 4A
18 would be similar in mechanism to those described for Alternative 4, but to a substantially smaller
19 magnitude based on the conservation activities proposed under Alternative 4A (and as described in
20 Section 4.1, *Introduction*, of this RDEIR/SDEIS and under Impact LU-4, above). Because the locations
21 for the implementation of these habitat restoration and enhancement activities are unknown at this
22 point, a conclusion about this alternative's potential to divide an existing community cannot be
23 made; however, because, large-scale restoration actions that take place in areas suitable for open
24 space, resource conservation, and habitat are not likely to create permanent physical divisions in
25 existing communities, this impact is not anticipated to be adverse.

26 **CEQA Conclusion:** Because the locations for the implementation of habitat restoration and
27 enhancement activities are unknown at this point, a conclusion about this alternative's potential to
28 divide an existing community cannot be made; however, because, large-scale restoration actions
29 that take place in areas suitable for open space, resource conservation, and habitat are not likely to
30 create permanent physical divisions in existing communities, this impact is anticipated to be less
31 than significant.