

- Adverse environmental effects that cannot be avoided (40 Code of Federal Regulations [CFR] 1502.1);
- The relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity (40 CFR 1502.16);
- Irreversible or irretrievable commitments of resources (40 CFR 1502.16);
- Energy requirements and conservation potential (40 CFR 1502.16);
- Natural or depletable resource requirements and conservation potential (40 CFR 1502.16(f));
- Economic and social effects (40 CFR 1508.8(b)); and
- Effects on urban quality, historical and cultural resources, and the design of the built environment, including the reuse and conservation potential (40 CFR 1502.16(g)).

Furthermore, *Forty Most Asked Questions Concerning CEQ's NEPA Regulations (40 Questions)* numbers 6(a) and 6(b) require the identification of the “Environmentally Preferable” alternative from the range considered.

In this document are discussed the CEQA-required significant environmental effects that cannot be avoided and the NEPA-required adverse environmental effects that cannot be avoided. Economic and social effects are discussed in Section 4.3 of this document (*Population, Housing, and Employment*). The discussion of irreversible or irretrievable commitments of resources corresponds to the CEQA-required discussion of significant irreversible environmental changes that is presented in this section. The “Environmentally Preferable” alternative corresponds to the “Environmentally Superior Alternative” required by CEQA, as discussed in this section. The energy requirements and conservation potential discussion correspond to the energy conservation analysis required by CEQA, and is also discussed in Section 6.1.3. All other additional topics that are required to be discussed by CEQA and NEPA are also contained in Section 6.1.3.

### 6.1.3 Discussion of Issues Required by CEQA and NEPA

#### Significant Environmental Effects That Cannot Be Avoided/Adverse Environmental Effects That Cannot Be Avoided

State CEQA Guidelines state in Section 15126.2(b) that the consideration and discussion of significant environmental impacts include:

*Significant Environmental Effects Which Cannot Be Avoided if the Proposed Project is Implemented. Describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is*

*being proposed, not withstanding their effect, should be described.*

The CEQ's NEPA Regulations state in 40 CFR 1502.16 that the discussion of environmental consequences include the “. . . environmental impacts of the alternatives including the proposed action . . . and . . . any adverse environmental effects which cannot be avoided should the proposal be implemented . . . .” While all environmental effects dismissed by the Initial Study are discussed in Section 4.0 of this document, the following list summarizes the significant environmental effects for the Proposed MSHCP and alternatives that cannot be avoided.

**Biology.** Non-Covered Species and the sensitive native grassland vegetation community would potentially benefit from the conservation and protection of the proposed MSHCP. However, even with these benefits offered by the MSHCP Plan, because of the lack of information available to adequately plan for conservation of these species, and lack of geographical information distinguishing sensitive native grassland from non-sensitive non-native grassland communities, impacts to Non-Covered Species and native grassland vegetation communities are assumed to be potentially significant and not mitigable.

**Mineral Resources.** No significant impacts would occur for the proposed MSHCP, the Existing Reserves Alternative, and the No Action Alternative. There would be no impacts to regionally valuable resources. A significant unavoidable impact, however, with respect to local future mineral resource extraction expansion would occur in the City of Lake Elsinore with the Listed, Proposed, and Strong Candidate Species Alternative and with the Listed and Proposed Species Alternative.

#### **Significant Irreversible Environmental Changes/Irreversible or Irrecoverable Commitments of Resources**

As discussed in Section 15126.2(c) of the State CEQA Guidelines, the consideration and discussion of significant environmental impacts must include a discussion of significant irreversible environmental changes that would be caused by the Proposed Action should it be implemented. It states that:

*Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irrecoverable commitments of resources should be evaluated to assure that such current consumption is justified.*

Section 40 CFR 1502.16 of the CEQ's NEPA Regulations require that the discussion of environmental consequences also include ". . . any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented." The following discussion describes both irreversible changes and irreversible and irretrievable commitments of resources involved in the implementation of the proposed MSHCP and alternatives.

The Proposed Action is the establishment of an MSHCP, which would create a reserve system and a mechanism for assembling the reserves as well as permitting development. The establishment of an MSHCP would not directly result in a physical change. Development in areas outside of the Conservation Area would occur as anticipated in the Riverside County General Plan. The MSHCP would not increase or decrease the amount of development that is anticipated to occur, and thus does not directly result in development (which would involve the irretrievable and irreversible use of land, water, and building materials). Development impacts will occur regardless of whether the MSHCP is implemented. Indirectly, through reserve assembly and management, areas with significant natural resources would be conserved through this Plan. These natural resources would be committed for the duration of the MSHCP (at least 70 years). However, this does not represent irreversible environmental changes or an irretrievable commitment of resources. Rather, it preserves resources for the future by allowing only non-destructive uses.

### **Growth Inducement**

State CEQA Guidelines requires the analysis of a proposed project's potential to induce growth. Specifically, Section 15126.2(d) requires that environmental documents ". . . discuss the 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 . . ." Growth inducing impacts can occur if a project would induce growth either directly or indirectly in the surrounding environment. Furthermore, Section 15126.2(d) states that "[i]t must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment."

A project's potential to induce growth does not automatically result in growth. Growth can only occur through capital investment in new economic opportunities by the public or private sectors. Development pressures are a result of economic investment in a particular locality. These pressures help to structure the local politics of growth and the local jurisdiction's posture on growth management and land use policy. Under CEQA, as stated previously, growth inducement is not considered necessarily detrimental, beneficial, or of significance to the environment. Typically, the growth inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies. In general, growth that is induced by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed

public services, or if it can be demonstrated that the potential growth significantly affects the environment in some other way.

Examples of development that would directly facilitate growth include the installation of new roadways or the construction or expansion of water delivery/treatment facilities. New employees from commercial and industrial development and new population from residential development represent direct forms of growth. While the establishment of the proposed MSHCP Conservation Area would likely be regarded as an enhancement to western Riverside County's quality of life, neither the proposed MSHCP nor any of the alternative scenarios contain components that would *directly* generate residential, commercial, or industrial development or induce population growth within the Plan Area.

State CEQA Guidelines Section 15604(D)(2) states that "an indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project." Section 15604(d)(3) further states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project." A project could *indirectly* induce growth by reducing or removing barriers to growth or by creating a condition that attracts additional population or new economic activity that is not currently planned. Additionally, a project that will reduce the supply of available land for development in one area may be considered to have indirect growth inducing effects if such a reduction would result in a shift in projected growth into an area not currently designated for such growth.

Each of the alternatives will, to varying degrees, result in the loss of developable land within western Riverside County. If development cannot occur where it is currently proposed, or occurs at levels currently permitted by the County and local municipalities, it must be accommodated elsewhere. As a result, the project could redistribute growth in the region, as development demand may occur in areas where it is not currently anticipated.

The USFWS and the CDFG (Wildlife Agencies) have authority to regulate the "take" of threatened and endangered or otherwise species. Currently, the time required to process Section 10a and Section 7 permits is unpredictable, and is a constraint on development. The intent of the plan, as outlined in the Biological, Social, and Economic goals (see Section 2.0), is for the Wildlife Agencies to grant "take authorization" to local jurisdictions for otherwise lawful actions such as development that may incidentally take or harm individuals of a species or its habitat *outside* of reserve areas, in exchange for each jurisdiction's support for the assembly of a coordinated reserve system. This would lessen the existing constraint on development by streamlining the permitting process. Thus, the proposed MSHCP would have an *indirect* growth inducing effect, because it will accommodate and streamline the approval of future development within those areas of western Riverside County outside the limits of the MSHCP Conservation Area. Additionally, the prior establishment of "reserve design criteria" will accommodate development, while allowing for conservation of biological resources, by identifying where, how, and under what conditions development within individual quarter sections may occur.

## **Environmentally Superior Alternative/Environmentally Preferable Alternative**

State CEQA Guidelines Section 15126.6(e) requires the identification of an “Environmentally Superior Alternative” in Questions 6(a) and 6(b) in *40 Questions* require the identification of an “Environmentally Preferable” alternative. State CEQA regulations (Section 15126.6(e)(2)) require that “[i]f the environmentally superior alternative is the ‘no project’ alternative, the EIR shall identify an environmentally superior alternative among the other alternatives.” CEQ’s *40 Questions* number 6(a) states that the Environmentally Preferable Alternative is usually “. . . the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources.” The following provides a brief comparison of alternatives (with references to more detailed comparisons elsewhere in this document), and identifies the Environmentally Superior/Environmentally Preferable Alternative.

The selection of alternatives for analysis is discussed in the Alternatives Screening Document (Appendix B). The alternatives carried forward for analysis include the Proposed MSHCP (the “Preferred Alternative” per NEPA); the Listed, Proposed, and Strong Candidate Species Alternative; the Listed and Proposed Species Alternative; the Existing Reserves Alternative; and the No Project Alternative. Section 2.0 of this document provides a detailed description of the alternatives, which are summarized in the following paragraphs.

The Proposed Action conserves the greatest numbers of acres of habitat in usable configurations, and conserves the most species, and would provide a management structure for maintaining the viability of the habitat. The Existing Reserves and No Project Alternatives would conserve land on a project-by-project basis, and there would be no system for management or reserve configuration in place. The Listed, Proposed, and Strong Candidate Species and Listed and Proposed Species Alternatives would conserve less habitat than the Proposed Action, but would have usable configurations for the reserves, and would also include a management structure for overseeing the reserves.

As the Proposed MSHCP would result in the most conservation and would provide more organized and usable habitat conservation than the Existing Reserves Alternative and the No Project Alternative, it is the Environmentally Superior/Environmentally Preferable Alternative per CEQA and NEPA.

## **Energy Conservation/Energy Requirements and Conservation Potential**

Appendix F of the State CEQA Guidelines contains guidance for discussion of energy conservation. The CEQ’s NEPA Guidelines Section 1502.2(e) indicates that the discussion of environmental consequences must include analysis of the “. . . [e]nergy requirements and conservation potential of various alternatives and mitigation measures.” The Proposed Action and alternatives would not involve construction or maintenance of any new facilities. It is a plan that would be put in place to

accommodate both conservation of important natural resources as well as to accommodate growth and development. However, as no direct physical changes to the environment would result from the MSHCP or alternatives, they would neither require energy nor decrease the potential for energy conservation elsewhere.

### **Relationship Between Short-term Uses of the Environment and the Maintenance and Enhancement of Long-term Productivity**

The CEQ's NEPA Guidelines Section 1502.16 of 40 CFR that analysis of environmental consequences must include discussion of ". . . the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity . . ." The objectives of the MSHCP involve balancing the need to conserve habitat in an organized and effective manner with the need to accommodate growth and development within Riverside County. Thus, long-term environmental productivity would be maintained through the assembly and management of a biologically-sound reserve system. Short-term uses of the environment, such as development, mining, and recreation, would be accommodated in a manner least likely to result in permanent damage to the region's natural resources.

### **Natural or Depletable Resource Requirements and Conservation Potential**

The CEQ's NEPA Guidelines state in Section 1502.16(f) that analysis of environmental consequences must discuss "[n]atural or depletable resource requirements and conservation potential of various alternatives and mitigation measures." The implementation of an MSHCP does not directly result in a physical change to the environment. It would not require construction of facilities or the excessive use of depletable resources. Natural resources would be preserved for conservation. Thus, the Proposed Action and all alternatives would not result in the depletion of natural or depletable resources.

### **Effects on Urban Quality, Historical and Cultural Resources, and the Design of the Built Environment, Including the Reuse and Conservation Potential**

NEPA Section 1502.16(g) states that analysis of environmental consequences must discuss "[u]rban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures." As stated in the Initial Study, the proposed MSHCP would not adversely affect scenic vistas. The Proposed Project is designed to preserve habitat in areas of western Riverside County. Riverside County has policies in place for the protection of scenic vistas and/or scenic highways from adverse impact from future development activities. The Riverside County General Plan also contains policies for the protection of scenic resources and highways. The Proposed Action will preserve important habitat and habitat linkages for threatened and endangered species in western Riverside County. Future development will follow policies in place for the protection of scenic resources and historic buildings. No impacts to

this issue would occur as a result of the implementation of the proposed MSHCP or alternatives.

Riverside County is known to have been visited and permanently inhabited by Euro-Americans since the 18th century. With implementation of the MSHCP, there would be no potential impacts to cultural or historical resources associated with development, as no development would occur within the MSHCP Conservation Area. Cultural resources located outside of the Plan Area may be affected by increased higher density “cluster” development, but within these areas existing requirements for the recovery of historical resources will be implemented.

Significant archaeological resources are known to exist within Riverside County, based on what is known of the histories of local Native American communities. Implementation of the MSHCP can lead to the protection of archaeological resources by preventing development in the various habitats set aside for the plan. The impacts to archaeological resources associated with higher density “cluster” development are considered to be less than significant, since best management practices will be used to follow proper procedures used in excavation of archaeologically sensitive areas in areas where higher density “cluster” development may occur.

Based on the soil types within western Riverside County and previous paleontological studies, paleontological resources are known to be present within areas considered for the MSHCP. Implementation of the MSHCP can lead to the protection of unique paleontological resources or unique geologic features by preventing development in the various habitats set aside in the Conservation Area. Conversely, the destruction or disturbance of paleontological resources or unique geologic features may be increased due to high density “cluster” development that will occur in areas outside of the Conservation Area. Standard management practices for the excavation of potential paleontological resources will be used to lessen impacts associated with greater population concentration to a less than significant level.

Because the MSHCP would be preserving habitat in its existing state, conservation is virtually guaranteed within the Conservation Area. While reuse of the area for non-conservation purposes is unlikely, it would not be precluded by any physical changes to the environment.

Urban quality and design of the built environment would be permanently changed to reflect a better quality of life, including permanent open space, community edges, and recreational opportunities.