

## **1.1 Introduction**

The County, the Cities of Brentwood, Clayton, Oakley, and Pittsburg, the Contra Costa County Flood Control and Water Conservation District, the EBRPD, and the Implementing Entity for the HCP/NCCP for ECCC are applying for ITPs from USFWS, pursuant to Section 10(a)(1)(B) of the ESA of 1973, as amended; and from DFG, pursuant to Section 2835 of the Fish and Game Code. The permits would authorize take of certain state- and federally listed species during the course of otherwise lawful activities. As a required component of the application for these permits, the applicants have prepared a HCP/NCCP. The area covered by the proposed HCP/NCCP (or Plan) encompasses approximately 175,804 acres in eastern Contra Costa County, California (Figure 1-1).

This EIS/EIR evaluates the potential impacts of approval of the ECCC HCP/NCCP, including issuance of ITPs by USFWS and DFG, and adoption of an IA for the proposed HCP/NCCP and other alternatives, including the no-action alternative. The EIS/EIR has been prepared pursuant to the NEPA (42 USC] 4321; 40 CFR 1500.1); the CEQ guidelines on implementing NEPA; CEQA (Pub. Res. Code Secs. 21000-21178.1); and the State CEQA Guidelines.

The purpose of this EIS/EIR is to inform agency decision makers and the public regarding the anticipated significant environmental effects of the proposed project, potential measures to mitigate these significant effects, and reasonable alternatives that could reduce the significant environmental impacts of the proposed project to a less-than-significant level.

### **1.1.1 Overview of the Proposed HCP/NCCP**

The proposed ECCC HCP/NCCP is a comprehensive, multi-jurisdictional plan that provides for regional species conservation and habitat planning while allowing the local land use or jurisdictions that are applicants under the proposed HCP/NCCP to better manage anticipated growth and development. The proposed HCP/NCCP provides a coordinated process for permitting and mitigating the take of covered species as an alternative to the current project-by-project approach.

The proposed HCP/NCCP is being prepared by the ECCC HCPA, a joint powers authority that is comprised of the Cities of Brentwood, Clayton, Oakley, and Pittsburg; Contra Costa County; the Contra Costa Water District (CCWD); and EBRPD. The HCPA was formed to manage and fund development of the proposed HCP/NCCP for submission to USFWS and DFG. Although not a member of the HCPA, activities and projects of the Contra Costa County Flood Control and Water Conservation District (County Flood Control District) will also be covered by the proposed HCP/NCCP. The County and the Cities of Brentwood, Clayton, Oakley, and Pittsburg are the local land use agencies that would be named as Permittees under the HCP/NCCP and would be responsible for implementing the proposed HCP/NCCP. The County Flood Control District would also be a Permittee to cover their operations and maintenance of flood control facilities. EBRPD would be a permittee to cover recreational activities and operations, maintenance, restoration, and monitoring on lands they own that are a part of the HCP/NCCP Preserve System. The Implementing Entity will be a Permittee for the same reasons as EBRPD and to be able to convey permit coverage to Participating Special Entities, organizations and entities performing projects that are covered activities under the HCP/NCCP but who are not subject to permitting authority of the cities or the County in carrying out those activities. These entities would be signatories to the IA and are referred to as *Permittees* under the proposed HCP/NCCP.

The HCP/NCCP has been prepared as an HCP, pursuant to Section 10(a)(1)(B) of the Federal ESA, and as an NCCP, pursuant to the NCCPA of 2002. USFWS and DFG, by approving the proposed HCP/NCCP and issuing ITPs, would provide the local authorities with take authorization for specific species during the course of otherwise lawful activities. Local authorities could then issue endangered species permits to project proponents that comply with the conditions of the proposed HCP/NCCP. The local authorities, through an implementing authority, would also be responsible for collecting fees from project proponents to implement broad conservation measures, including establishment of large preserve areas.

## 1.1.2 Background of the Proposed HCP/NCCP

Until the mid-1980s, much of the growth in Contra Costa County was concentrated in the western and central communities along the shoreline and the Interstate (I)-680 corridor. When those communities began to reach the outer limits of their boundaries, development pressure increased on the eastern portion of Contra Costa County. As a result, this area experienced rapid residential growth during the mid-1980s, particularly in Pittsburg, Antioch, and Oakley along the corridor of State Route (SR) 4.

East Contra Costa County continued to develop rapidly throughout the 1990s and is expected to be the fastest-growing area of the county for the foreseeable future. Between 1990 and 2000, the population of ECCC increased by 43%, contrasted with a countywide increase of 18% (Contra Costa County 2001). The City of Brentwood experienced the most significant increase (152%). The communities

of Clayton, Antioch, Pittsburg, and Oakley are also growing rapidly. As the corridor along SR 4 was built out, residential development began expanding rapidly in the southern portions of Pittsburg and Antioch, as well as in Brentwood. Much of the development in East Contra Costa County during the 1980s and 1990s involved converting crop, grazing, or irrigated pasture lands into residential and other urban uses (Contra Costa County 1996).

Discussion of the need for regional conservation planning in eastern Contra Costa County began in earnest in 1995 with the work of the Alameda-Contra Costa Biodiversity Working Group, which studied biological resource conservation opportunities and constraints in the eastern portions of the two counties. The study was originally focused on mapping biological resources and land use plans and describing conservation priorities that could accomplish conservation and development objectives. However, the effort engendered significant controversy. Property owners were concerned that maps of biological resources and conservation priorities would affect property rights and values without a program to buy land. In response, the effort was transformed from a mapping study to a broad consensus-based public involvement process to explore and evaluate regional conservation planning concepts. Participants in the process, including conservation organizations, developers, agriculturalists, and agency staff, released the *East County Pilot Study Task Force Report: Consensus Recommendations for Improving Biological Resource Conservation* and a companion Technical Report in 1999. Among its recommendations, the group agreed that a regional conservation planning program be initiated to provide a better means for conserving biological resources, expediting development permits, and compensating willing property owners for biological resources on their land.

Preliminary conversations on the need for this HCP/NCCP began in 1997 when representatives of USFWS and DFG began meeting with representatives from the County, the Cities of Antioch, Brentwood, Clayton, and Pittsburg and CCWD to discuss the possibility of a regional HCP/NCCP in response to growing concern over the rapid pace of urban development, recent species listings including the California red-legged frog and Alameda whipsnake, and the cumulative loss of habitat for a variety of native species. USFWS and DFG encouraged the local jurisdictions to pursue a regional plan to protect the County's biological resources and provide a coordinated and streamlined permitting process for the rapidly expanding cities within eastern Contra Costa County. By 1999, the four cities, the County, CCWD, and the EBRPD began working together towards forming the HCPA.

On January 25, 2000, the County Board of Supervisors declared its intent to work with other agencies to prepare an HCP for ECCC. The Board also directed County staff to work with the cities and other local agencies, as well as various stakeholder groups, to determine their willingness to participate. An estimate of future growth in the area was commissioned to determine the need for permits under the HCP. Stakeholder groups drafted a series of principles that they recommended public agencies adopt before initiating the conservation planning effort. The land use planning agencies adopted these principles as the Principles of Participation in their decision to form the HCPA.

In April 2000, CCWD committed to work with land use agencies in eastern Contra Costa County to develop, and agreed to provide some funding for, a regional HCP as a condition of future water deliveries to the agency. This commitment stemmed from a U.S. Bureau of Reclamation consultation with USFWS regarding CCWD's construction of a multipurpose pipeline and future water supply implementation program. USFWS issued a biological opinion (BO) that addressed the construction, maintenance, and operation of the pipeline as well as the secondary effects of urban growth and development resulting from increased water availability. USFWS, Reclamation, and CCWD agreed that a regional HCP would offset the adverse growth-inducing effects of future water deliveries within CCWD's service area. According to the terms of the BO, CCWD cannot deliver more than 148,000 acre-feet of water per year until an HCP is completed and an ESA Section 10 permit is issued.

Later that year, six entities formed the HCPA, a Joint Powers Authority consisting of the Cities of Brentwood, Clayton, and Pittsburg, CCWD, EBRPD, and the newly incorporated City of Oakley. The County initially declined to participate, but in 2001 the County joined the HCPA. The City of Antioch also declined to participate at the time the HCPA was formed. The HCPA subsequently encouraged the city of Antioch to join the HCPA but the City did not change its position and did not to participate in developing this HCP/NCCP. The Contra Costa County Flood Control and Water Conservation District (County Flood Control District) joined the planning effort in early 2004.

A preliminary draft resources inventory for eastern Contra Costa County was completed in June 2002. Phase 1 of the proposed HCP/NCCP, completed in January 2003, included the development of a preliminary draft conservation strategy and alternatives, a preliminary impact analysis memo, a draft of the biological goals and objectives, a preliminary economic analysis, and a wetlands permitting status memo.

A Preliminary Draft HCP/NCCP was completed in November 2003 and was circulated for comment to the agencies, the public, and other interested parties. The Preliminary Draft HCP/NCCP was subsequently revised; the Draft HCP/NCCP was issued for public review concurrently with this Draft EIS/EIR.

### **1.1.3 Overview of NEPA and CEQA**

#### **National Environmental Policy Act**

NEPA provides an interdisciplinary framework for federal agencies to prevent environmental damage and contains action-forcing procedures to ensure that federal agency decision makers take environmental factors into account for all alternatives. NEPA applies to all federal agencies and to most of the activities they manage, regulate, or fund that affect the human environment. It requires all agencies to consider and to publicly disclose the environmental implications of their proposed actions through the preparation of appropriate documents. CEQ

has adopted regulations and other guidance that provides detailed procedures that federal agencies must follow to implement NEPA.

NEPA requires that every federal agency prepare an EIS for proposed legislation or other major federal actions “significantly affecting the quality of the human environment” (42 U.S.C. 4332; 40 C.F.R. 1501). Because USFWS, as the Lead Agency under NEPA, has determined that the issuance of ITPs to the Permittees under Section 10 of the ESA constitutes a major federal action, an EIS must be prepared.

## California Environmental Quality Act

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

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

## Joint CEQA/NEPA Document

When a project is subject to review under both NEPA and CEQA, state and local agencies are encouraged to cooperate with federal agencies in the environmental review process and to prepare a joint environmental document. USFWS is the federal Lead Agency responsible for compliance under NEPA, and HCPA is the local Lead Agency with responsibility for compliance under CEQA.

Several other agencies have responsibility for implementing or approving the proposed HCP/NCCP and are considered Responsible Agencies under CEQA. DFG is the Responsible Agency with responsibility for approving the NCCP portion of the HCP/NCCP and issuing take permits for state-listed species. The local members of HCPA, including Contra Costa County; EBRPD; CCWD; and the Cities of Brentwood, Clayton, Oakley, and Pittsburg, are also Responsible Agencies with responsibility for approving and implementing the proposed HCP/NCCP. All lead and responsible agencies have independently reviewed and directed the preparation of this document. The EIS/EIR has been prepared pursuant to NEPA and CEQA and fulfills the procedural and content requirements of each law.

NEPA refers to the activity evaluated in an EIS as a proposal for *action* by a federal entity, whereas CEQA refers to the activity as a proposed *project*

undertaken, supported, or permitted by a public agency. This document uses the term *proposed Plan* to refer to the HCP/NCCP and all federal, state, and local agency actions or approvals that would be issued or undertaken based on it.

## 1.2 Purpose and Need/Objectives

NEPA requires an EIS to briefly describe the underlying purpose and need for the Federal Lead Agency's action, as well as alternatives to the proposed action, including the no-action alternative. Similarly, CEQA requires an EIR to contain a statement of the goals and objectives of the project proponents in proposing the project and alternatives. This section presents USFWS's purpose and need (in accordance with the requirements of NEPA) and the objectives of HCPA (in accordance with the requirements of CEQA) in approving and implementing the proposed HCP/NCCP. The specific decisions to be made by the agencies pursuant to the HCP/NCCP are described in detail in Section 1.3.

### 1.2.1 Purpose of Proposed Project (NEPA)

In compliance with NEPA, the purpose for which this EIS/EIR is being prepared is to:

- Respond to the ECCC HCPA's application for an incidental take permit for the proposed Covered Species related to activities that have the potential to result in take, pursuant to the ESA section 10(a)(1)(B) and its implementing regulations and policies;
- Protect, conserve and enhance the Covered Species and their habitat for the continuing benefit of the people of the United States;
- Provide a means and take steps to conserve the ecosystems depended on by the Covered Species;
- Ensure the long-term survival of Covered Species through protection and management of the species and their habitat; and
- Ensure compliance with the ESA, NEPA, and other applicable federal laws and regulations.

### 1.2.2 Need for Proposed Project (NEPA)

The need for the action is based on the potential that activities proposed by the Contra Costa County, City of Brentwood, City of Clayton, City of Oakley, City of Pittsburg, the Contra Costa County Flood Control District, and the EBRPD on property under their jurisdiction within the inventory area could result in the take of Covered Species, thus the need for an incidental take permit.

### 1.2.3 Goals and Objectives of Proposed Project (CEQA)

The general goals of the proposed HCP/NCCP for the HCPA are listed below.

- Provide streamlined permitting process resulting in improved conservation.
- Provide a basis for permits and authorizations necessary to lawfully take certain native species of plants and wildlife, including species that are listed as threatened or endangered pursuant to the terms of ESA and/or CESA.
- Provide for issuance of take permits for other species that are not currently listed, but that may become listed in the future.
- Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements of ESA, CEQA, NEPA, NCCPA, and other applicable laws and regulations relating to biological and natural resources within the planning area so that public and private actions will be governed equally and consistently, thus reducing delays, expenses, and regulatory duplication.
- Compensate willing private landowners for the conservation of natural resources on their property through the purchase of land and/or conservation easements.
- Provide a less costly, more efficient alternative project review process that results in greater conservation values than the current project-by-project, species-by-species review and regulatory regime.
- Provide a “toolbox” approach for compliance to maintain flexibility for project proponents.

The specific objectives of the participating jurisdictions in implementing the proposed HCP/NCCP are listed below.

- Enable the County and the Cities of Brentwood, Clayton, Oakley, and Pittsburg to reasonably and efficiently implement their respective general and specific plans, which collectively represent the foreseeable development in eastern Contra Costa County.
- Receive take authorization from USFWS for federally listed species covered by the proposed HCP/NCCP, pursuant to Section 10(a)(1)(B) of the ESA, to accommodate covered activities that are part of necessary growth in eastern Contra Costa County.
- Receive take authorization from DFG for state-listed species covered by the proposed HCP/NCCP, pursuant to Section 2835 of the NCCPA, to accommodate covered activities that are part of necessary growth in eastern Contra Costa County.
- Achieve the biological goals and objectives that have been established by HCPA as part of the proposed HCP/NCCP planning process.

- Contribute to the recovery of threatened, endangered, and other identified plant and animal species covered by the proposed HCP/NCCP.
- Reduce the likelihood of future listing of species and secure assurances from USFWS and DFG that, should covered species be listed in the future, no further conservation or mitigation measures beyond those in the proposed HCP/NCCP would be required.
- Assemble and maintain a preserve system within eastern Contra Costa County that focuses on preservation of habitat not already protected or publicly managed and that provides for the protection of species, natural communities, and ecosystems on a landscape level.
- Provide for other open space, agriculture, and recreation uses within preserve areas, to the extent that such uses do not inhibit attainment of the biological goals and objectives of the proposed HCP/NCCP.
- Acquire preserve lands through purchase or conservation easements from willing sellers to protect identified species and their habitats.
- Provide a funding strategy that is adequate for successful implementation of the proposed HCP/NCCP and that is broadly based, as justified by the purpose and content of the proposed HCP/NCCP, including developer fees for permits, public funds, and other funding mechanisms identified through the proposed HCP/NCCP planning process.
- Establish a coordinated and streamlined permitting process for compliance with ESA and CESA that accelerates and integrates the permitting process, improves regulatory certainty, reduces applicants' permitting costs, and facilitates needed public infrastructure projects.
- Comply with all other applicable federal and state laws and regulations pertaining to wildlife.
- Allow CCWD to receive its full entitlement of water from Reclamation.
- Support future issuance of a Master Streambed Alteration Agreement (MSAA) from DFG under Section 1602 of the California Fish and Game Code, a regional wetlands permit from the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act, and a regional water quality certification by the Regional Water Quality Control Board (RWQCB) under Section 401 of the Clean Water Act. Although these authorizations are not part of the proposed Plan, the proposed HCP/NCCP has been prepared in consideration of these authorizations with the intent that the proposed HCP/NCCP provide the maximum consideration for these future decisions.

## 1.3 Decisions to Be Made

### 1.3.1 U.S. Fish and Wildlife Service

The decision to be made by USFWS is whether to approve the HCP and issuance of the Section 10 ITPs for the federally listed species that are covered in the

proposed HCP/NCCP. Section 10(a)(2)(B) of the ESA requires that specific criteria be met before USFWS may issue ITPs. The determination as to whether the criteria have been met is described in the USFWS's decision documents: an ESA Section 10 findings document, an ESA Section 7 BO and a NEPA decision document. These decision documents are produced at the end of the process. USFWS would also be responsible for executing the IA.

## Permit Issuance Criteria

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

1. All taking of federally listed fish and wildlife species must be incidental to otherwise lawful activities.
2. The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking.
3. The applicant will ensure that adequate funding for the HCP and procedures to deal with changed circumstances, including adequate funding to address such changes will be provided.
4. The taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild.
5. The applicant will ensure that other measures that USFWS may require will be provided.

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

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

The ESA Section 10 assessments will be documented in Section 10 findings documents, which will be produced at the end of the process. USFWS may choose to issue ITPs conditioned on implementation of the HCP, issue ITPs conditioned on implementation of the HCP and other measures specified by the USFWS, or deny the ITPs.

## Endangered Species Act Section 7

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

## National Environmental Policy Act

Issuance of an ITP is a federal action subject to NEPA compliance. An EIS is required when the project or activity that would occur under the HCP is a major federal action significantly affecting the quality of the human environment, though an agency may produce an EIS at its discretion even in cases where significant effects are not likely to occur. USFWS has determined that the ECCC HCP/NCCP is a major federal action likely to result in a significant impact on the environment, and preparation of an EIS is warranted. The EIS culminates in a Record of Decision (ROD), which documents USFWS’s final decision on the EIS, HCP, and IA.

### 1.3.2 California Department of Fish and Game

The decision to be made by DFG is whether to approve the NCCP and to issue ITPs for the state-listed species that are covered in the proposed HCP/NCCP, pursuant to Section 2835 of the Fish and Game Code. The determination as to whether the criteria for approval of the NCCP and issuance of ITPs have been met is described in DFG’s ITP decision and CEQA findings. DFG would also execute the IA.

## Natural Community Conservation Planning Act

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

1. The proposed HCP/NCCP has been developed consistent with the process identified in the planning agreement entered into pursuant to Section 2810.

2. The proposed HCP/NCCP integrates adaptive management strategies that are periodically evaluated and modified on the basis of information from the monitoring program and other sources; these strategies will assist in providing for the conservation of covered species and ecosystems within the plan area.
3. The proposed HCP/NCCP provides for the protection of habitat, natural communities, and species diversity on a landscape or ecosystem level through the creation and long-term management of habitat reserves or other measures that provide equivalent conservation of covered species appropriate for terrestrial, aquatic, and marine habitats within the plan area.
4. The development of reserve systems and conservation measures in the plan area provides, as needed for the conservation of species, all of the following.
  - a. Conserving, restoring, and managing representative natural and seminatural landscapes to maintain the ecological integrity of large habitat blocks, ecosystem function, and biological diversity.
  - b. Establishing one or more reserves or other measures that provide equivalent conservation of covered species within the plan area, and linkages between the reserves and adjacent habitat areas outside the plan area.
  - c. Protecting and maintaining habitat areas that are large enough to support sustainable populations of covered species.
  - d. Incorporating a range of environmental gradients (e.g., slope, elevation, aspect, coastal or inland characteristics) and high habitat diversity to provide for shifting species distributions due to changed circumstances.
  - e. Sustaining the effective movement and interchange of organisms between habitat areas in a manner that maintains the ecological integrity of the habitat areas within the plan area.
5. The proposed HCP/NCCP identifies activities, and any restrictions on those activities, allowed within reserve areas that are compatible with the conservation of species, habitats, natural communities, and their associated ecological functions.
6. The proposed HCP/NCCP contains specific conservation measures that meet the biological needs of covered species and are based on the best available scientific information regarding the status of covered species and the impacts of permitted activities on those species.
7. The proposed HCP/NCCP contains a monitoring program.
8. The proposed HCP/NCCP contains an adaptive management program.
9. The proposed HCP/NCCP includes the estimated timeframe and process by which the reserves or other conservation measures are to be implemented, including obligations of landowners and plan signatories, and consequences of the failure to acquire lands in a timely manner.
10. The proposed HCP/NCCP contains provisions that ensure adequate funding to carry out the conservation actions identified in the plan.

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

## California Environmental Quality Act

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

In the future, DFG may also rely on the proposed HCP/NCCP and the EIS/EIR, in whole or in part, as a basis for issuance of an MSAA. The issuance of an MSAA would be a future action and is not currently part of the proposed HCP/NCCP.

### 1.3.3 East Contra Costa County Habitat Conservation Plan Association

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

### 1.3.4 Participating Jurisdictions

The following agencies and jurisdictions will participate in the proposed HCP/NCCP: EBRPD; CCWD; Contra Costa County; the County Flood Control District; and the Cities of Brentwood, Clayton, Oakley, and Pittsburg. Each of these participating entities must decide whether to adopt the proposed HCP/NCCP and execute the IA. Each of these entities is also a Responsible Agency under CEQA and would be required to adopt the EIR and to make findings pursuant to the EIR.

Each of the participating jurisdictions would hold an ESA Section 10(a)(1)(B) ITP and an NCCPA Section 2835 permit providing authorization for take that occurs from covered activities within their respective jurisdictions. To implement the proposed HCP/NCCP, the local jurisdictions would rely on the land use authority provided through their general plans and zoning ordinances. Local jurisdictions may be required to pass a local ordinance to implement the proposed HCP/NCCP.

## 1.4 Public Involvement

### 1.4.1 EIS/EIR Public Outreach

#### Notice of Intent/Notice of Preparation

To solicit participation of responsible and coordinating federal, state, and local agencies and of the public in determining the scope of an EIS/EIR, a Notice of Intent (NOI), in compliance with NEPA, and a Notice of Preparation (NOP), in compliance with CEQA, were published. The NOI was published in the *Federal Register* on June 5, 2003 (68 FR 108:33736-33737), while the NOP was submitted to the California State Clearinghouse and distributed to interested agencies, organizations, and members of the public. Publication and distribution of the NOI and NOP initiated the process of public scoping for the EIS/EIR. Copies of the NOI and NOP can be found in Appendix A.

#### EIS/EIR Scoping

*Scoping* refers to the process used to determine the focus and content of an EIS/EIR. Scoping solicits input on the potential topics to be addressed in an EIS/EIR, the range of project alternatives, and possible mitigation measures. Scoping is also helpful in establishing methods of assessment and in selecting the environmental effects to be considered in detail. Tools used in scoping this EIS/EIR included informal stakeholder and interagency consultation, a public scoping meeting, and publication of the NOI/NOP.

The scoping period began with publication of the NOI/NOP on June 5, 2003, and extended to August 5, 2003. Two public scoping meetings were held during the scoping period. The meetings were held on July 12, 2003, from 3:30 p.m. to 5:00 p.m. and 7:00 p.m. to 8:30 p.m., at City Hall, Council Chambers, 65 Civic Drive, Pittsburg, California. The scoping meetings provided an opportunity for the attendees to comment on environmental issues of concern and the alternatives that should be discussed in the EIS/EIR. Comment letters were received from three agencies and organizations during the scoping period. Scoping comments and letters are described further in Appendix A.

Representatives of the USFWS met with the Bureau of Indian Affairs (BIA) regarding tribal issues pertaining to the implementation of HCPs. BIA verified that no Federally recognized tribes are located within the HCP/NCCP plan area.

#### Draft EIS/EIR Public Review

In accordance with NEPA and CEQA, the Draft EIS/EIR is being circulated for public review and comment. The public review period was initiated with the publication of a Notice of Availability (NOA), in compliance with NEPA and

CEQA. In accordance with NEPA, the NOA was published in the Federal Register. In accordance with CEQA, the NOA was submitted to the California State Clearinghouse and was distributed to interested agencies, organizations, and members of the public. The public comment period for the Draft EIS/EIR will extend for 90 days from announcement of the NOA in the Federal Register and posting of the NOA/NOC with the California State Clearinghouse.

A public hearing will be conducted on the Draft EIS/EIR during the public review period, in accordance with the requirements of CEQA and NEPA. The public hearing will provide the public with the opportunity to comment on the Draft EIS/EIR.

## 1.5 Issues from Scoping and Comments

Key issues of public concern regarding the proposed HCP/NCCP that were identified during planning and preparation of the HCP/NCCP and during the scoping and public comment processes for the Draft EIS/EIR include the following:

- Independent analysis, especially for biological resources.
- Preserve design and property acquisition impacts.
- Growth inducing effects.
- Effects on population and housing.

All of the above-identified key public issues were discussed in the analysis of project effects included in the Draft EIS/EIR document. Additionally, these issues were addressed in the responses to comments received on the Draft EIS/EIR, which can be found in Volume II of this Final EIS/EIR.

The HCP/NCCP (Volumes I and II) and Draft EIS/EIR were circulated for public and agency review July through November 2005. Comments received on the HCP/NCCP and Draft EIS/EIR and responses can be found in Volume II of this Final EIS/EIR. Volume I of the Final EIS/EIR incorporates all revisions to text, tables, and figures that were completed following the public review and comment period. The reader is referred to Chapters 3 and 4 of Volume II for a better understanding of key revisions to this Final EIS/EIR, as well as to individual comment responses.

Changes to the Draft EIS/EIR did not result in any new significant environmental impacts or substantially increase the severity of an environmental impact. Therefore, pursuant to Section 15088.5 of CEQA Guidelines, the Draft EIS/EIR does not require recirculation prior to certification.

## 1.6 Document Organization

This EIS/EIR is presented in the chapters and appendices listed below.

- Chapter 1, *Purpose and Need*, presents a brief overview of the proposed HCP/NCCP and the EIS/EIR; provides background for the proposed HCP/NCCP; presents the purpose, need, and objectives of the proposed HCP/NCCP; and summarizes the organization of this document. In addition, Table 1-1 illustrates where the different CEQA- and NEPA-required sections are presented in this document.
- Chapter 2, *Proposed Action and Alternatives*, summarizes the proposed action and alternatives considered, as well as the alternatives screening approach and alternatives considered but eliminated from further consideration.
- Chapter 3, *Affected Environment*, presents the current setting for resources that are evaluated in the EIS/EIR.
- Chapter 4, *Environmental Consequences*, describes potential impacts of the proposed action on the environmental resources evaluated in the EIS/EIR.
- Chapter 5, *Other CEQA and NEPA Required Analyses*, describes other sections that are required under either CEQA or NEPA, including Short-Term Uses of the Environment versus Maintenance and Enhancement of Long-Term Productivity, Irreversible and Irretrievable Commitments of Resources, Growth Inducement, and Federal Executive Orders.
- Chapter 6, *Consultation Agencies List of Preparers*, identifies the individuals involved in the preparation of this document.
- Chapter 7, *List of Preparers and Distribution List*, identifies the individuals involved in the preparation of this document and the persons and groups who have received notification or copies of the Draft EIS/EIR.
- Chapter 8, *References*, is a comprehensive bibliography of references cited in the text.
- Appendix A, *Glossary*, lists terms and their definitions used in this document.
- Appendix B, *Scoping Materials*, includes the NOI, the NOP, and a summary of scoping comments.
- Appendix C, *Special-Status Species List*, includes lists of special-status wildlife (C-1) and plants (C-2) known or with potential to occur in the project area.
- Appendix D, *General Plan Impacts and Mitigation Measures* contains summary of impacts and recommended mitigation measures identified in general plan EIRs.
- Appendix E, *Clean Air Act Conformity*, provides a summary of estimated air emissions for evaluating conformity with the Clean Air Act.

- Appendix F, *List of Acronyms and Abbreviations*, is a list of the acronyms used in this document. It can be folded out for convenient reference.

**Table 1-1. CEQA and NEPA Requirements**

CEQA Requirement	Where Addressed in this EIS/EIR	NEPA Requirement
Table of Contents	Table of Contents	Table of Contents
Summary	Executive Summary	Summary
Project Description	Chapter 2, Section 2.2	Description of Proposed Action
	Chapter 1, Section 1.2	Statement of Purpose and Need
Alternatives	Chapter 2, Section 2.2	Alternatives
Environmental Setting	Chapter 3. Affected Environment	Affected Environment
Environmental Impacts and Mitigation Measures	Chapter 4. Environmental Consequences and Mitigation Measures	Environmental Consequences and Mitigation Measures
Cumulative Impacts	Chapter 5, Section 5.2	Cumulative Effects
Significant and Irreversible Changes	Chapter 5, Sections 5.3 and 5.5	Significant Unavoidable Impacts
	Chapter 5, Section 5.4	Short-term Uses of the Environment versus Long-term Productivity
Growth Inducing Impacts	Chapter 5, Section 5.6	
Impact Topic Areas	Chapter 1, Section 1.5	
	Chapter 6	List of Federal Permits
	Chapter 7	List of Preparers
	Chapter 6	List of Agencies and Organizations Consulted
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