

CHAPTER 3

Response to Comments on the Recirculated Draft EIR

Introduction

Individual responses to each of the comment letters received on the Recirculated Draft EIR (see Chapter 5 of this Final EIR) are included in this chapter. Neither the comments on the Recirculated Draft EIR nor the City's responses thereto raise any "significant new information" within the meaning of Public Resources Code Section 21092.1 or CEQA Guidelines Section 15088.5. Therefore, additional recirculation of the Draft EIR is not necessary.

Comments that do not directly relate to the recirculated sections of the Draft EIR (i.e., that are outside the scope of this document) are either given a general response or are directed to the relevant initial responses to comments in Chapter 2, "Responses to Comments on the Draft EIR." Comments which present opinions about the project unrelated to environmental issues or which raise issues not directly related either to the substance of the Draft EIR, the Draft 2050 General Plan update, or to environmental issues are noted without a detailed response.

Response to Comments

The following responses correspond to the numbers for each comment presented in Chapter 5 "Comments on the Draft and the Recirculated Draft EIR".

Individual Responses

Public Agencies – Federal, State and Local (County, City, etc.)

Letter XXX. California Governor's Office of Planning and Research

Response to Comment XXX-1: Commenter states that the City of Lincoln has complied with the State Clearinghouse review requirements pursuant to the requirements of CEQA. The comment does not raise issues regarding the adequacy of the Draft EIR analysis.

Letter YYY. US Fish and Wildlife Service and California Department of Fish and Game

Response to Comment YYY-1a: The commenter states that the Recirculated Draft EIR did not suitably address concerns suggested in the commenter's earlier letter submitted on the Draft EIR concerning the environmental setting and existing project conditions. In response to the request for additional environmental setting information, the City has recirculated the "Biological Resources" section of the Background Report as part of the recirculated draft EIR. The updated section incorporates current habitat mapping data to help identify existing land use cover/habitat types, habitat preserve areas, and mitigation bank locations. The section also provides additional information related to the types of special status plant and wildlife species with potential to occur in the Planning Area and describes areas identified as "Critical Habitat" units. In addition the impact analysis was re-evaluated with the inclusion of this new setting information to help address impacts associated with habitat fragmentation and potential interference with species movement. As a result of this analysis, the impact conclusions contained in the Recirculated Draft EIR specific to biological resources were similar to those contained in the Draft EIR (significant and unavoidable) with the proposed mitigation measures (i.e., general plan policies) remaining unchanged.

Habitat fragmentation, wildlife population isolation, and habitat connectivity are important aspects of maintaining biological resources. This EIR is a program-level document that looks at the broad implications of development of the City's Land Use Diagram. As development is proposed for future Village or SUD areas, more detailed specific plans and subsequent project-level environmental documentation will be prepared to address localized impacts to a variety of issues, including those associated with habitat fragmentation, wildlife population isolation, and habitat connectivity. Please refer to Master Response #2 for further discussion of requirements of a Program EIR. Additionally, it is the intention of the City's open space requirements (please refer to Master Response #6) to address specific habitat fragmentation, wildlife population isolation, and habitat connectivity issues by allowing flexibility on how development occurs within future growth areas to help preserve sensitive habitats or other open space areas to the extent feasible.

Response to Comment YYY-1b: Commenter summarizes the analysis in Impact OSC-3 beginning on page 2.2-55 of the Recirculated DEIR and states that the reliance on General Plan policies to mitigate biological resource impacts will, in fact, result in the loss of habitats to the maximum extent, which is contrary to what is stated in the impact analysis. The commenter recommends establishing policies or creating boundaries that substantially reduce this impact. The commenter is directed to Impacts OSC-3, OSC-4, and OSC-5 (pages 7-11 through 7-16) of the Draft EIR for a complete discussion of the impacts to biological resources resulting from implementation of the Draft 2050 General Plan update. To the extent feasible, the goals and policies of the Proposed Project proposed a variety of mitigation and/or avoidance measures to a variety of sensitive habitats (including vernal pools) and special-status species dependent on that habitat (please refer to Policies OSC-5.1, OSC-5.2, OSC-5.3, OSC-5.5, OSC-5.6, OSC-5.7, and OSC-5.9 of the Goals and Policies Report). Additionally, as previously described, this impact analysis was re-evaluated (see Recirculated Draft EIR) to address impacts associated with habitat

fragmentation and potential interference with species movement. As a result of this analysis, the impact conclusions contained in the Recirculated Draft EIR specific to biological resources were considered similar to those contained in the Draft EIR (significant and unavoidable) with the proposed mitigation measures (i.e., general plan policies) remaining unchanged.

Environmental documents typically prepared for a city or county general plan update are referred to as programmatic or program-level EIRs. Consistent with this approach, the City's Draft EIR for the Proposed Project is a Program level EIR, which is provided for under CEQA Guidelines (Section 15168(a)). Program level EIRs include first tier analysis that assesses and documents the broad environmental impacts of a program with the understanding that a more detailed site-specific environmental review may be required to assess future projects, which will also require more specific mitigation measures to address identified impacts. The concerns raised by this comment have been addressed in a previous response to comment. Please refer to response to Comment A-21 and Master Response #2.

Consistent with the CEQA Guidelines (Section 15126.6[b] of the CEQA Guidelines), the Draft EIR included an analysis of various alternatives with the potential to reduce the severity or eliminate significant adverse environmental effects of the Proposed Project (see Chapter 10 "Alternatives to the Proposed Project" of the Draft EIR). As part of this analysis, the Draft EIR included an evaluation of Alternative 6 "California Fish and Game" which identified a smaller development footprint. Although the results of the EIR analysis concluded that a reduced development footprint would reduce the severity of several impacts (including those to biological resources, agricultural resources, traffic, etc.), the alternative failed to meet several of the key project objectives identified for the Proposed Project and the amount of development proposed under the alternative would still result in a significant and unavoidable impact to biological resources. It should be noted, that to reduce biological resource impacts to a "less-than-significant" level, future 2050 development levels would need to be reduced substantially and/or focused within existing developed portions of the City. These development options are inconsistent with the objectives of the Proposed Project and are considered unrealistic with projected regional growth patterns.

Response to Comment YYY-2: The commenter states that the Recirculated Draft EIR concludes that "wide-scale development of the Planning Area consistent with the Draft 2050 General Plan could result in small pockets of conserved habitat that are no longer connected by stream and open space, resulting in indirect impacts to species diversity and movement within the Planning Area" The commenter also states that this conclusion is not supported by any evidence in the document (see Recirculated Draft EIR, p. 2.2-60). This conclusion is supported by evidence in the record including the analysis provided in the Recirculated Draft EIR, which identified significant habitat resources within the Planning Area and evaluated those that were likely to be impacted. Table 7.1 and Figure 7.1 of the Recirculated Draft EIR show the locations and acreages of various habitat types within the Planning Area. The impact analysis assumes that any of these habitat areas that are within the Planning Area will be impacted by development. The Draft EIR takes this approach because until more specific plans and projects are considered, it is simply too speculative to assume that certain areas will be preserved. Implementation of some

General Plan policies, such as maintenance of 40% open space in new villages (Policy LU-15.13) and other policies designed to protect certain species and habitat types (see e.g., OSC-5.1 and OSC-5.5), as well as compliance with federal and state statutes and regulations will likely result in some areas within the proposed Planning Areas being preserved. The statement quoted above acknowledges that while some areas may not be developed, the remaining habitat is likely to be isolated and thus potentially compromised.

In addition, Figure 7.2 of the Recirculated Draft EIR identifies existing and proposed preserved areas. Currently these areas are surrounded by undeveloped or minimally developed land. The Recirculated Draft EIR acknowledges that development of the Draft 2050 General Plan could result in these preserved areas being surrounded by development, and thus isolated. The commenters' statement that the General Plan policies result in significant acreage of impacts suggests the commenters agree with these conclusions.

Habitat fragmentation, wildlife population isolation, and habitat connectivity are important aspects of maintaining biological resources. This EIR is a program-level document that looks at the broad implications of development of the City's Draft Land Use and Circulation Diagram. As development is proposed for future Village or SUD areas, more detailed specific plans and subsequent project-level environmental documentation will be prepared to address localized impacts to a variety of issues, including those associated with habitat fragmentation, wildlife population isolation, and habitat connectivity. Please refer to Master Response #2 for further information identifying the requirements of a Program EIR. Additionally, it is the intention of the City's open space requirements (please refer to Master Response #6) to address specific habitat fragmentation, wildlife population isolation, and habitat connectivity issues by allowing flexibility on how development occurs within future growth areas as a way to help preserve sensitive habitats or other open space areas to the extent feasible.

Additionally, as stated in the response to Comment YYY-1b, the Draft EIR included an evaluation of Alternative 6 "California Fish and Game" which identified a smaller development footprint. Although the results of the EIR analysis concluded that a reduced development footprint would reduce the severity of several impacts (including those to biological resources, agricultural resources, traffic, etc.), the amount of development proposed under the alternative would still result in a significant and unavoidable impact to biological resources.

Response to Comment YYY-3: The commenter states that the statement in the Recirculated DEIR, "current analysis does not provide the level of detail to identify specific habitat needs at this time", is an unfounded conclusion and contrary to information provided in the setting of the Recirculated DEIR, prior comments submitted by the agencies (see Letter A in Chapter 2), and information available locally, regionally, and statewide. The commenter appears to read this statement out of context (see Recirculated Draft EIR, p. 2.2-60). This sentence appears in a paragraph that explains that additional conservation of open space and habitat within the Planning Area is likely to result from the PCCP process and through individual development applications.

A General Plan is not the appropriate document for identifying specific lands that will be preserved. Preserving habitat in perpetuity is a complex process that involves negotiation with

federal, state and local agencies. Before any of these agencies can require preservation in perpetuity, it must establish some nexus to an impact and rough proportionality to that impact to avoid federal and state constitutional prohibitions against uncompensated taking of private property. Thus, preservation of property for habitat purposes is typically established through the permitting and development of property, or through a Habitat Conservation Plan.

The paragraph and statement this comment refers to simply explain that the specific additional areas of land that will eventually be preserved cannot be identified until more specific proposals come forward, and more specific analysis of the existing habitat occurs. By identifying the existing habitat, assuming that much of this habitat within the Planning Area will be impacted, but acknowledging that some additional areas will be preserved either through the PCCP process or individual development proposals, the Recirculated Draft EIR adequately discloses and analyzes the potential impacts and preserved areas.

Response to Comment YYY-4: The commenter states that proposed mitigation measures regarding open space do not provide measurable mitigation measures. Contrary to the commenter's opinion, mitigation measures OSC-5.11, OSC-5.12, and OSC-5.13, together with the other interlocking General Plan policies on open space, habitat and wetland protection and 100-year floodplain preservation, provide General Plan policy guidance and requirements to address habitat mitigation. OSC-5.11 requires biological studies prior to approval of any specific plan or project approval for any area with sensitive habitat and specifies the scope of this study. OSC-5.12 provides for mitigation measures based on mitigation measures and protocols from the State and federal regulatory agencies. OSC-5.13 assures that lighting is minimized to avoid lighting impacts to habitat areas. Together with the other Open Space and Conservation Element policies, such as no net loss of wetlands (OSC-5.6), no construction in 100-year flood areas (Policy PFS-4.9) and Public Facilities and Services Implementation Measures (see Table7-1), this provides the policies, guidance and standards for the future development of specific plans.

As previously described (see response to Comment YYY-1a) and in response to the request for additional environmental setting information, the City has recirculated the "Biological Resources" section of the Background Report as part of the recirculated draft EIR. The updated section incorporates current habitat mapping data to help identify existing land use cover/habitat types, habitat preserve areas, and mitigation bank locations. In addition the impact analysis was re-evaluated with the inclusion of this new setting information to address impacts associated with habitat fragmentation and potential interference with species movement. As a result of this analysis, the impact conclusions contained in the Recirculated Draft EIR specific to biological resources were similar to those contained in the Draft EIR (significant and unavoidable) with the proposed mitigation measures (i.e., general plan policies) remaining unchanged.

Response to Comment YYY-5: The commenter states that the Recirculated Draft EIR's conclusions that impacts to biological resources will be significant and unavoidable are not supported by evidence or analysis. The comment also states that the Recirculated Draft EIR and Draft 2050 General Plan inappropriately defer standards to "assure that the 40 percent [open space] standard will be collated in such a manner to fully function as habitat."

The Recirculated Draft EIR provides a detailed account of existing biological resources within the Planning Area. Until specific proposals, such as a specific plan or project application, come forward, it would be too speculative to provide greater detail on impacts. Rather, the City has taken the more conservative approach in considering that any habitat within the Planning Area is likely to be directly or indirectly impacted by development. Similarly, more specific policies and/or mitigation measures will be developed as specific proposals come forward. Please see responses to Comments YYY-3 and YYY-4 for a discussion of the degree of specificity in suggested mitigation measures and general plan policies pertaining to biological resources. Please see the response to A-21.

As discussed in the response to comment YYY-2, the City's Draft EIR did include an evaluation of Alternative 6 "California Fish and Game" which identified a smaller development footprint than the Proposed Project. However, the analysis of this alternative concluded that although a reduced development footprint would reduce the severity of several impacts (including those to biological resources, agricultural resources, traffic, etc.); the amount of development proposed under the alternative would still result in a significant and unavoidable impact to biological resources.

Response to Comment YYY-6: Commenter states that the Recirculated DEIR did not provide new supporting documentation for conclusions reached in the Recirculated DEIR and did not provide any new reasoned analysis for the adequacy of policies in the General Plan in mitigating project impacts. Commenter states that their prior comments (see responses A-1 through A-33 for Letter A) on project impacts and mitigation measures remain the same and that supporting documentation in the November letter (see Letter A in Chapter 2 of this Final EIR) remains critical to the viability of a General Plan that could be modified to significantly reduce project impacts.

Letter ZZZ. California Public Utilities Commission

Response to Comment ZZZ-1: Commenter provides an introductory statement which recommends that future development projects planned adjacent to or near the rail corridor in the City be planned with the safety of the rail corridor in mind. Please see the response to Comment ZZZ-2 below.

Response to Comment ZZZ-2: Commenter suggests several safety factors that could be incorporated into the project. Also, the commenter states that if the project proposes any new crossings then the California Public Utilities Commission must be consulted as a Responsible Party under CEQA. This comment does not address the contents of the Recirculated DEIR. However, the Draft 2050 General Plan includes several policies that address the relationship between safety and railroad corridors as well as traffic flow and railroads (Policies T-2.7, T-2.18, HS-8.12, and Transportation Implementation Measure #9). In particular, Policy T-2.7 and Transportation Implementation Measure #9 identify the need to construct above-grade crossings at railroad tracks throughout the City. In the Draft 2050 General Plan Goals and Policies Report, Transportation Implementation Measure #9 refers to Policy T-2.18. Policy T-2.18 has been removed and the reference in the implementation measure should be changed to Policy T-2.7. There are no specific projects proposed at this time to construct above-grade crossings.

Response to Comment ZZZ-3: Commenter requests that new development pay its fair share of rail safety mitigation improvements which could include fencing along railroad right of way and crossings to prevent trespassing and pedestrian improvements at crossings. Such improvements should be considered during the approval of development. This comment does not address an issue associated with the Recirculated Draft EIR. During the review of future projects and Specific Plans the City will review the rail safety issues related to new development. Additionally, please refer to Master Responses #1 and #2.

Letter AAAA. Placer County Transportation Planning Commission

Response to Comment AAAA-1: The commenter notes that the Draft 2050 Lincoln General Plan was submitted to the Placer County Airport Land Use Commission on March 7, 2007 for a finding of consistency with the current Airport Land Use Compatibility Plan. Pursuant to a list of conditions, the Commission found that the Draft 2050 Lincoln General Plan was consistent with the current Airport Land Use Compatibility Plan because there would be no direct conflicts between the two plans. The commenter notes that the Commission requested several conditions to be met as part of the Commission’s consistency findings. This comment does not address an issue associated with the Recirculated Draft EIR.

Response to Comment AAAA-2: The commenter states that minor inconsistencies between the proposed land uses on the Draft Land Use and Circulation Diagram and the ALUCP criteria need to be addressed. Changes have been made to the Draft Land Use and Circulation Diagram, revised as of April 4, 2007, that reflect the requested changes in land use to be consistent with the Airport Land Use Compatibility Plan. This comment does not address an issue associated with the Recirculated Draft EIR.

Response to Comment AAAA-3: Commenter requests clarification of procedural information in the Draft 2050 General Plan update outlined in Attachment 4 of the comment letter. A series of changes have been made to the Draft 2050 General Plan that clarify the procedural requirements of land that is affected by the Airport Land Use Compatibility Plan. These changes include the addition of language that reflects that the Airport Land Use Compatibility Plan and any subsequent amendments are incorporated by reference and will be operative within the City. Language has been included that references the “Primary Compatibility Criteria” and relevant compatibility policies and references the reader to the criteria that will require certain land use actions to be reviewed by the Airport Land Use Commission, see Goals and Policies Report and Background Report.

Response to Comment AAAA-4: Commenter requests that specific changes to the Draft 2050 General Plan update listed in Attachment 4 of the comment letter be developed. Attachment 4 requested a series of land use/airport compatibility-related changes to both the Goals and Policies Report and the Background Report. Revisions have been made to both the Goals and Policies Report and Background Report to address the items listed in Attachment 4, see revised Goals and Policy Report and Background Report.

Response to Comment AAAA-5: Commenter requests that the revised Draft 2050 General Plan update with recommended changes be submitted to the ALUC staff before final action is taken by the City. The City has submitted a revised Draft 2050 General Plan update with the changes designed to address the items noted in Attachment 4 of their comment letter. These changes were the result of the joint City Council and Planning Commission hearing on April 4, 2007 and have been submitted to the Placer County Airport Land Use Commission staff on January 17, 2008 for their review and concurrence that the revisions meet the requirements of the Airport Land Use Commission's finding of compatibility that was adopted on March 7, 2007.

Response to Comment AAAA-6: Commenter states that if significant revisions are made to the Draft 2050 General Plan, subsequent to the ALUC review, it must be resubmitted to the ALUC for a follow-up ALUCP consistency determination. The City agrees that a revised Draft 2050 General Plan would be resubmitted, if significant revisions are made to the Draft 2050 General Plan update subsequent to their concurrence by the Placer County Airport Land Use Commission. Please see response to Comment AAAA-5.

Letter BBBB. Placer County Water Agency

Response to Comment BBBB-1: Commenter provides background information on consultation with the U.S. Army Corps of Engineers (Corps) as part of the Ophir Water Treatment Plant project, which would serve treated water to future development under the Draft 2050 General Plan. This comment does not provide any specific comments regarding the contents of the Recirculated Draft EIR.

Response to Comment BBBB-2: Commenter states that Placer County Water Agency (PCWA) and the Corps have entered into a Memorandum of Agreement (MOA) that establishes a process that would ensure that future development within PCWA's Service Area address Endangered Species Act issues. The Recirculated Draft EIR does address biological resource impacts at a broad scale, including those related to endangered species, under Impact OSC-3 on pages 2.2-55 through 2.2-63. This document is a Program level EIR, which is provided for under CEQA Guidelines (Section 15168(a)). This document is a first tier analysis that assesses and documents the broad environmental impacts of a program with the understanding that additional site-specific environmental review may be required to assess future projects, which will also require more specific mitigation measures to address identified impacts.

Response to Comment BBBB-3: Commenter states that the new process and procedures set forth in the MOA will not be implemented until the Ophir Water Treatment Plan is in service. Commenter states that prior to increasing the maximum delivery rate to the City of Lincoln, the City will be required to identify the specific lands proposed to be served by the increase in maximum delivery rate and provide proof of that land's satisfactory compliance with the Endangered Species Act. This comment does not address the contents of the Recirculated DEIR. This comment is noted.

Letter CCCC. Western Placer Waste Management Authority

Response to Comment CCCC-1: Commenter reiterated that letters were previously submitted by them for the Notice of Preparation and the Draft EIR. Commenter stated that the Recirculated Draft EIR did not address any of the commenter's comments and has no additional comments. This comment does not address the contents of the Recirculated DEIR. However, the commenter is directed to Chapter 3 "Response to Comments on the Draft EIR" for specific responses (see responses to Letter "O") provided to Western Placer Waste Management Authority's original comment letter submitted on the Draft EIR.

Organizations

Letter DDDD. Sierra Club

Response to Comment DDDD-1: The commenter states that one of the most significant concerns of the Draft 2050 General Plan is the impact of low-density and rural residential development on unfragmented landscapes in Western Placer County.

The Recirculated Draft EIR (including the recirculated "Biological Resources" section of the General Plan Background Report) analyzed the various habitat types and the potential for fragmentation in detail. Figure 7-1 of the Recirculated Draft EIR graphically displays the various habitat types within the Planning Area, while Table 7-1 reports the existing acreages of those habitat types. Figure 7-2 graphically displays the existing and proposed preserves within the Planning Area. Table 7-4 identifies the various species with potential to occur within the Planning Area and their habitats, while the text following the table provides a detailed discussion of the species' potential to occur. Figure 7-6 provides a graphic depiction of wetland cover classifications – one of the more significant habitat types – within the Planning Area.

Based on this detailed accounting of habitat types and locations within the Planning Area, the Recirculated Draft EIR discusses the potential impacts. Impact OSC-3 discusses sensitive vegetation communities and habitats. The analysis includes a discussion of the location of the habitat types and quantifies potential impacts. The Recirculated Draft EIR takes a conservative approach in assuming that any habitats within the Planning Area could be directly or indirectly impacted. The Recirculated Draft EIR specifically discusses habitat fragmentation on page 2.2-60. The discussion acknowledges that development proposed under the Draft 2050 General Plan could result in small pockets of conserved habitat that are no longer connected to other habitat areas – resulting in indirect impacts to species richness and movement within the Planning Area. The specific negative consequences to species due to habitat fragmentation are also discussed.

Impacts to specific habitat types, such as riparian habitats (see Impact OSC-4 beginning on page 2.2-63 of the Recirculated Draft EIR) and wetlands and vernal pools (see Impact OSC-5 beginning on page 2.2-65 of the Recirculated Draft EIR), are also discussed. The Recirculated Draft EIR concludes that each of these impacts are significant and unavoidable.

Response to Comment DDDD-2: The commenter inquires as to what the growth inducing factors are from the Proposed Project. This comment does not address any of the topics discussed in the recirculated sections of the Draft EIR. Please refer to the response to Comment V-17 in Chapter 3 of this Final EIR for a discussion of growth inducing impacts from the Proposed Project.

Response to Comment DDDD-3: Commenter requests clarification as to where the designated Open Space areas will be located and if it includes floodplains, golf courses, and Open Space land designated by the County. The purpose of the Recirculated Draft EIR was to recirculate information pertaining to specific topics as related to the Proposed Project, which included farmland issues, biological resources, and global warming. This comment does not address the contents of the Recirculated Draft EIR. However, Master Response #6 (see Chapter 3 of this document) prepared for comments on the Draft EIR discussed the 40% open space requirement for Village areas. Pursuant to Policy LU-15.13, designated Open Space lands under the Draft 2050 General Plan can include golf course and floodplains. Policy LU-15.13 provides protection for natural habitats, such as vernal pools and grasslands, through designation of those areas as Open Space. Due to the nature of the proposed expanded Sphere of Influence of the Draft 2050 General Plan, County-designated Open Space lands would likely be included as part of the Proposed Project. It is unknown at this time where designated Open Space lands would occur in the Village areas. As required by Policy LU-15.1 of the Draft 2050 General Plan, development of each Village area will prepare a specific plan, which would be required to show that 40% of the Village area is designated as Open Space land. Please see Master Response #6 on page 3-8.

Response to Comment DDDD-4: Commenter inquires as to how much of the designated Open Space will be new Open Space lands and where would it be located in relation to natural resources and species covered under federal and State regulations. This comment does not address the contents of the Recirculated Draft EIR. Please see the response prepared for Comment DDDD-3.

Response to Comment DDDD-5: The commenter questions the level of detail of the data used for the Recirculated Draft EIR's analysis of biological impacts. The analysis in the Draft EIR and Recirculated EIR is based on data published by Placer County in 2004. That data was compiled by Jones & Stokes and is the same data that Placer County and the wildlife agencies have relied upon in developing the PCCP. The Jones & Stokes data is derived from previous, detailed analysis of aerial photography of the county, supplemented with specific information on individual vernal pools. The level of detail of the data is appropriate for planning on the scale of the Draft 2050 General Plan. More specific, parcel-by-parcel data will be collected and relied upon as individual projects move forward through the planning process.

Response to Comment DDDD-6: The commenter states that Figures 7-3 and 7-6 miss contiguous areas of natural features, while claiming that other areas contain vernal pools which are not apparent from aerial photography. The commenter also states that the maps appear out of date and inaccurate. As described in the response prepared to Comment DDDD-6, the data used for the Recirculated Draft EIR is the same 2004 data published by Placer County and relied upon for the PCCP. It is possible that some changes to the landscape have occurred since the data was originally gathered. For example, areas mapped as vernal pool complexes might have developed more wetlands features since the original data was prepared. The result would be that the area is still appropriately labeled as a vernal pool complex. As such, the Jones & Stokes 2004 data is considered to be accurate for purposes of this Draft 2050 General Plan update. As specific projects move through the planning process, more site-specific information will be gathered, such as the quality of vernal pool habitat and specific acreages.

The commenter specifically states that the attached aerial photography reveal grassland vernal pools of value south of East Catlett Road and west of Fiddymment Road. Figure 7-3 displays Important Concentration Areas as identified in *Important Migrant and Wintering Bird Concentration Areas of Western Placer County* (Jones & Stokes 2003b). Figure 7-6 displays Wetland Land Cover Classifications based on data from Jones & Stokes (2004). The area in question was depicted as “annual grassland” due to the very low density of vernal pools. The number of wetland features on site did not meet the criteria for vernal pool habitat, and was therefore classified as annual grassland.

The comment also states that the aerial photography reveals plowed vernal pools no longer obviously vernal pools, albeit with vernal pool remnants in the area north of East Catlett Road. According to the Jones & Stokes data, the area is appropriately labeled as low-density vernal pools. While it is possible that this area has been plowed, there are still vernal pool signatures on the site. Much of the area north of Catlett Road and west of Fiddymment Road has been preserved in perpetuity as part of the Moore Ranch Preserve. The area is within SUD-C in the Draft 2050 General Plan. The proposed uses for SUD-C are described in the Draft 2050 General Plan as follows:

Residential land uses are prohibited in this area at this time because this area is generally within the buffer of the wastewater treatment plant to the north and within the one-mile buffer zone of the existing and future regional land fill site and operations located at the southeast corner of Athens Avenue and Fiddymment Road. In addition, there are major floodplains that provide restrictions in this specific plan area. Orchard Creek generally crosses the plan area along the northern boundary and Rock Creek generally divides the eastern portion from Athens Avenue to Orchard Creek. In addition there is a conservation easement at the northwest corner of Catlett and Fiddymment Roads.

Therefore, the future land uses for this specific plan area should be non residential including such uses as light industrial, commercial and open space which is compatible with the wastewater treatment and land fill facilities buffer restrictions. The light industrial land uses would be generally located along the north side [of] Athens Avenue between Wildlands Preservation Area and Fiddymment Road (approximately 140 ac) and at the northeast quadrant of Catlett and Dowd Roads (approximately 580 acres).

Response to Comment DDDD-7: The commenter states that the area north of Thunder Valley Casino contains significant resources that are not adequately characterized in the Recirculated Draft EIR. The vernal pool complexes in the photos and described in the comment as high value vernal pools north of the casino are part of an area that has been protected in perpetuity within the Orchard Creek Vernal Pool Preserve. This area is shown as a protected high density preserve identified in Figure 7-2 of the Recirculated Draft EIR.

The commenter also states that the City must rely on accurate and current data, including recent Placer County aerials, recent PCCP GIS data, or the City’s own aerial examination. As identified above in the response prepared for Comment DDDD-5, the Recirculated Draft EIR relies on the same data as the PCCP, which is the Jones & Stokes data published by Placer County in 2004.

Response to Comment DDDD-8: The commenter states that the PCCP habitat ranking map reveals some of the highest value habitat throughout most of the Draft 2050 General Plan area south of Moore Road, with only a few low value pockets due to agricultural cultivation. The comment is consistent with the analysis in the Recirculated Draft EIR. Figures 7-1, 7-2, 7-3, and 7-6 depict much of the area south of Moore Road as containing valuable habitat (see these figures on pages 2.2-12, 2.2-13, 2.2-17, and 2.2-50 of the Recirculated Draft EIR).

Response to Comment DDDD-9: The commenter states that the area north of the Thunder Valley Casino is already incorporated into the city's sphere of influence, and asks why there isn't a special detailed study of this dense complex of vernal pools, if it's not already available. The area north of the casino is a dense complex of vernal pools. The area is located in the Orchard Creek Vernal Pool Preserve, as depicted in Figure 7-2 and is protected in perpetuity (see page 2.2-13 of the Recirculated Draft EIR).

Response to Comment DDDD-10: The commenter states that the "no net loss" policy of Policy OSC-5.6 must account for different ranks or values for vernal pools/sloughs/wetland habitat. Policy OSC-5.6 does not establish a ranking system for vernal pools, sloughs and wetlands habitat. The policy defers to the U.S. Army Corps of Engineers determinations regarding delineations and the use of off-site mitigation pursuant to Section 404 of the Clean Water Act of 1972.

The comment also asks whether the habitat ranking scheme for the PCCP has been incorporated into the mapping for the Draft 2050 General Plan. When Placer County initially distributed the GIS data layers associated with the PCCP mapping process, it also provided an example of a possible habitat ranking scheme. The ranking was derived from the Jones & Stokes land cover classification data (e.g., vernal pool complex ,grassland) and additional land type classifications (e.g., floodplain areas, anadromous fish critical habitat, existing open space), coupled with basic GIS models showing spatial relationships between land cover types and surround land uses. The same data used to develop Placer County's Ranked Habitat Assessment were also used in the development of this EIR, but as the ranking scheme presented by Placer County was presented as one of many potential methods for quantifying habitat quality, the ranking scheme itself was not applied to the EIR.

Response to Comment DDDD-11: The commenter asks why City is proposing urban development in the area west of Highway 65 to the confluence of Orchard Creek and Auburn Ravine continuing south of Auburn Ravine. The area noted in the comment is located within the planning area referenced as Village 6 in the Draft 2050 General Plan. There is a large flood plain area located in the northwestern portion of Village 6, which contains various crop lands and vernal pools. The City is not proposing urban development within the floodways under the Draft 2050 General Plan. Policies proposed in the Draft 2050 General Plan look to preserve floodways discourage any development within the 100-year floodplain. The City's interest in developing within the Village 6 planning boundary is based upon the Draft 2050 General Plan's objective to achieve a fiscally sustainable community. Based upon the economic and fiscal analysis that accompanied the drafting of the Draft 2050 General Plan, it was determined that in order for the City to achieve a fiscally sustainable community it was important for the City to reach a

population level similar to the 132,000 build out population proposed. This level of development requires a land area on the order of 22,700 acres to achieve these objectives. Given the various human-made and natural constraints that limit the opportunities for urban development, those land areas outside the noted floodways in Village 6 were determined to be needed in order for the City to reach a population level that supported its fiscal and economic objectives. Among the constraints that limit urban development in the planning boundaries are the overflight zones of the Lincoln Regional Airport, the one mile buffer from residential development established for the Western Placer Regional Landfill as well as the floodways of the various streams and creeks that run through this portion of western Placer County. It is also noted that the proposed planning boundaries of Village 6 are immediately north of areas in the unincorporated portion of Placer County (the Sunset Industrial Tract and Placer Ranch) that are currently being considered for urbanization.

Response to Comment DDDD-12: The commenter asks why the Draft 2050 General Plan proposes urban development in the northwestern portion of the planning boundaries, which is the Village 4 area, when there is both a vernal pool preserve and restorable vernal pool grasslands within this area. The commenter also asks why the SACOG Blueprint vision is not incorporated into the Draft 2050 General Plan. In terms of the reasons for the proposed urbanization of the Village 4 area please refer to the response to Comment DDDD-11. In terms of the SACOG Blueprint vision, the City has in the Draft 2050 General Plan incorporated the principles of that planning study. Policies LU-1.6 through LU-1.12, incorporate the seven smart growth principles promoted through the Blueprint project to develop sustainable communities. The City has selected the Village areas as the primary locations within which to apply the SACOG smart growth policies, see Policy LU-15.4 of the Draft 2050 General Plan. The City has placed into its village concept the requirement for a mixture of housing types, densities and the establishment of a village center. The village center will be comprised of a mix of neighborhood commercial, higher density housing, as well as schools, parks and/or other public facilities. The City's residential land use mix closely mirrors that proposed in the SACOG Blueprint project. Please refer to Table 3-1 in Master Response #8 (see Chapter 3, "Responses to Comments on the Draft EIR), which identifies the Blueprint's preferred land use scenario for the City. Master Response #8 (see Chapter 3 of this Final EIR) provides further discussion of how the City utilized the SACOG Blueprint in the preparation of the Draft 2050 General Plan.

Response to Comment DDDD-13: The comment states that no attempt has been made to link habitat lands and existing conservation lands into a viable "green belt" or buffer zone. See response to Comment YYY-3 regarding the City's ability to propose specific lands for preservation at the General Plan level. See also response to Comment YYY-3 for a discussion of the City's analysis of the potential open space resulting from application of Draft 2050 General Plan policies.

There is an existing "link" of vernal pool preservation north of Athens Road, the area mentioned in the comment. The Orchard Creek Wildlands Preserve is located contiguous to a portion of Orchard Creek. This preserve area along with the Antonio Ranch Preserve area (currently pending approval) could link up with the Moore Ranch Vernal Pool Preserve (see Figure 7-2 of the Recirculated Draft EIR) and provide a continuous belt of habitat lands in the southern portion of the Planning Area.

Response to Comment DDDD-14: The commenter expresses an opinion that the proposed plan is “so egregious” that it could “lead to legal mandates” under the Endangered Species Act. As explained in other responses to comments, the Recirculated Draft EIR’s analysis of potential impacts related to habitat fragmentation is rather conservative in its assumption that any habitat within the proposed sphere of influence will be directly or indirectly impacted by development. See response to Comment DDDD-1 for a more detailed discussion of the analysis. The City is not relying solely on adoption of the PCCP to provide assurance for conserving biological resources. Rather, the City is proposing several policies as part of the Draft 2050 General Plan that will lead to conservation of important habitat (see Policy LU-15.13 [reservation of 40% open space in villages]; Policy OSC-1.4 [open space designation for areas within 100-year floodplain]; Policy OSC-5.5 [new development in sensitive areas]; Policy OSC-5.6 [no net loss of wetlands]). Further detail on specific areas that will be preserved as a result of implementing these policies would be too speculative at this time. The Recirculated Draft EIR concludes that impacts to biological resources will be significant and unavoidable.

Response to Comment DDDD-15: The comment states that mitigation lands are very limited and that there is no assurance that adequate mitigation is available outside of the Draft 2050 General Plan area for proposed development within Placer County. Please refer to the response prepared for Comment V-21 for additional information regarding the cumulative impact to mitigation.

The City’s Draft 2050 General Plan has established a no net loss policy regarding regulated wetlands, Policy OSC-5.6, as part of its goal to preserve and protect wetlands. Projects that are proposed within the City’s Villages or Special Use Districts will be required to evaluate wetlands within the context of a Specific Plan that will cover, at a minimum, the entire planning boundary for the Village or Special Use District. This approach will provide for a comprehensive evaluation of wetlands impacts and mitigation. Such projects will be subject to the 404 permitting requirements of federal agencies in terms of achieving adequate mitigation. It is not clear what projects may be allowed to proceed in either the unincorporated portions of Placer County or within other cities that might affect available mitigation within the County. In that regard, the City has been a participant in the Placer County Conservation Plan, which is supported by Policy OSC-5.3, to develop a regionalized approach to balancing both the need for urbanization and preservation of wetlands within the western portions of Placer County. As part of the Draft 2050 General Plan’s 50 year planning effort, the City has taken a long range look at projected growth and the need to develop a comprehensive mitigation approach (see Policy OSC-5.3) that will retain significant and viable areas for habitat and open space.

Response to Comment DDDD-16: The comment states that more refined hydrology analysis is needed to examine impacts to vernal pool complexes from surrounding development. The Recirculated Draft EIR acknowledges that development can alter the surface water flows which can lead to adverse impacts to vernal pool communities due to altered inundation and desiccation regimes. Further analysis of hydrological impacts to vernal pools from surrounding development is not feasible at this time. Such analysis would require detailed site plans and specific information on topography, soils, and other factors and can only occur as specific projects are proposed. This document is a Program EIR. Please refer to Master Response #2 in Chapter 2 of this Final EIR.

Individuals

Letter EEEE. Lorraine Greco

Response to Comment EEEE-1: The commenter states Marsh Area (M2) as depicted in Figure 7-3 is in the wrong place (see page 2.2-17 of the RDEIR). Figure 7-3 is based on data gathered by Jones & Stokes as depicted in their study *Important Migrant and Wintering Bird Concentration Areas of Western Placer County* (Jones & Stokes 2003b). The area depicted in M2 overlaps with areas noted as irrigated cropland in aerial photos. As irrigated croplands are frequently visited by wintering and migrant birds, the area is properly noted as an “Important Concentration Area.” More specific data on existing wetlands and habitats will be developed as specific development proposals move through the planning process.

Letter FFFF. Sue Hamman

Response to Comment FFFF-1: Commenter asks how the City will successfully manage the proposed 40% Open Space. The Draft 2050 General Plan’s proposed 40% Open Space requirement is allowed to be met through a variety of open space types. Part of the requirement will be met through the dedication and development of active park areas. Other portions will be comprised of natural open space areas that might be associated with floodways and/or sensitive habitat areas, or buffers designed to avoid land use compatibility issues, see Policy LU-15.13. The management of such open space may fall into several categories. Areas that are dedicated to the City for park purposes would be maintained through the use of a Landscaping and Lighting District. In these situations, landowners of newly developed areas are assessed an annual fee that is paid to the City and used to manage and maintain the park areas. When such areas as natural open space are turned over to the City for management purposes, they are also placed into the Landscaping and Lighting District to generate the funding needed by the City for their proper management and maintenance. Policy OSC-5.9 addresses the provisions to be made regarding the maintenance and management of natural open space areas provided to the City. Please refer to Master Response #6 in Chapter 2 of this Final EIR.

Response to Comment FFFF-2: Commenter asks how the City will take care of hundreds or thousands of more open space areas if it can’t expeditiously take care of the current areas. As described above in the response prepared for Comment FFFF-1, as new areas are turned over to the City to manage and maintain additional properties are added to the Landscaping and Lighting District to generate additional funding to undertake management activities. Many of the noted areas are natural open space that is typically encumbered by federal and state resource agencies with covenants and restrictions regarding the level of activities that are undertaken to manage the land such as Orchard Creek and the Moore Ranch Vernal Pool Preserve area. Issues such as the removal of beavers and beaver dams that begin to alter the open space areas are ongoing and reoccurring problems. Such issues must be coordinated with the appropriate resource agencies in determining the appropriate solutions. In some instances this requires additional time and resources to achieve a solution. As the City continues to receive additional open space areas the Landscaping and Lighting District will be expanded to generate needed funding to expand City manpower levels to properly manage and maintain these areas.

Response to Comment FFFF-3: Commenter asks when the City will hire an Open Space Manager to address the needs of the open space areas. The City does intend to hire an open space manager at some point in time. Currently, no specific decision has been made regarding the filling of such a position. At this time, open space areas are managed as part of the current Public Works operations and staffing levels or through the use of private contractors. It is envisioned that as the Landscaping and Lighting District grows in size and resources it will reach a level at which the filling of this position would be feasible.

Response to Comment FFFF-4: Commenter asks what it means to successfully manage the 40% open space. As described in the responses prepared for Comments FFFF-1, FFFF-2, and FFFF-3, the type of open space that will comprise the 40% requirement will be a mixture of open space types, which in turn will alter the criteria for what is viewed as successful management. The requirement for active park land management will be significantly different than those required of natural open space areas. Natural open space areas will typically be turned over to the City with provisions in place for a management plan. These types of plans are typically restrictive in nature and set forth specific criteria as to what is permitted or not permitted to occur within the boundaries of the preserve. These measures are used to determine the successful management of a particular preserve and may vary from area to area depending upon the type of habitat contained in the preserve. In terms of active park land no such restrictions are involved and the City is free to alter and manage the park as determined appropriate for the desired level of service.

Letter GGGG. Pat McCarthy

Response to Comment GGGG-1: Commenter urges the City to rethink its strategy for development. Commenter does not value sprawling development and its associated effects. This comment does not provide any specific comments regarding the contents of the Recirculated Draft EIR.

Response to Comment GGGG-2: Commenter suggests leaving Lincoln as a rural community and providing sustainable development when the future need for housing arises. This comment does not provide any specific comments regarding the contents of the Recirculated Draft EIR.

Response to Comment GGGG-3: The commenter is apparently referring to the calculation of CO₂ emissions generated by additional vehicle trips resulting from implementation of the General Plan. As explained in the Recirculated Draft EIR, this is a very conservative estimate, in that that analysis assumes that every trip would be a new trip. As explained in the Recirculated Draft EIR, however, many of these trips are considered existing trips, or would simply be transferred from another location. As such, the project's contribution to global CO₂ emissions will actually be less. Several proposed policies have been added as mitigation to further reduce vehicle trips and reduce greenhouse gas emissions (see Recirculated Draft EIR, pp. 2.3-9-2.3-10).

Response to Comment GGGG-4: The commenter does not understand why the City needs to triple its size in an already overbuilt area. Please refer to Master Response #8 and the individual response to Comments V-2, V-4, V-5, and V-6 in Chapter 2 of this Final EIR. This comment does not provide any specific comments regarding the contents of the Recirculated Draft EIR.

Response to Comment GGGG-5: The commenter states that this plan is not in the City's best interest and that the City should really make an effort to work to become a truly great American city and a model for others to follow. Please refer to the response prepared for Comment GGGG-4 for additional information. The commenter is expressing an opinion that does not raise issues regarding the adequacy of the Draft EIR analysis.

Letter HHHH. Jane Tahti

Response to Comment HHHH-1: The commenter inquires as to whether or not the 40% open space commitment for the Villages would include existing conservation easements. Although not explicitly stated in the Draft 2050 General Plan, Policy LU-15.13 does allow for conservation easements to be counted towards meeting the 40% open space requirement for the Village areas. A revision to Policy LU-15.13 has been recommended in response to Comment A-3 (see pages 3-12 through 3-13) to include existing conservation easements as a potential allowable land use that would count toward the 40% open space requirement.

Response to Comment HHHH-2: Commenter states that existing conservation easements should not be allowed to count towards the 40% open space requirement. The commenter is expressing an opinion that does not raise issues regarding the adequacy of the Draft EIR analysis.

Response to Comment HHHH-3: Commenter expresses that it is dishonest and a betrayal of the public's trust to include previously protected agricultural or habitat lands in the City's limits and count those preserved lands towards the 40% open space requirement. The commenter is expressing an opinion that does not raise issues regarding the adequacy of the Draft EIR analysis. Please refer to the response prepared to Comment HHHH-1.

Response to Comment HHHH-4: Commenter states that counting existing preserved lands towards the 40% open space requirement is double dipping and results in an overall reduction of total acres of protected lands. The commenter is expressing an opinion that does not raise issues regarding the adequacy of the Draft EIR analysis.

Response to Comment HHHH-5: Commenter states that the Village scenario, where future developers are required to decide where open space areas would occur will be impossible to implement. Commenter states they would expect the City to map out where open space areas would be located in order to protect habitat. Master Responses #6 and #7 (see Chapter 2 of this Final EIR) provide discussions regarding the General Plan's open space requirements and the requirements for Villages and Special Use Districts to prepare a Specific Plan that must be approved by the City prior to development. The commenter is expressing an opinion that does not raise issues regarding the adequacy of the Draft EIR analysis.

Response to Comment HHHH-6: Commenter states that villages should be identified by their order of development. The current numbering system used in the Draft 2050 General Plan for each of the Village areas is for identification purposes only and is not intended to prescribe the order of development. The Draft 2050 General Plan does not look to pre-determine the order that Villages areas will develop due to the many factors that go into a particular area being able to move forward with land use entitlements and infrastructure construction. Among such factors

are: the interests of the landowners within a Village to prepare specific plans; the location of a Village area in relationship to infrastructure and the existing city limits; as well as the market conditions. The City's focus in crafting the Draft 2050 General Plan has been to develop an infrastructure program that identifies what is needed to be built in order to provide the appropriate levels of service and infrastructure at built out. This approach allows the City to identify what infrastructure is needed with each of the Villages regardless of the order in which development occurs. Due to the many factors that affect development opportunities the City has judged it appropriate to retain flexibility in this regard. As each Village is developed, due to the implementation of the infrastructure program, it will be required to size and install infrastructure that is adequately sized to accommodate the future build out of the Draft 2050 General Plan. The practical economics of developing long segments of various pieces of infrastructure, such as water lines, sewer, roadway and dry utilities at sizes that accommodate future growth are a strong deterrent to leap frog development.

Response to Comment HHHH-7: Commenter states that the infrastructure for each Village should be complete and adequate before any permits are granted. Chapter 6 of the Draft 2050 General Plan sets forth the City's goals and policies relative to the provision of public services. As indicated in Goal PFS-1, the City looks to ensure that adequate public services and facilities are provided to meet the needs of residents of the city. Policy PFS-1.1 sets forth the requirement that new development is to be served by the full range of public services, while Policy PFS-1.2 requires that prior to any annexations the City will require a detailed public facilities and financing plan to be completed that evaluates both capital facilities and the fiscal impacts to the City's ongoing operations and maintenance costs. The City will utilize these studies to develop specific project requirements that will ensure that adequate public facilities will be available to serve new development in a timely manner. Also, please refer to the response prepared for Comment HHHH-6,

Response to Comment HHHH-8: Commenter requests that the City explore possible future conflicts between the stated needs of the approved Teichert Mining and Reclamation project and a future Nevada Irrigation District (NID)/Lincoln water treatment plant. In 2005, a preliminary study conducted by the Nevada Irrigation District (*Lincoln Area Water Treatment Plant Planning and Site Study*) has identified potential sites east of the Teichert Mining and Reclamation project that could be the location for a future NID water treatment plant that would serve portions of the City of Lincoln. That analysis did not select a site, but identified several locations that would be further evaluated. Recently, NID in cooperation with the City of Lincoln has selected the engineering firm of ECO-LOGIC and the environmental firm Jones and Stokes to undertake further engineering and an environmental analysis as required by CEQA to make a site selection. It would be during this environmental analysis that each specific site will be evaluated and any potential conflicts identified between the operations of the future NID water treatment facility and the Teichert Mining and Reclamation project.

Response to Comment HHHH-9: Commenter requests that verification be obtained by all of the interested parties, NID, Teichert and Lincoln, that the proposed NID water treatment plant would not prevent Teichert from obtaining water from NID to meet their project obligations. See response to Comment HHHH-8.

Response to Comment HHHH-10: Commenter requests that the water needs of Teichert and Lincoln from the Nevada Irrigation District during drought years be evaluated. See response to Comment HHHH-8.

Response to Comment HHHH-11: Commenter notes that with the implementation of the Teichert mining project in 2008 Lincoln traffic will be impacted by truck traffic from the Teichert project. The traffic demand model used to address traffic impacts in the Draft EIR for the City's Draft 2050 General Plan (dated August 2006) included the "vehicle" trip generation for the Teichert gravel harvest operations (as documented in an EIR prepared for the Teichert operations by Placer County). The Placer County traffic model, like nearly all travel/traffic demand models, does not include a separate forecast for trucks. Trucks are part of the vehicle mix estimated for use in the traffic model. Because the City's Draft EIR traffic analysis coordinated with the County's traffic model, the Teichert gravel harvest operation project as approved by Placer County was included in the City's traffic analysis for the Draft 2050 General Plan.

Response to Comment HHHH-12: Commenter expresses an opinion that the proposed addition of an acceleration lane to SR 65 north of Coon Creek to handle left turns from the Teichert facility is inadequate and should instead have a traffic signal installed. The Teichert Mining and Reclamation project is an approved project and subject to the land use authority of Placer County. The comment does not raise an issue regarding the analysis of the Draft Recirculated Environmental Impact Report.

Response to Comment HHHH-13: Commenter notes that Nader Road is situated in the unincorporated portion of Placer County, but with the completion of the SR 65 Bypass a more serious traffic issue will develop. See response to Comment HHHH-12.

Response to Comment HHHH-14: Commenter notes that Teichert gravel trucks will have to slow and make left turns over the at-grade crossing at Wise Road. With only limited stacking room a concern is expressed that trucks will be lined up along SR 65 waiting to cross the tracks and causing a traffic problem. See response to Comment HHHH-12.

Response to Comment HHHH-15: Commenter expresses a concern that a traffic signal is needed at the intersection of SR 65 and Wise Road to avert dangerous left turning movements of gravel trucks. See response to Comment HHHH-12.

Response to Comment HHHH-16: Commenter reiterates their interest in a traffic signal being installed at the Nader Road/Teichert Plant site and a signal at the Wise Road railroad crossing site. See response to Comment HHHH-12.