

CHAPTER 11

COMPLIANCE WITH APPLICABLE LAWS, POLICIES, AND PLANS

The relationship of the selected plan to applicable Federal and State environmental requirements is outlined below. The project is in compliance with all laws, regulations, and executive orders.

FEDERAL REQUIREMENTS

NATIONAL HISTORIC PRESERVATION ACT OF 1966, AS AMENDED (16 U.S.C. § 470 ET SEQ.), HISTORIC AND ARCHAEOLOGICAL DATA PRESERVATION, AS AMENDED (16 U.S.C. § 469 ET SEQ.), ARCHAEOLOGICAL RESOURCES PROTECTION ACT (16 U.S.C. § 470AA ET SEQ.), PROTECTION OF HISTORIC PROPERTIES (36 CFR 800), ABANDONED SHIPWRECK ACT (43 U.S.C. § 2102 ET SEQ.)

The purpose of these acts and regulations is to protect, preserve, rehabilitate, or restore significant historical and archaeological data, objects or structures. Under these acts and regulations, Federal agencies are required to consider the effects of their undertakings on historical and archaeological resources. An agency must first identify the area potentially affected by the selected project. The agency must then inventory and evaluate the affected area to identify historical or archaeological properties that have been placed on the National Register of Historic Properties and those that the agency and the State Historic Preservation Officer (SHPO) agree are eligible for listing in the National Register. If the project is determined to have an effect on such properties, the agency must consult with the SHPO and the Advisory Council on Historic Preservation (Council) to develop alternatives or mitigation measures.

The Corps has initiated consultation with the SHPO and the Council. The SHPO and Council have concurred with the Corps that sufficient evidence exists to show that the project would adversely affect at least some significant historic properties. Therefore, the Corps, Bureau of Reclamation, non-Federal sponsor, SHPO, and Council have developed a Programmatic Agreement under which cultural resources would be further treated during the project planning, engineering and design phase, or once Congress authorizes the project. A management plan would be developed to evaluate and avoid impacts to cultural resources as project induced land changes occurred. Chapter 4 (Affected Environment) and chapters 7 through 9 (candidate plans), discuss cultural and paleontological resources and describe potential effects of the selected projects and alternatives on those resources and identify mitigation measures.

SEIS 11-1

CLEAN AIR ACT (42 U.S.C. § 1857 ET SEQ. (1970), AS AMENDED AND RECODIFIED, 42 U.S.C. § 7401 ET SEQ. (SUP II 1978))

The purpose of this statute, in general, is to “protect and enhance the quality of the nation’s air resources so as to promote the public health and welfare” and “to encourage and assist the development and operation of regional air pollution prevention and control programs. The Corps has coordinated with EPA (Environmental Protection Agency), California Air Resources Board, Sacramento Area Council of Governments, Sacramento County Air Quality Management District, and other Air Pollution Control Districts. The Corps’ consultant, Jones & Stokes, has completed an analysis of air-quality impacts. Coordination is ongoing with EPA and the Air Resources Board to obtain a conformity determination for the project. The DSEIS/SDEIR summarizes the existing conditions and the potential impacts of the various alternatives on local and regional air quality in chapters 6 through 9. The chapters discuss issues relative to compliance with the State Implementation Plan for air quality. The requirements shall be more fully identified and developed during the engineering and design phase of the project. The Corps will be responsible for mitigation of direct impacts.

CLEAN WATER ACT (33 U.S.C. § 1251 ET SEQ. (1976 & SUPP II 1978))

The purpose of this statute is to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters” through prevention, reduction and elimination of pollution. The project must comply with the Federal Clean Water Act including Section 404 because construction of the flood control project will require the placement of fill material into the Waters of the United States in the North Fork American River and in portions of the Natomas area. A Section 404(b)(1) evaluation has been prepared for each candidate plan and is included as appendix I. In accordance with Section 404(r) of the Clean Water Act, this information is being presented to Congress with a request for exemption from Federal and State Clean Water Act regulations.

ENDANGERED SPECIES ACT (16 U.S.C. § 1531 ET SEQ.)

The general purpose of this statute is to conserve and protect threatened and endangered species of fish, wildlife, and plants. Section 7 of the Act requires Federal agencies, in consultation with the Secretary of the Interior and Secretary of Commerce, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of the critical habitat of these species.

A list of threatened and endangered species relating to this project was obtained from the Fish and Wildlife Service (FWS). A biological assessment was prepared for the upper American River area indicating that only the threatened valley elderberry longhorn beetle is

likely to be adversely affected and initiating formal consultation for the Detention Dam Plan. FWS has 90 days to conclude consultation after the initial request and an additional 45 days to prepare a biological opinion. Mitigation features have been included in the project plan to compensate the expected loss. The features include elderberry shrub plantings on the Middle Fork of the American River.

FWS provided a biological opinion For the ARWI (November 27, 1991) stating "that construction and operation of the proposed 200-year American River Watershed Investigation project alternative, including the mitigation for the beetle, as described in this biological opinion, is not likely to jeopardize the valley elderberry longhorn beetle and is not likely to result in destruction or adverse modification of its critical habitat." The previous 200-year plan and the current Detention Dam Plan affect the same portion of elderberry habitat. Surveys have shown that fewer shrubs would be adversely affected under the Detention Dam Plan than under the previous 200-year plan. The Corps believes that the plan presented in chapter 9 would continue to avoid jeopardy.

A biological assessment for the lower portions of the study area was conducted in July 1995. This assessment concluded that the threatened valley elderberry longhorn beetle may be adversely affected due to construction activity associated with the Stepped Release Plan. The biological assessment was sent to FWS on July 7, 1995, and to NMFS on July 10, 1995.

Chapters 6 through 9 of this final SEIS/EIR provide a detailed discussion of issues related to endangered and threatened species.

FEDERAL WATER PROJECT RECREATION ACT (16 U.S.C. § 460L-5, 460L-12, ET SEQ.)

This act requires Federal projects to consider features which would lead to enhancement of recreational opportunities. As local sponsors, the City and County of Sacramento would cost share the development of recreation opportunities associated with the project. Under the Detention Dam Plan, the existing or "historic" portion of Highway 49 would be left intact to provide recreation access to the river; the local sponsor would be responsible for this nonproject, recreational feature.

FISH AND WILDLIFE COORDINATION ACT (16 U.S.C. § 661 ET SEQ.)

This act requires Federal agencies to consult with the FWS and DFG (California Department of Fish and Game) before undertaking projects that control or modify surface water (water projects). This consultation is intended to promote the conservation of wildlife resources by preventing loss of or damage to fish and wildlife resources and to provide for the development and improvement of fish and wildlife resources in connection with water projects. The FWS and DFG are authorized to conduct necessary surveys and investigations

to determine the possible damage to resources and to determine measures of preventing such losses. Representatives of the Corps and non-Federal sponsor participated in these studies. The reports and recommendations of FWS and DFG must be integrated into any report that seeks permission or authority to construct a project or modify or supplement plans for previously authorized projects. This act requires the Corps to incorporate into the project plan "such justifiable means and measures for wildlife purposes as the Corps finds should be adopted to obtain maximum overall project benefits." The FWS Coordination Act Report is provided as appendix J. The incremental analysis relating to the justifiable mitigation measures is located in appendix H.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) (42 U.S.C. § 4321 ET SEQ.)

This act requires the full disclosure of the environmental impacts, alternatives, potential mitigation, and environmental compliance procedures of the selected project. This DSEIS/SDEIR provides partial NEPA compliance. The Final SEIS/EIR and the ROD (Record of Decision) will complete the environmental documentation required by the act.

WILD AND SCENIC RIVERS ACT (16 U.S.C. § 1271 ET SEQ.), PRESIDENT'S ENVIRONMENTAL MESSAGE OF AUGUST 1979, AND COUNCIL ON ENVIRONMENTAL QUALITY (CEQ) MEMORANDUM OF AUGUST 10, 1980, FOR HEADS OF AGENCIES

The purpose of the Wild and Scenic Rivers Act is to preserve and protect wild and scenic rivers and immediate environments for the benefit of present and future generations. Portions of both the upper and lower American River areas are designated as Wild and Scenic Rivers. The DSEIS/SDEIR discusses these areas and considers the impacts to these portions in chapters 7 through 9.

EXECUTIVE ORDER 11988, FLOOD PLAIN MANAGEMENT

This Executive order requires the Corps to provide leadership and take action to (1) avoid development in the base (100-year) flood plain (unless such development is the only practicable alternative); (2) reduce the hazards and risk associated with floods; (3) minimize the impact of floods on human safety, health, and welfare; and (4) restore and preserve the natural and beneficial values of the base flood plain.

In this regard, the policy of the Corps is to formulate projects which, to the extent possible, avoid or minimize adverse impacts associated with use of the base flood plain and avoid inducing development in the base flood plain unless there is no practicable alternative. The flood control plans identified are in compliance with this Executive Order.

EXECUTIVE ORDER 11990, PROTECTION OF WETLANDS

This order directs the Corps to provide leadership and take action to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands in implementing civil works. Before Federal agencies undertake any new construction in wetlands, the Executive Order requires that they must:

- Determine whether a practicable alternative exists (if so, action should not be undertaken in wetlands).
- Include practical measures to minimize harm to wetlands if action must be taken.
- Preserve and enhance the natural and beneficial values of the wetlands.
- Involve the public early in the decisionmaking process for any action involving new construction in wetlands.

The Corps will coordinate with FWS and EPA in its efforts to identify the areas of least impact when the selected project is identified and to mitigate for any unavoidable losses. Appendix I provides the Section 404(b)(1) evaluation. Further discussion regarding impacts and mitigation is contained in chapters 7 through 9.

FARMLAND PROTECTION POLICY ACT (7 U.S.C. § 4201 ET SEQ.)

This act requires a Federal agency to consider the effects of its actions and programs on the Nation's farmlands. The Corps provided the NRCS (U.S. Natural Resources Conservation Service—formerly Soil Conservation Service) with project maps and descriptions to assess impacts on prime and unique farmlands. The NRCS completed its analysis and responded with a Farmland Conversion Impact Rating letter, which is included in the technical appendixes. Further discussion is found in chapters 7 through 9 (candidate plans).

STATE LAWS, REGULATIONS, AND POLICIES

This section discusses the relationship of the selected plan to applicable California environmental requirements. Many of the requirements listed below were identified by the Office of Planning and Research as potential project clearance points (Nunenkamp, November 1990). Others were obtained via personal communication with agency personnel.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Legislature enacted the California Environmental Quality Act, or "CEQA," in 1970, one year after Congress enacted its predecessor statute, the National Environmental Policy Act, or "NEPA." Like the Federal act, CEQA was conceived primarily as a means to force public agency decisionmakers to document and consider the environmental implications of their actions. This document will be adopted as a joint EIS/EIR and will fully comply with NEPA and CEQA requirements. However, the State anticipates the eventual need for supplemental environmental analysis to determine specific environmental effects relative to relocating Highway 49.

The relocation analyses will meet CEQA requirements, which specifically authorize the use of staged or tiered environmental analyses. The lead agency for preparation of the subsequent environmental documentation will be determined by either the California Legislature or CEQA Guidelines. Any route change of Highway 49 must be approved either by the Legislature or the California Transportation Commission.

RECLAMATION BOARD

As a cooperating lead agency and one of the local sponsors of the American River Watershed Investigation, the DWR/The Board has primary responsibility for the CEQA review process and project review.

The Board maintains jurisdiction over all flood control work constructed with funds from Federal-State cost-sharing agreements in the Central Valley. Generally, jurisdiction extends from a point 10 feet landward of the levee across to a point 10 feet landward on the other side and includes all portions of the levee and riverbed. Also under the Board's jurisdiction are "designated floodways," including all bypasses and weirs.

Permits or Approvals Required

The Board requires an encroachment permit for any activity along or near Federal flood control project levees and floodways or in Board-designated floodways to ensure that proposed local actions or projects do not impair the integrity of existing flood control systems to withstand flood conditions.

Encroachment permit applications are evaluated according to criteria in designated floodway plans and the Board's "Standards for Encroachment." Applications are not reviewed until all necessary environmental review is completed, at which time the Board has the discretion to approve or deny an application. Permit decisions are usually made administratively unless the proposed project is very large or is contested.

The Board has determined that, as currently defined, the selected plan will require no encroachment permits.

DEPARTMENT OF WATER RESOURCES, DIVISION OF SAFETY OF DAMS

As the responsible agency for ensuring the safety of non-Federal dams and reservoirs, DWR's dam safety division approves plans and specifications to construct dams and reservoirs after completion of the appropriate environmental documentation and review process.

DWR's jurisdiction extends to artificial barriers impounding or diverting waters that would be (1) capable of impounding at least 50 acre-feet of water or (2) at least 25 feet high (measured from the bed of the watercourse at the downstream toe of the barrier to the maximum water storage elevation for natural stream channels and from the lowest outside elevation to the maximum water storage elevation for barriers not constructed across stream channels).

Permits or Approvals Required

The Division of Safety of Dams issues a Certificate of Approval for any dam construction or enlargement plans after a determination that the selected project could safely impound water. Because the flood control dam will be constructed by a Federal agency, it is not within the State's jurisdiction and would not require a Certificate of Approval from the Division prior to construction. Nonetheless, Division engineers and geologists would review plans and specifications for proposed dam construction to determine whether the design met acceptable modern engineering practices and Division dam safety standards.

The Division would work with project engineers to resolve any safety concerns before final design and construction and would visit the site during construction to monitor progress and check for compliance with the approved plans and specifications. After the dam was completed and operational and turned over to the State, it would come under the jurisdiction of the State, and the Division would conduct periodic inspections to ensure proper maintenance and require the owner/operator to correct any deficiencies. (Fitzpatrick, 1990; DWR Bulletin 17-88, 1988).

STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER QUALITY, AND THE CALIFORNIA REGIONAL QUALITY CONTROL BOARD, CENTRAL VALLEY REGION

The SWRCB and the CRWQCB for the Central Valley Region review activities that affect water quality in the Central Valley. The Boards administer the requirements mandated by State and Federal law (Clean Water Act). The RWQCB establishes water-quality standards and reviews individual projects for compliance with the standards.

Permits or Approvals Required

The type of permit or approval issued depends upon the nature of the waste discharge. Normally, construction activities associated with the selected plan would require a certificate or waiver denoting compliance with the adopted water-quality standards. However, it is proposed that the congressional authorization of any of the candidate plans include an exemption from such regulation pursuant to Section 404(r) of the Clean Water Act.

STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS

This agency issues permits and licenses for the appropriation of water resulting from storage or diversion. The appropriation must be related to a beneficial use.

Permits or Approvals Required

The candidate plans are solely flood control projects. All the floodflows will be passed through the proposed dam or the existing Folsom Dam and not result in an appropriation. No water rights approvals will be required.

CALIFORNIA DEPARTMENT OF FISH AND GAME, REGION 2

Generally, the DFG administers the State laws providing protection of fish and wildlife resources. DFG administers the California Endangered Species Act of 1984. This requires State lead agencies to prepare biological assessments if a project may adversely affect one or more State-listed endangered species.

Permits or Approvals Required

The DFG requires a Stream Alteration Agreement for any activity that will change the natural state of any lake, river, or stream in California. The agreements are issued by the DFG's regional offices and are intended to minimize impacts, protect fish and wildlife habitat, and ensure the best operation practices (for example, erosion control and revegetation). Since any of the candidate plans will be a Federal project authorized by

Congress, there is no need to obtain a Stream Alteration Agreement. However, protection of fish and wildlife resources will continue to be coordinated with DFG.

The Board, as the non-Federal project sponsor, has initiated consultation with DFG as required under the State Endangered Species Act. If necessary, DFG may authorize incidental take in conjunction with a project mitigation or habitat conservation plan, which could allow for the loss of some identified endangered species in a project area if the mitigation plan is determined to be beneficial for the endangered species population as a whole.

STATE MINING AND GEOLOGY BOARD

The State Mining and Geology Board oversees the implementation of pertinent State laws and regulations. One of the laws within its jurisdiction is the Surface Mining and Reclamation Act of 1975 (Public Resources Code, Div. 2, Chapter 9, Sec. 2710, et seq.).

Permits or Approvals Required

The Surface Mining and Reclamation Act (SMARA) requires that an entity seeking to conduct a surface-mining operation obtain a permit from, and submit a reclamation plan to, the SMARA lead agency overseeing that operation. To be adequate, the reclamation plan must contain all categories of information specified in the SMARA. A lead agency's finding can be appealed to the State Mining and Geology Board. The Detention Dam Plan involves two types of activities which might potentially be classified as surface mining: the extraction of (1) aggregate for use in a flood control dam and (2) borrow material for use in levee modification and construction. The DWR/The Board will coordinate with the Department of Conservation regarding any necessary reclamation plan.

STATE HISTORIC PRESERVATION OFFICE

Permits or Approvals Required

To ensure compliance with Section 106 of the National Historic Preservation Act of 1966, the Corps and non-Federal sponsors have entered into a Programmatic Agreement with the State Historic Preservation Officer. The agreement describes the work which will be accomplished to document significant resources and avoid or mitigate damages. Details on the Programmatic Agreement for the Detention Dam Plan are discussed in chapter 9, Cultural Resources of the 1991 American River Watershed Investigation Feasibility Report (EIS/EIR).

STATE LANDS COMMISSION

In addition to such State-owned lands as parks and State highways, the State Lands Commission has exclusive jurisdiction over all ungranted tidelands and submerged lands owned by the State and the beds of navigable rivers, sloughs, and lakes (Public Resources Code, Section 6301). State ownership extends to lands lying below the ordinary high-water mark of tidal waterways and below the low-water mark of nontidal waterways (Civil Code, Section 830). The area between the ordinary high and low water on nontidal waterways is subject to a "public trust easement."

Permits or Approvals Required

A project cannot use these State lands unless a lease is first obtained from the State Lands Commission. Such projects as bridges, transmission lines, and pipelines fall into this category. The Commission also issues separate permits for dredging. The Detention Dam Plan would involve the construction or modification of several bridges. The Reclamation Board would obtain any necessary lease from the State Lands Commission.

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, ACQUISITIONS DIVISION

The California Department of Parks and Recreation currently has an interim agreement with Reclamation for management and operation of recreation activities associated with the completion of a multipurpose dam project at Auburn. The candidate plans have no impact on continuing this activity.

Permits or Approvals Required

None.

CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS), DISTRICT 3

Caltrans is responsible for ensuring the safety and integrity of the State of California's highway system.

Permits or Approvals Required

The non-Federal sponsors would coordinate the relocation of Highway 49 with Caltrans. Under California law, any relocation or realignment of a State highway must be approved by the California Transportation Commission. In accord with State law and procedures, the State agencies will likely pursue a Route Adoption Study, usually conducted by or under the supervision of Caltrans. The Transportation Commission reviews the Route

Adoption Study and an environmental assessment of all alternatives. This final SEIS/EIR acknowledges this likely study and further environmental analysis.

In addition, any project involving the placement of encroachments within, under, or over a State highway right-of-way must be covered by an Encroachment Permit.

REVIEWING AGENCIES

Reviewing agencies evaluate proposed development plans for consistency with adopted standards and plans and may make recommendations on site improvements, required infrastructure, or mitigation which would be required of the project developer. These agencies also review and comment on the EIR prepared by the lead agency. The agencies which will review this final SEIS/EIR are listed in chapter 13.

NATIVE AMERICAN HERITAGE COMMISSION

The Commission reviews projects and comments on potential impacts to Native American archeological resources. The Commission is directly involved with a procedure if Native American artifacts or remains are discovered during construction activities.

CALIFORNIA HIGHWAY PATROL, LONG-RANGE PLANNING AND PLANNING AND ANALYSIS SECTIONS

The California Highway Patrol, which reviews the safety of ingress/egress from a project in relation to State highways, may comment on the realignment of Highway 49 and suggest mitigation to improve safety concerns. The non-Federal sponsors will consult with the Highway Patrol as necessary during the implementation of the proposed project after authorization.

LOCAL PLANS AND POLICIES

This section discusses the degree to which individual project components comply with locally adopted plans and policies and the factors which can complicate the process of evaluating the level of compliance. Among these factors are:

- **The intentionally broad and unspecific goals articulated in local General Plans.** California's General Plan Guidelines (California Office of Planning and Research, 1990, p. 16) state that "a goal is a general expression of community values and,

therefore, is abstract in nature." Although general policies, according to the Guidelines, are supposed to be more specific, they often are not specific enough to determine compliance.

- **The potential of the candidate plans to influence the location, density, and rate of development in ways that differ from existing local plans and policies.** The plans could stimulate an increase in the number of development applications submitted to the local planning department, which in turn could result in a higher approval rate, ultimately forcing a reevaluation or change in the General Plan. Clear cases of noncompliance with the General Plan, however, occur only when a local jurisdiction continues to approve projects that violate general plan policies but does not appropriately revise the plan, as required by California Government Code, Section 65000. It is assumed that local jurisdictions would either conform to previously approved plans and policies or amend them as necessary. Thus, the potential for the candidate plans to facilitate growth would not compromise locally adopted plans or policies.
- **The currency of local plans.** Not all local plans are up to date. Sacramento and El Dorado Counties, for example, are in the process of revising their plans, and Sutter County is considering a general plan amendment which would affect land uses in the Natomas basin. Often, the presence of one or more of these situations makes difficult a determination of whether compliance will be achieved. In such cases, a finding of potential noncompliance would be reached. The non-Federal sponsors will coordinate with local governments as necessary during the implementation of the proposed project after authorization.

FLOOD DETENTION DAM AND HIGHWAY 49 REPLACEMENT

The damsite, which was also the site of the Reclamation's proposed multipurpose dam, straddles the border between Placer and El Dorado Counties. A detention dam would require relocation of the Highway 49 bridge above the maximum flood control pool.

In the Auburn Area General Plan, Placer County and the City of Auburn recognize and accommodate the construction of an Auburn Dam (Placer County, 1978, pages 5 and 46).

The El Dorado County Long Range Land Use Plan, which is now being updated, does not mention a possible dam at Auburn. The update will assume that no dam will be constructed at Auburn and that Highway 49 will not be realigned. According to a recently released draft update, "there are numerous environmental and political obstacles to overcome before the project could be realized" [this refers to the Bureau of Reclamation's multiple-purpose reservoir project] (Sedway Cooke Associates, December 1990, p. 10). The

proposed plan update also states that realignment of Highway 49 would probably necessitate a further plan update.

The Cool-Pilot Hill Area Plan, which is also being updated, refers to the Auburn Dam Project and states that approval of an Auburn Dam Project or Highway 49 bridge alignment would initiate a reassessment of the area plan to determine "probable impacts and appropriate solutions" (El Dorado County Planning Department, 1982, p. 5).

Direct Impacts

Relocating the Highway 49 bridge to pass above the maximum flood pool would entail no direct impacts that did not comply with local plans and policies. To avoid the impacts of inundating Highway 49, the selected plan includes replacing the highway above the maximum elevation of the detention pool created by the flood detention dam. As proposed, that portion of the highway would be relocated to follow the existing alignment as closely as the canyon topography allows and would be designed to current standards as a two-lane road. No allowances are made for expected future traffic. Under Federal law, the non-Federal sponsor of the project is responsible for carrying out this replacement. These impacts would include temporary increases in air pollutant emissions, noise levels, disruption of local transportation routes, and potential water-quality concerns. These impacts would occur during the construction phase and could result in short-term significant impacts. The relative level of impact is dependent on the proximity of sensitive uses to the construction sites and the number of transportation facilities disrupted.

Indirect Impacts

As designed, the new bridge and roadway would have the same capacity as the existing facilities and would not significantly improve access to northwestern El Dorado County and stimulate growth in that area. The Detention Dam Plan would therefore have no indirect impacts that did not comply with existing and proposed local plans and policies.

If subsequent State route adoption studies resulted in approval of an alternate alignment that decreased travel times between Auburn and northwestern El Dorado County, mitigation plans for the impacts associated with that alignment would be formulated at that time. As proposed, implementation of the Folsom Modification Plan or the Stepped Release Plan would have no indirect impacts that do not comply with existing and proposed local plans and policies.

OTHER LOCAL PLANS AND POLICIES

AIR POLLUTION CONTROL DISTRICTS

The candidate plans construction-related activities potentially fall under the jurisdiction of El Dorado, Placer, and Yolo County Air Pollution Control District and the SMAMD, which would determine whether project emission sources and levels significantly affected air quality, based on Federal standards promulgated by EPA and the CARB. The districts would first issue a permit to construct, followed by a permit to operate, which would be evaluated to determine whether all facilities had been constructed in accordance with the authority-to-construct permit. The districts would also determine whether applicants complied with district rules and regulations while operating the facility.

PUBLIC WORKS AND TRANSPORTATION DEPARTMENTS

All proposed activity involving the placement of encroachments within, under, or over county or city road rights-of-way must be covered by an Encroachment Permit. The following local agencies will be consulted by the non-Federal sponsor of the proposed project where appropriate: El Dorado County Department of Transportation; Placer County Public Works Department; Sacramento County Public Works Department, Encroachment and Transportation Permits; Sacramento City Public Works Department; and Yolo County Public Works Department.

LOCAL PARK DISTRICTS

A project which encroaches on a city or county park may require an encroachment permit from the local park district. The non-Federal project sponsors will obtain this if necessary.

OTHER

Other agreements from local jurisdictions may also be required to provide public services, such as law enforcement, during the construction and operational stages of the facilities. The non-Federal project sponsors will obtain such agreements if necessary.