

Rebuttal-Part 2.1 - Chapter 13 - Land Use

NDC-2-40

Impact LU-1: Incompatibility with applicable land use designations, goals and policies as a result of contrasting the proposed water conveyance facility: Acres: 4,435 acres permanent, 1,336 temporary.

Impact LU-2: Conflicts with Existing Land uses as a result of constructing the proposed water conveyance facility: Structures 60.

Impact LU-a:

NEPA Effects: .. Life the approved project, the proposed project would require placement of permanent structures on lands designated for other uses by the general plans of Sacramento, San Joaquin, Contra Costa, and Alameda Counties. These permanent structures would encompass approximately 37 acres in Alameda County, 2,087 acres in Contra Costa County, 959 acres in Sacramento County and 1,351 acres in San Joaquin County. In addition, the proposed project would result in the placement of temporary structures on lands designated for other uses on approximately 7 acres in AC, 53 acres in CCC, 651 acres in SC and 625 acres in SJC. The construction of the water conveyance facilities would require land use activities that would be incompatible with land use designations, goals and policies ascribed to the study area and for the purposes of reducing environmental impacts.only surface features associated with the construction of the proposed project, such as power lines, forebay construction, RTM storage areas, and access roads, have the potential to create land use incompatibilities.

CEQA Conclusion: These land use incompatibilities indicate the potential for a physical consequence to the environment.

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

...The removal of a substantial number of existing permanent structures as a result of constructing the proposed project water conveyance facility would be considered a direct, adverse socioeconomic effect. When required, DWR would provide compensation to property owners for losses....which would reduce the severity of economic effects, related to this physical impact, but would not reduce the severity of the physical impact itself.

CEQA Conclusion: Construction of the proposed project would necessitate the removal of a substantial number of existing permanent structures. The removal of existing structures would be considered an environmental impact and might entail economic impacts. Environmental impacts would only be considered significant if the structures qualified as historical resources or if the removal of structures would lead to physical effects on certain other resources.

Impact LU-3: Create Physical Structures Adjacent to and through a Portion of an Existing Community as NEPA Effects: Effects related to any potential division of an existing community as a result of the construction of water conveyance facilities under the proposed project would be identical to those described for the approved project.))?)Although physical structures would not be built through, or

directly adjacent to the community of Hood under the proposed project (approved??), a temporary power line and other construction related facilities would be constructed in the immediate vicinity of the community of Hood and could alter the nearby lands and cause difficulty traveling to and throughout certain areas in Hood for a limited period of time. (possible to find out what in cross-examination of DWR??) Mitigation Measures TRANS-1a and TRANS-1b have been adopted to address this effect. Additionally the placement of the intake facilities would represent physical structures that would substantially alter the setting of the community's surroundings, constituting an adverse effect.

CEQA Conclusion: Impacts related to any potential division of an existing community as a result of the construction of the proposed project would be identical to those described for the approved project. During the construction of the tunnels between Intakes 3 (Hood) and 5 (Courtland), and the intermediate forebay (due East of Locke/Walnut Grove) construction activities would occur to the north and south of the community of Hood, and a proposed temporary power line would cross through portions of the community. Even though access to and from the community would be maintained over the long-term, the nearby construction of the temporary work area would substantially alter the setting of the community in the near term. (near term?) Similarly, the nearby construction of Intakes 3 and 5, although not adjacent to Hood (not adjacent to?) would create permanent physical structures approximately ¼ mile north and ½ mile south of Hood that would substantially alter the community's surroundings. **These structures would therefore result in a significant and unavoidable impact.**

Cumulative Analysis:

"The analysis for cumulative effects for land uses remains the same as described in the Final EIR/EIS with consideration of the proposed project modifications. Although mitigation has been adopted to minimize these cumulative effects, construction and ongoing operations associated with proposed project modifications would still affect planned and existing land uses. The proposed project in combination with other projects listed in Table 13-19 of the Final EIR/EIS would result in cumulative adverse effects due to the similar nature of the impacts of the listed projects and the nearness in proximity; however, a cumulative effect associated with the physical division of an existing community was not found because the projects considered for the cumulative analysis, with the exception of the proposed project, would not likely contribute to permanent structures being built in (or adjacent??) to an existing community."