

2.0 AFFECTED ENVIRONMENT, ENVIRONMENTAL CONSEQUENCES, AND AVOIDANCE, MINIMIZATION AND / OR MITIGATION

2.0.1 CEQA AND NEPA REQUIREMENTS

Information in this section is presented to identify the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The proposed project is subject to both CEQA and NEPA and must satisfy the requirements of both laws and both Caltrans and FHWA must make project decisions since federal funding is involved. A combined EIR/EA has been prepared in accordance with CEQA and NEPA.

One of the main differences between NEPA and CEQA is the determination of significance. NEPA does not require a determination of significant effects in the environmental document as is customary in CEQA. Under NEPA, “significantly requires considerations of both context and intensity.”¹ The determination of significance is based on context and intensity. The context, referred to as the “affected environment” in this document, is the the geographic, social, and environmental contexts within which the project may have effects. Intensity is the severity of the potential impact, considered in context.

Some impacts determined to be significant under CEQA may not be of sufficient magnitude to be determined significant under NEPA. Under NEPA, once a decision is made regarding the need for an EIS, it is the magnitude of the impact that is evaluated and no judgment of its individual significance is deemed important for the text. NEPA does not require that a determination of significant impacts be stated in the environmental documents. Another difference between NEPA and CEQA is that CEQA can utilize thresholds of significance to determinine the level of impact to a given resource while NEPA determines level of significance based on context and intensity. Under NEPA, all impacts are discussed regardless of any thresholds amount and include mitigation measures where reasonable.

CEQA, on the other hand, does require the City to identify each “significant effect on the environment” resulting from the project and ways to mitigate each significant effect. If the project may have a significant effect on any environmental resource, then an EIR must be prepared. Each and every significant effect on the environment must be disclosed in the EIR and mitigated if feasible. In addition, the CEQA Guidelines list a number of mandatory findings of significance, which also require the preparation of an EIR. There are no types of actions under NEPA that parallel the findings of mandatory significance of CEQA.

As stated above, some impacts determined to be significant under CEQA may not lead to a determination of significance under NEPA. Because NEPA is concerned with the significance of the project as a whole, it is quite often the case that a “lower level” document is prepared for

¹ Code of Federal Regulations. <http://ecfrback.access.gpo.gov/ot/cgi/cfr/otfilter.cgi?DB=1&SORTBY=%42%29%42%53>. Site accessed December 18, 2003.

Sutter County, California. *State Route 99 Safety and Operational Improvement Project: Final Environmental Impact Report/Environmental Assessment and Section 4(f) Evaluation*. November 2003.

NEPA Draft Checklist. http://www.fhwa.dot.gov/////cadiv/pre/nepa_dr.htm. Site accessed January 14, 2004.

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NEPA. One of the most commonly seen joint document types is an Environmental Assessment/Environmental Impact Report (EA/EIR)

The organization of this document focuses on the human environment, physical environment, and biological environment. The regulatory setting, affected environment, impacts, and mitigation measures are addressed for each relevant topic. Impacts discussed are permanent impacts, construction impacts, and cumulative impacts, where applicable. Additionally the no build alternative and impacts from build alternatives 2A and 3A are addressed for each resource.