

RECEIVED

FEB 21 2006

February 21, 2006



SIERRA  
CLUB  
FOUNDED 1892

SACRAMENTO LOCAL AGENCY  
FORMATION COMMISSION

Yolano Group  
MOTHERLODE CHAPTER

Explore, enjoy and protect the planet

Sacramento LAFCO  
Peter Brundage, Executive Director  
1112 I Street, Suite 100  
Sacramento, CA 95814

RE: Draft Environmental Impact Report for Amending the Sphere of Influence for the Sacramento Municipal Utility District (SMUD) and Annexation by SMUD of the Cities of West Sacramento, Davis, and Woodland and Portions of Unincorporated Areas of Yolo County.

The Sierra Club Yolano Group has reviewed the DEIR for the above named project and would like to take this opportunity to make comments on the proposal and the DEIR.

The Yolano Group supports the concept of local control of energy use. We worked with the Coalition for Local Power in its first efforts for a DMUD for Davis, and we are currently working with them in efforts for annexation into the Sacramento Municipal Utility District. The Yolano Group strongly supports the annexation of the City's of Davis, Woodland, and West Sacramento and portions of the unincorporated areas of the County into SMUD. Our reasons are based on SMUD's proven track record for providing electrical energy at lower rates than the current provider, its record for delivering energy with minimal impact on the environment, and its impressive implementation of green energy. It is also important to us that SMUD is a public company with an elected Board of Directors accountable to its customers, not a private corporation beholden to private investors. The Yolano Group believes that annexation into SMUD will bring many benefits including lower rates, the ability to participate in decision-making on energy issues at the local level, and improved reliability and customer service. SMUD's business practices also tend to be much more environmentally sound than the current provider. SMUD's concern for the environment is reflected in this DEIR.

In general, according to the DEIR, most significant impacts caused by implementation of the annexation program will be mitigated satisfactorily to less than significant levels. We would like to briefly comment on some specific issues regarding agricultural and biological resources.

#### **Agricultural Resources.**

Though implementation of the Program will require both temporary and permanent impacts on prime farmland, Unique Farmland, and Farmland of Statewide Importance, the amount of land impacted is relatively small. According to the DEIR, 1.5 acres of farmland would be permanently impacted by the towers need for the Woodland-Elverta transmission lines. Some of this land would probably be either prime farmland, unique farmland, or farmland of statewide

importance. All of the land, from 1 to 3 acres, where the Willow Slough substation would be sited is prime farmland. This would result in the permanent loss of 2.5 to 4.5 acres of farmland, much of which is prime, unique or of statewide significance. Mitigation for this potential loss would be to permanently preserve similar agricultural land at a 1:1 ratio to that lost. The Yolano Group would nonetheless like to emphasize that a primary goal should be avoidance to the extent possible of the siting program components on important farmland.

Since much of the farmland within the Yolo portion of the Woodland-Elverta transmission line in prime farmland under Williamson Act contracts and in agricultural preserve, acquisition of rights of way for the transmission line will be a significant impact. Part of the Willow Slough substation location is also under consideration for Williamson Act contracts, so location of the substation here will be a significant impact. BMP1 would require siting program components to avoid these lands in Williamson Act contracts or in agricultural preserves to the extent feasible. This is expected to reduce the impacts to less than significant. The Yolano Group would encourage SMUD to make certain that program components are sited so that they do not impact Williamson Act lands or agricultural preserves.

We have some concerns with the choice of location of the proposed substation in the Willow Slough area. Not only would locating the substation there permanently take out of production 1 to 3 acres of prime farmland, but the Willow Slough area is also sensitive habitat for several species including the Swainson's hawk. Construction, maintenance and operation of the substation will have an impact not only on farmland, but on special status species in the Willow Slough area as well. The Yolano Group understands that this is a program level EIR and that a separate project level study will be done for the substation where problems like this can be addressed. Nonetheless, we would like to encourage consideration of siting the substation further from Willow Slough.

### **Biological Resources.**

According to the DEIR, construction of the Program facilities will disturb, mostly on a temporary basis during construction activities, approximately 15.4 to 17.4 acres of land and permanently commit 2.8 to 4.8 acres to facilities.

Construction of the Power Inn Road to Hedge substation lines and of the North City interconnection will disturb 2.2 acres of grassland containing vernal pools and swales. There are also vernal pools and swales within the study area for the Woodland-Elverta transmission lines. Construction activities could result in loss of special status species in these environments. Disturbance of these habitats would be a significant impact. Although vernal pools and swales are known to recover if the hardpan that allows their formation is not penetrated, construction impacts could result in the loss of special status species present at the time of construction. SMUD intends to attempt to avoid impacts to such special status plants and animals by rerouting work activities, fencing off sensitive areas and by limiting work to periods during the year when special status species are not present. The DEIR states that construction activities will be limited to May 1 through September 30 to avoid impacts to special status vernal pool species that should generally not be present in this time period. The Yolano Group would like to go further and encourage eliminating the potential for directly impacting vernal pool species by avoiding work

in the areas of vernal pools and swales altogether, even though the habitats are thought to recover.

According to the DEIR, construction activities could cause significant impacts on grassland and woodland habitats and species, and these construction activities could result in the loss of some individuals, in particular burrowing owls and the giant garter snake. Also, since the May through September time-line falls within the breeding and nesting season for the Swainson's hawk, Western Burrowing Owl and several other grassland and woodland species that are known to occur at all the proposed construction sites, disturbance of nest sites and nesting activities is also a potential impact. SMUD intends to mitigate for impacts on individuals and nest sites through avoidance to the extent possible and through implementation of other provisions of BMP 2 and Bio 1a. The Yolano Group strongly encourages avoidance of any activities that could result in harmful impacts on burrowing owls, Swainson's Hawks, and other special status species and on nesting activity. We would also like to encourage consideration of timing the construction activities in areas known to be nesting habitat for these special status species to outside the nesting season or until young have left the nest.

One final concern for the Yolano Group is mitigation options to compensate for permanent loss of habitat used by special status species through implementation of the Program. The options stated are either acquisition of suitable mitigation land through outright purchase or conservation easement or payment of a fee into a suitable mitigation fund. It is our experience that fee-based systems rarely work, as the fees paid into a fund are generally insufficient to cover the cost of suitable replacement habitat close enough to the habitat lost to be of use to the impacted species. The Yolano Group would like to encourage SMUD to compensate for habitat lost through implementation of the Program, by replacing that habitat with other suitable habitat on at least a 1:1 basis rather than by a payment of a fee into a mitigation fund.

The Yolano Group Sierra Club would like to thank LAFCO for the opportunity to review this DEIR and we hope to be able to work with SMUD during implementation of the Program if annexation is approved by the voters.

Sincerely,

Pamela S. Nieberg  
Co-chair, Yolano Group Sierra Club

**Brundage. Peter**

---

**From:** Pam Nieberg [pnieberg@dcn.org]  
**Sent:** Tuesday, February 21, 2006 3:38 PM  
**To:** webmaster@saclafco.org; Peter.Brundage@saclafco.org  
**Subject:** Sierra Club Yolano Group comments on DEIR for SMUD annexation of Davis, Woodland, and West Sacramento and unincorporated portions of Yolo County  
**Importance:** High  
**Attachments:** sierra club comments on SMUD annexation DEIR.doc

Dear Mr. Brundage:

Attached are comments from the Yolano Group Sierra Club on the DEIR for the annexation of Davis, Woodland, West Sacramento and certain unincorporated portions of Yolo County into SMUD. I will send a hard copy, signed, in the regular mail.

If you have any questions, please contact me at the contacts below.

Pam Nieberg  
Co-chair Yolano Group Sierra Club  
3010 Loyola Drive  
Davis, CA 95616  
530-756-6856]  
[pnieberg@dcn.davis.ca.us](mailto:pnieberg@dcn.davis.ca.us)